

**DIVISION 1. GENERAL PROVISIONS**

**CHAPTER 9-100**

**GENERAL PROVISIONS—INTENT AND ORGANIZATION**

**Sections:**

- 9-100.1 Title and Intent.**
- 9-100.2 Organization.**

**9-100.1 TITLE AND INTENT.**

Division 1 constitutes the General Provisions. The purpose of these provisions is to specify the title, purpose, basic structure, and applicability of this Title, and to require conformity thereto.

(Ord. 3675)

**9-100.2 ORGANIZATION.**

Division 1 consists of the following chapters:

- (a) 9-100 General Provisions: Intent and Organization;
- (b) 9-105 Basic Provisions of Development Title;
- (c) 9-110 Definitions;
- (d) 9-115 Use Classification System; and
- (e) 9-120 Supplementary Regulations.

(Ord. 3675)

**CHAPTER 9-105**

**BASIC PROVISIONS OF DEVELOPMENT TITLE**

**Sections:**

- 9-105.1 Title—Reference.**
- 9-105.2 Intent.**
- 9-105.3 Purpose.**
- 9-105.4 Authority.**
- 9-105.5 Consistency of Development Title with General Plan.**
- 9-105.6 Zoning Maps.**
- 9-105.7 Minimum Requirements.**
- 9-105.8 Interpretation, Constitutionality, and Severability.**
- 9-105.9 Restrictions.**
- 9-105.10 No Relief from Other Provisions.**
- 9-105.11 Inapplicability of Formal Rules of Evidence.**
- 9-105.12 Development Title Repeals Existing Ordinances.**
- 9-105.13 Permits and Licenses to Comply with Title.**
- 9-105.14 Applications Being Processed at the Time of Adoption of the Development Title.**

**9-105.1 TITLE—REFERENCE.**

The ordinance codified in this Title (Title 9) shall be known and cited as the “Development Title of San Joaquin County,” the “Development Title” or the “Title.” Reference to section numbers herein are to the sections of this Title.

(Ord. 3675)

**9-105.2 INTENT.**

This Title is intended to serve as the basis for all land use regulations adopted by San Joaquin County.

(Ord. 3675)

**9-105.3 PURPOSE.**

The purposes of this Title shall be to serve the public health, safety, and general welfare; to implement the San Joaquin County General Plan; and to achieve the following objectives:

- (a) To encourage the most appropriate use of land and the harmonious relationship among land uses;
- (b) To promote a safe and efficient traffic circulation system;
- (c) To provide open spaces for light and air;

- (d) To prevent overcrowding of land and the undue concentration of population;
  - (e) To secure safety from fire and other dangers;
  - (f) To facilitate the provision of needed community facilities;
  - (g) To conserve and stabilize the value of property; and
  - (h) To conserve the County's natural beauty, to improve its appearance, and to enhance its physical character.
- (Ord. 3675)

**9-105.4 AUTHORITY.**

This Title is adopted pursuant to the following authorities:

- (a) Local Ordinances and Regulations, California Constitution, Article XI, Section 7.
  - (b) Planning and Land Use, California Government Code Title 7.
  - (c) Surface Mining and Reclamation Act of 1975, California Public Resource Code, Division 2, Chapter 9.
  - (d) California Environmental Quality Act, California Public Resource Code, Division 13.
  - (e) California Vehicle Code, Section 22660.
- (Ord. 3675)

**9-105.5 CONSISTENCY OF DEVELOPMENT TITLE WITH GENERAL PLAN.**

All actions, approvals, and procedures taken with respect to, or in accordance with, this Title shall be consistent with the San Joaquin County General Plan. In the event this Title becomes inconsistent with the San Joaquin General Plan by reason of the adoption of a new General Plan or by amendment of the existing General Plan or any of its elements, this Title shall be amended within a reasonable time so that it is consistent with the newly adopted General Plan or remains consistent with the existing General Plan as amended. Additionally, all Development Title amendments, beyond those previously described, shall be consistent with the San Joaquin County General Plan. The procedure for the amendment of this Title is contained in Chapter 9-809.

(Ord. 3675)

**9-105.6 ZONING MAPS.**

A series of zoning maps, to be known collectively as the "Zoning Map of the County of San Joaquin," shall be maintained by the Community Development Department.

(a) **Contents.** The zoning maps shall show the designations and boundaries of each zone and shall show any base data that the Director of the Community Develop-

ment Department deems useful or that the Board of Supervisors directs;

(b) **Revisions.** The Director shall revise the zoning maps to show amendments, including changes in designations, rezoning of property, and clarification of zone boundaries; and

(c) **Incorporation.** The zoning maps and all notations, references, data, and other information contained therein are made a part of this Title by reference herein.

(d) **Zone Boundaries.** Where uncertainty exists as to the boundaries of any zone shown on the zoning maps, the following rules shall apply:

(1) Where zone boundaries are indicated as approximately following street and alley lines or lot line, such lines shall be construed to be the boundary of the said zone, and the following shall apply:

(A) When two (2) zones are separated by a street or alley, the zone boundary shall be the centerline of the street or alley, unless otherwise specified, and

(B) When a residential zone is separated from any other zone by a street or alley, the residential zone boundary shall include both sides of the street or alley.

(2) Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting properties shall apply to the centerline of such vacated or abandoned street or alley;

(3) Where any private right-of-way or easement of any railroad, canal, transportation, or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to the centerline of such vacated or abandoned property;

(4) For unsubdivided property, or in instances where a zone boundary divides a lot, the location of the zone boundary shall be determined by the Director unless the zone boundary is indicated by dimensions.

(e) **Creation of New Zoning Districts.** The boundaries of the new zoning district shall be shown on the zoning map. The map together with all legends, symbols, notations, references, zoning district boundaries and other information on the map shall be incorporated into this Title by reference as though it were fully included.

(Ord. 3675; 3715; Ord. 4106 § 2, 2001)

**9-105.7 MINIMUM REQUIREMENTS.**

The provisions of this Title are considered to be minimum requirements. The County may establish more stringent requirements where deemed necessary.

(Ord. 3675)

**9-105.8 INTERPRETATION,  
CONSTITUTIONALITY, AND  
SEVERABILITY.**

(a) **Ambiguities.** Unless otherwise provided, any ambiguity concerning the content or application of this Title shall be resolved by the Director.

(b) **Invalidity.** If any section, subsection, sentence, clause, or phrase of this Title is for any reason held to be



unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Title. The Board declares that it would have passed this Title and every section, subsection, clause, and phrase thereof, notwithstanding that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

(Ord. 3675)

**9-105.9 RESTRICTIONS.**

It is not intended by this Title to interfere with, abrogate, or annul any easement, covenant, or other agreement between parties. Where this Title imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, or regulations, or by easements, covenants, or agreements, the provisions of this Title shall prevail.

(Ord. 3675)

**9-105.10 NO RELIEF FROM OTHER PROVISIONS.**

Except as otherwise specifically provided, no provision of this Title shall be construed as relieving any party to whom a use permit, variance, or other development approval has been issued from any other provision of state or federal law or from any provision, ordinance, rule, or regulation of the County requiring a license, franchise, or permit to accomplish, engage in, carry on, or maintain a particular business, enterprise, occupation, transaction, or use.

(Ord. 3675)

**9-105.11 INAPPLICABILITY OF FORMAL RULES OF EVIDENCE.**

**(a) Formal Rules of Evidence Do Not Apply.**

Except as otherwise expressly provided in this Chapter, formal rules of evidence or procedure which must be followed in a court of record in this state shall not apply to hearings conducted pursuant to this Title.

**(b) No Presumption Regarding Error.** There shall be no presumption that error is prejudicial or that injury was done if error is shown.

(Ord. 3675)

**9-105.12 DEVELOPMENT TITLE REPEALS EXISTING ORDINANCES.**

The ordinance adopting this Title repeals Title 9 of the Ordinance Code of San Joaquin County, Ordinance No. 549, Ordinance No. 1862, Ordinance No. 441, Ordinance No. 3384, Ordinance No. 545, Ordinance No. 648, and Ordinance No. 3089. The adoption of the ordinance,

however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of Title 9 of the Ordinance Code of San Joaquin County or any existing violation of the repealed ordinances listed in this section, if the violation is also a violation of the provisions of this ordinance.

(Ord. 3675)

**9-105.13 PERMITS AND LICENSES TO COMPLY WITH TITLE.**

All permits and licenses for the use or division of land or the construction, moving, or alteration of any building or structure issued by the County shall be subject to the following requirements:

**(a) Issuance of Permit.** All departments, officials, and employees of the County responsible for the issuance of such permit or license shall determine that the permit or license requested will not violate any of the provisions of this Title.

**(b) Invalid Permit.** Any permit or license issued by said departments, officials, or employees which is issued in violation of the provisions of this Title shall be null and void.

**(c) Failure to Comply.** Failure to comply with any conditions or requirements of such permit or license shall be considered a violation. Conviction of an infraction because of such failure to comply will render the permit or license void.

**(d) Run With the Land.** All development permits shall run with the land; permits are not tied to individuals, including those persons who applied for the permit or who owned the property at the time the permit was issued.

(Ord. 3675, 3756)

**9-105.14 APPLICATIONS BEING PROCESSED AT THE TIME OF ADOPTION OF THE DEVELOPMENT TITLE.**

The following applies to applications which were being processed at the time of the adoption of this Title and the General Plan 2010:

**(a) Tentative Maps.** If a tentative map was approved under the regulations of the previous Planning Title, final maps which are not consistent with the General Plan 2010 and Development Title may be filed within 36 months of the date of the approval of the tentative map.

**(b) Other Applications.** Applications filed with the San Joaquin County Community Development Department prior to the effective date of the General Plan 2010 and Development Title may be acted on under the prior

General Plan 1995 and Planning Title or the General Plan 2010 and Development Title, providing the application is acted on within ninety (90) days of adoption of the General Plan 2010.  
(Ord. 3675)

**CHAPTER 9-110**

**DEFINITIONS**

**Sections:**

- 9-110.1 Intent.**
- 9-110.2 Applicability.**
- 9-110.3 Rules of Construction.**
- 9-110.4 Definitions.**

**9-110.1 INTENT.**

The provisions of Chapter 9-110 shall be known as the Definitions. The intent of this chapter is to promote consistency and precision in the interpretation of this Title.  
(Ord. 3675)

**9-110.2 APPLICABILITY.**

The meaning and construction of words and phrases as set forth herein shall apply throughout this Title. If a word is not defined in this Title, the definition provided in the latest edition of the Uniform Building Code, as adopted by the County, shall be applicable. If said word is not defined in the latest edition of the Uniform Building Code, as adopted by the County, the definition provided in Webster's Third New International Dictionary shall be used.  
(Ord. 3675)

**9-110.3 RULES OF CONSTRUCTION.**

The following general rules of construction shall apply to the textual provisions of this Title:

- (a) **Chapter and Section References.** "Chapter" means a chapter of the ordinance codified in this Title unless some other ordinance is specifically mentioned. "Section" means a section of the ordinance codified in this Title unless some other ordinance is specifically mentioned. "Subsection" means a subsection of the section in which the term occurs unless some other section is specifically mentioned.
- (b) **Headings.** Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of this Title.
- (c) **Illustrations.** In case of any differences of meaning or implication between the text of any section or chapter and any illustration, the text shall control.
- (d) **Gender.** The masculine gender includes the feminine and neuter.
- (e) **Number.** The singular number includes the plural, and the plural the singular.

(f) **Tense.** The present tense includes the past and future tenses, and the future tense includes the present tense.

(g) **Oath and Affirmation.** "Oath" includes "affirmation".

(h) **Shall and May.** "Shall" is mandatory and "may" is permissive.

(i) **Signature or Subscription and Mark.** "Signature" or "subscription" includes "mark" when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two (2) witnesses so sign their own names thereto.

(j) **Statutory References.** Inclusion of Amendments and Additions. Whenever reference is made to any portion of the ordinance codified in this Title, or of any other ordinance of this County or of any law of this State, the reference applies to all amendments and additions now or hereafter made. (Ord. 3675)

#### 9-110.4 DEFINITIONS.

Unless otherwise specified, the following definitions shall be applicable throughout this Title:

**A-Weighted Sound Level.** "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighted filter network. Sounds measured with an A-weighted filter are abbreviated dBA or dB(A).

**Abandoned Well.** "Abandoned well" means a well whose use has been permanently discontinued or which is in such a state of disrepair that no water can be produced.

**Abatement.** "Abatement" means the correction or elimination of a violation of this Title.

**Abatement, Involuntary.** "Involuntary Abatement" means the correction or elimination of a use or condition of land constituting a violation of this Title by, under the direction of, or at the initial expense of the county.

**Abatement, Subsequent.** "Subsequent Abatement" means a second or subsequent determination of a violation of this Title within two (2) years from notification of violation of this Title on the same property.

**Abatement, Voluntarily.** "Voluntary Abatement" means the correction or elimination of a use or condition of land constituting a violation of this Title by the owner, other person in possession or control of the property, or designee after notification by the County that a violation of this Title exists and must be abated.

**Abutting.** "Abutting" means two (2) or more properties sharing a common boundary.

**Access.** "Access" means the right of an owner of land to go and return from his own land to a public road.

**Access, Approved.** "Approved access" means a way or means of approach to a parcel from either an abutting public road or from a private road, street, or right-of-way approved by the County.

**Accessory.** "Accessory" means a building or a use that is compatible with, and incidental or subordinate to, the main structure or the main use of the land and is located on the same lot. For the purposes of Chapter 9-848 and 9-1605 "Accessory structure" means a structure that is either: 1. Solely for the parking of no more than two (2) cars; or 2. A small, low-cost shed for limited storage, less than one hundred fifty (150) square feet and one thousand five hundred dollars (\$1,500.00) in value.

**Accessory Use.** "Accessory Use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

**Access, Restricted.** "Restricted access" means that the right of access to a parcel has been dedicated to the County and that, as a consequence, a property owner no longer has a right to go to and from his property over that right-of-way line.

**Adjacent Land.** "Adjacent land" means a lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

**Adult Book Store.** "Adult book store" means a retail establishment selling publications and other materials of a sexual nature. Such establishments exclude minors by reason of age.

**Affordable Housing.** "Affordable housing" means that housing which can be rented or purchased by those of moderate, low, and very low incomes as specified in the California Code of Regulations (Title 25, Sections 6922 and 6924).

**Agency.** "Agency" means a public entity empowered to provide those services necessary to support a particular development.

**Aggregate Base.** "Aggregate base" means a mixture of sand and crushed rocks up to three-quarters inch ( $\frac{3}{4}$ " in size. It is also known as AB or road base.

**Agricultural Land, Nonprime.** "Nonprime agricultural land" means land that is designated as "farmland of local importance, (sub-type grazing land)" by the State of California, Department of Conservation, Farmland Mapping and Monitoring Program.

**Agricultural Land or Farmland.** "Agricultural land or farmland" means those areas designated in the General Plan of, or zoned by, the County or any city for agricultural uses as of the effective date of this Chapter, unless a final approval for a non-agricultural use has been granted by the County or city. This includes land zoned by the County as Agricultural-Urban Reserve.

**Agricultural Land, Prime.** "Prime agricultural land" means land that is classified as either "prime farmland," "farmland of statewide importance, (sub-type non-grazing land)," "unique farmland," or "farmland of local importance" by the Farmland Mapping and Monitoring Program.

**Agricultural Mitigation Land.** "Agricultural mitigation land" means agricultural land encumbered by a farmland conservation easement or other farmland conservation mechanism acceptable to the County.

**Agricultural Operation.** "Agricultural operation" means any land-related activity on agriculturally zoned lands whose purpose is cultivating or raising plants or animals, or conserving or protecting lands for such purposes, and is not a surface mining or burrow pit operation.

**Agricultural Products.** "Agricultural products" means the item that results from any operation or process that changes the form, flavor or consistency of produce. Agricultural products include, but are not limited to, condiments, pies, candied or flavored nuts, wine, and pickled peppers.

**Agricultural Storage Building.** "Agricultural storage building" means a structure as defined in the Uniform Building Code as agricultural building.

**Agricultural Store, Large.** "Large agricultural store" means a food establishment, housed in a permanent structure, whose primary economic activity is the sale of produce directly to local consumers and to tourists. Secondary economic activity includes the sale of agricultural products, sundries, prepackaged food, bottled or canned beverages and freshly prepared food and beverages for consumption on-site.

**Agricultural Store, Small.** "Small agricultural store" means a food establishment, housed in a permanent structure, whose primary economic activity is the sale of produce directly to local consumers and to tourists. Secondary economic activity includes the sale of agricultural products, sundries, prepackaged food and bottled or canned beverages for off-site consumption.

**Agricultural Technical Advisory Committee.** "Agricultural Technical Advisory Committee" means a committee consisting of three (3) representatives appointed by the San Joaquin Farm Bureau Federation, three (3) representatives appointed by the Building Industry Association, and three (3) representatives appointed by the Board of Supervisors, in which the appointees from the San Joaquin Farm Bureau Federation and the Building Industry Association are ratified by the Board of Supervisors and in which a supermajority vote (i.e., a two-thirds ( $\frac{2}{3}$ ) vote of its members) is a requirement for, and a decision by, the Agricultural Technical Advisory Committee.

**Agriculture.** "Agriculture" means the growing of crops for food or fiber and/or the raising of animals for commercial purposes.

**Airport.** "Airport" means any landing area, runway, airstrip, or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, helicopters, and balloons, including all necessary taxiways, aircraft storage and tiedown areas, hangars, and other necessary buildings and open spaces.

**Airport Hazard.** "Airport hazard" means any structure, tree, or use of land which obstructs the required air space, or is otherwise hazardous to the flight of aircraft in landing or taking off at an airport.

**Airport Hazard Area.** "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in Division 16 of this Title.

**Airport Imaginary Surface.** "Airport imaginary surface" means those surfaces defined in Title 14, Subsection C of Part 77, of the Code of Federal Regulations, as amended.

**Airport Reference Point.** "Airport reference point" means the point established and designated as the approximate geographic center of the airport landing area.

**Alley.** "Alley" means a secondary means of access to property located at the rear or side of the property.



**Alternative Surfacing Materials.** "Alternative surfacing materials" mean parking lot surfacing materials other than asphalt concrete or portland cement concrete including but not limited to, brick or cut (cobble) stone, treated or untreated aggregate base, treated or untreated gravel, or spraying the existing surface with water or dust palliatives.



**Ambient Noise Level.** "Ambient noise level" means the background noise level always present when isolated, identifiable sources are absent.

**Annular Space.** "Annular space" means the space between two concentric well casings or between the casing and the wall of the drilled hole.

**Antenna.** "Antenna" means, when used in association with the terms wireless telecommunication facilities or supporting equipment, any system of poles, panels, rods, reflecting discs or similar devices that transmits or receives radio frequency signals for commercial, wireless telecommunication establishments.

**Antiquated Subdivision.** "Antiquated subdivision" means a subdivision that (1) was approved prior to October 1961, (2) is underdeveloped or only partially developed, and (3) could not be approved as a subdivision now because of more stringent or different requirements.

**Apartment.** "Apartment" means a room or suite of rooms in a multiple dwelling, designed for, intended for, and/or occupied by one (1) family.

**Apartment House.** "Apartment house" means a multiple dwelling with three (3) or more dwelling units.

**Approval.** "Approval" means favorable action on a map or development project, with or without conditions by the Review Authority, prior to the expiration date specified by ordinance. Previous favorable action on a map, development project, or time extension thereof which has expired does not constitute approval.

**Aquifer.** "Aquifer" means a geologic formation, group of formations, or part of a formation that is water bearing and which transmits water in sufficient quantity to supply springs and pumping wells.

**Arcade.** "Arcade" means any establishment operating or exhibiting more than five (5) amusement devices. An amusement device is a machine operated for the purpose of gaming as a contest of skill, or for amusement, and for which a fee is charged to play.

**Area Facilities Plan.** "Area Facilities Plan" means a plan adopted by the County Board of Supervisors which shows the infrastructure facilities to be constructed and the geographical area which will benefit from such facilities. The Area Facilities Plan will include a spread of the cost of the improvements to the various properties within the plan service area.

**Area of Benefit.** "Area of benefit" means a geographical area which is created to spread the cost of a service or improvement.

**Area of Special Flood Hazard.** "Area of special flood hazard" means an area having special flood hazards as identified by the Federal Emergency Management Agency, the Federal Insurance Administration, or the Floodplain Administrator.

(a) The areas of special flood hazard identified by the Federal Emergency Management Agency or the Federal Insurance Administrator are those areas indicated in a scientific and engineering report entitled "Flood Insurance Study for County of San Joaquin, November 1979," as amended, and shown on the accompanying Flood Insurance Rate Maps as Zones A, A0, A1-30, AE, A99, or AH, or on the Floodway Maps as floodways;

(b) The areas of special flood hazard identified by the Floodplain Administrator include those areas, not identified by the Federal Emergency Management Agency or the Federal Insurance Administration in Subsection (a), that the Floodplain Administrator considers a risk from flooding;

(c) The areas of special flood hazard are areas of floodway and flood fringe as defined in this Chapter.

**Asphalt Concrete.** "Asphalt concrete" means a commercially premixed surfacing material using a black, bituminous tar like binding agent that is placed on top of a base material such as aggregate base, sand or concrete. It is also known as AC, blacktop, paving or asphalt.

**Auction Yard or Building.** "Auction yard or building" means a building, lot, parcel, or other open space, either enclosed or unenclosed, in which there is offered for sale by auction any item of property.

**Automotive Wrecking Yard.** "Automotive wrecking yard" means any lot or portion of a lot used for the storage, salvaging, dismantling, or sale of two or more unregistered, inoperable motor vehicles.

**Balloon.** "Balloon" means a large airtight bag that rises into the air when filled with a gas which is lighter than air.

**Banner.** "Banner" means a sign constructed of light weight, non-rigid materials with no enclosing framework.

**Base Flood.** See "Flood, Base."

**Basement.** "Basement" means a story all or partly underground. A basement shall be counted as a story for purposes of height measurement if one-half (1/2) or more of its height is above grade.

**Bay (in Truck Terminal Zone).** "Bay (in Truck Terminal Zone)" means the location where one (1) trailer truck can back up to a dock.

**Bedrock.** "Bedrock" means the solid undisturbed rock in place either exposed at the ground surface or beneath surface deposits of loose rock or soil.

**Bedroom.** "Bedroom" means any room with a closet which meets the minimum Uniform Building Code requirements for egress, windows, and doorways.

**Bench.** "Bench" means a relatively level step excavated into sloping natural ground on which engineered fill or embankment fill is to be placed.

**Billboard.** See definition for "Off-Premises Sign."

**Bikeway.** "Bikeway" means an area, either within or outside the right-of-way of a dedicated street, where bicycle travel is the designated use. "Bikeway" includes bike paths and bike lanes.

**Biomass Energy Production.** "Biomass energy production" means the conversion of plant material or plant or animal waste to a useable source of energy for on-site use.

**Block.** "Block" means one (1) side of a street located between two (2) intersections.

**Board of Supervisors or Board.** "Board of Supervisors" or "Board" means the Board of Supervisors of San Joaquin County.

**Boarding School.** "Boarding school" means a school providing both lodging and meals for its pupils.

**Boardinghouse.** "Boardinghouse" means a dwelling with not more than five (5) guestrooms where, for compensation, meals are provided.

**Boutique Sale.** "Boutique sale" means the sale of handcrafted items from residential property.

**Buffer.** "Buffer," as it pertains to Chapter 9-1050, means land area used to visibly separate one (1) use from another or to shield or block noise, lights, or other nuisances.

**Buffer Zone.** "Buffer Zone" means an area of land surrounding a hazardous waste facility and on which certain land uses and activities are restricted to protect the public health and safety and the environment from existing or potential hazards caused by the migration of hazardous waste.

**Building.** "Building" means any structure used for or intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

**Building, Accessory.** "Accessory building" means a subordinate building which is an incidental and related use to that of the main building or main use of the land on the same lot.

**Building Height.** "Building height" means the vertical measure of a building from the average finished ground level of the building pad to the highest point of the roof.

**Building Coverage.** "Building coverage" means the amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

**Building, Main.** "Main building" means the building or one of the buildings housing a principal use on a lot.

**Building Official.** "Building Official" means the Deputy Director of Building Inspection of San Joaquin County, acting either directly or through his authorized deputies.

**Building, Public.** "Public building" means a building owned and operated by a public agency of the United States of America, the State of California, or any of their political subdivisions, districts, or municipal corporations.

**Building, Quasi-public.** "Quasi-public building" means any structure or building, other than a public building or a residence but including a public utility building or structure, which is exempt from property tax.

**Building Site.** "Building site" means the ground area occupied or to be occupied by a building or a group of buildings together with all open spaces required by this Title.

**Carport.** "Carport" means a private garage not completely enclosed by walls or doors.

**Casing.** "Casing" means a tubular retaining structure which is installed in the bore hole to maintain the well opening.

**Cathodic Protection Well.** "Cathodic protection well" means any artificial excavation constructed by any means for the purposes of installing equipment or facilities for the electrical protection of metallic equipment in contact with the ground (commonly referred to as cathodic protection).

**Cemetery.** "Cemetery" means land used or intended to be used for the burial of animal or human dead and which is dedicated for cemetery purposes, including columbaria, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**Cesspool.** "Cesspool" means an excavation into the earth which is used for the reception of sewage or drainage from plumbing fixtures, effluent from septic tanks, together with the water used in carriage of said sewage or drainage, but which does not have watertight walls and bottom.

**Chip Seal.** "Chip seal" means a layer of aggregate base covered by a layer of liquid asphalt topped with a layer of pea size gravel.

**Civil Engineer.** "Civil engineer" means a professional engineer registered as a civil engineer by the State of California.

**Clearance.** "Clearance" means the smallest vertical distance between grade and the lowest point of any sign, including any structure or framework and embellishments extending over the grade.

**Club.** "Club" means an association, whether incorporated or unincorporated, of persons organized for some common nonprofit purpose, not including a group organized solely or primarily to render a service customarily carried on as a business.

**Collocation.** "Collocation" means the sharing of a wireless telecommunications support structure between two (2) or more service providers.

**Commercial Coach.** "Commercial coach" means a structure transportable in one (1) or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes; required to be moved under permit; and not intended to be used as a residence for human habitation.

**Commercial Project.** "Commercial project" means a development project which involves the distribution and sale or rental of goods and/or the provision of services.

**Common Interest Development.** "Common interest development" means any of the following:

- (1) A community apartment project (apartment).
- (2) A condominium project.
- (3) A planned development.
- (4) A stock cooperative.

**Compaction.** "Compaction" means the increase of density of a soil or rock fill by mechanical means.

**Conditions of Overcrowding.** "Conditions of overcrowding" means that the total enrollment of a school, including enrollment from proposed development, exceeds the capacity of such school as determined by the governing body of the district.

**Condominium.** "Condominium" means a subdivision as defined in Civil Code Section 1350.

**Consistency.** "Consistency" means conformity to.

**Construction.** "Construction" means the construction, erection, enlargement, alteration, conversion or movement of any building, structure or land, including scientific surveys.

**Contamination.** "Contamination" means an impairment of the quality of waters to a degree which creates a hazard to the public health through poisoning or the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of waste, whether or not water of the County is affected.

**Contiguous.** Except as modified by Chapter 9-863, "contiguous" means to be in actual contact, touching, bounded or traversed by, even though separated by roads, streets, easements, or railroad rights-of-way. In Chapter 9-863, "contiguous" means parcels or units of land which share a common boundary.

**Contour.** "Contour" means a line representing the configuration of the ground at a certain elevation.

**Convalescent Home.** See "Nursing Home."

**Coop.** "Coop" means a cage or pen for poultry or other fowl.

**Corral.** "Corral" means a space, other than a building, less than one (1) acre in area used for the confinement of animals.

**County.** "County" means the County of San Joaquin.

**County Maintained Road.** "County maintained road" means a road for which the County has accepted rights-of-way and maintenance responsibilities.

**County Procedures.** "County procedures" means any policies or procedures which have been adopted by the County.

**County Standards.** "County standards" means any improvement standards or design standards set forth in this Title or adopted by the County.

**County Surveyor.** "County Surveyor" means the Surveyor of San Joaquin County.

**Court.** "Court" means an open, unoccupied space, other than a yard, located on the same lot with a building or buildings and bounded on two (2) or more sides by such building or buildings.

**Creamery.** "Creamery" means a commercial establishment for the manufacture or processing of dairy products.

**Cul-de-sac Street.** "Cul-de-sac street" means a road open at one end only, with special provisions for turning around at the opposite end.

**Custom Slaughtering.** "Custom slaughtering" means an operation in which livestock is slaughtered and prepared for the owners of the livestock, for a fee, either at the site on which the livestock is raised or at an off-site facility for that purpose and involving the slaughtering of no more than sixty-five (65) animals per month.

**Cut.** See "Excavation."

**Cutoff.** "Cutoff" means the point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cutoff) at a specific angle above the ground.

**Cutoff Angle.** "Cutoff angle" means the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

**Dairy.** "Dairy" means any premises where milk is produced for sale or distribution and where two (2) or more cows or six (6) or more goats are in lactation.

**Day/Night Average Sound Level (Ldn).** "Day/night average sound level" or "Ldn" means the equivalent energy, or energy average, sound level during a twenty-four (24) hour day, obtained after the addition of ten (10) decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m., generally computed for annual average conditions.

**Days.** "Days" means calendar days.

**Decibel (Db).** "Decibel (Db)" means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base of ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

**Deferred Infrastructure Charge Agreement.** "Deferred Infrastructure Charge Agreement" means a signed agreement between the County of San Joaquin and the owner of property, for which an Infrastructure Reimbursement Charge is payable, that establishes the conditions allowing an Infrastructure Reimbursement Charge payment deferral to a future time when a direct benefit is established.

**Density Bonus.** "Density bonus" means an increase in residential units over the maximum number of normally allowed units within a residential General Plan designation.

**Department.** "Department" means the San Joaquin County Community Development Department.

**Depth of Excavation (cut).** "Depth of excavation (cut)" means the vertical dimension from the exposed cut surface to the original ground surface.

**Depth of Fill.** "Depth of fill" means the vertical dimension from the exposed fill surface to the original ground surface.

**Design.** "Design" means standards related to the following:

- (a) Street alignments, grades, and widths;
- (b) Drainage and sanitary facilities, utilities, and flood control projects, including sizes, alignments, and grades thereof;
- (c) Location and size of all required easements and rights-of-way (existing or future);
- (d) Fire roads and firebreaks;
- (e) Lot size and configuration;
- (f) Access;
- (g) Grading;
- (h) Land to be dedicated for park or recreational purposes;
- (i) Land to be dedicated for public access to public resources; and
- (j) Such other specific physical requirements as may be necessary to ensure consistency with, or implementation of, the General Plan or an applicable Specific Plan or Special Purpose Plan.

**Design Standards.** "Design standards" means the design requirements established by the Board by resolution and applicable at the time of approval of a project.

**Design Storm Runoff.** "Design storm runoff" means the runoff produced by a theoretical design storm of a specified duration and a specified return frequency. The type of drainage facility being considered determines what return frequency storm applies, which is addressed in the San Joaquin County Improvement Standards.

**Designated Fund.** "Designated fund" means the named fund established for a specific Area Facilities Plan.

**Destroyed Well.** See "Well, Destroyed."

**Detention Basin.** "Detention basin" means a drainage basin which has the capacity to temporarily store storm water runoff and has outlet facilities capable of emptying the basin within a specified time into a terminal drain.

**Developer.** "Developer" means any person or persons, partnership, firm, corporation, or other business entity financially responsible for the work involved on a given project, either directly or through the services of any employee, agent, or independent contractor.

**Development.** "Development" means the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of the land. For the purposes of Chapter 9-848 and 9-1605 "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Development Project.** "Development project" means any project for which a discretionary permit is required, excluding General Plan amendments, ordinance text changes, rezonings, Specific Plans and Specific Plan amendments, and Special Purpose Plans and Special Purpose Plan amendments.

**Dewatering Well.** See "Well, Dewatering."

**Direct Benefit.** "Direct Benefit" means the condition that exists when the constructed Area Facilities Plan facilities are in place and available for a service connection or that the facilities are in place and provide storm drainage for an Area Facilities Plan area.

**Director.** "Director" means the Director of the San Joaquin County Community Development Department or his or her designee.

**Director of Environmental Health.** "Director of Environment Health" means the Director of the Environmental Health Division of San Joaquin County Public Health Services or the Director's designee.

**Director of Public Works.** "Director of Public Works" means the Director of the Department of Public Works of the County of San Joaquin or the Director's designee.

**Discretionary Permit.** "Discretionary permit" means any permit required before the development or use of real property can proceed, in which the Review Authority may approve, deny, or approve subject to conditions, said permit. Discretionary permits include, but are not limited to, Major and Minor Subdivisions, Use Permits, Variances, Zone Reclassifications, and Site Approvals.

**Disposal.** "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent of the waste may enter the ground, be emitted into the air, or be discharged into any waters, including groundwater.

**Distilled Spirits.** "Distilled spirits" means an alcoholic beverage obtained by the distillation of fermented agricultural products, and includes alcohol for beverage use and includes, but is not limited to, vodka, tequila, whisky, rum, brandy, and gin, including all dilutions and mixtures thereof.

**District.** "District" means any special district empowered to operate and maintain water or wastewater infrastructure.

**Dock, Private.** "Private dock" means a dock or basin providing water dockage for small craft for use by only the property owner, adjacent property owners or club members.

**Dock, Public.** "Public dock" means a commercial boat launching facility such as dock, basin, piers or launching pad designed for loading and unloading recreational water craft. It is open to the public.

**Domestic Water Well.** See "Well, Domestic Water."

**Drainage Facility.** "Drainage facility" means any structure or feature, either natural or artificial, which causes or allows water to flow intermittently or continuously from one place to another and which lies partly or wholly along, within, or across any County highway or affects any County highway.

**Drilled Well.** See "Well, Drilled."

**Drip Line.** "Drip line" means an area delineated by projection of the periphery of the crown area of a tree down to the ground surface.

**Dwelling.** "Dwelling" means any building or portion thereof which contains one or more dwelling units.

**Dwelling Cluster.** "Dwelling cluster" means two (2) or more dwelling structures on a parcel of ground in single ownership, with frontage on a public street.

**Dwelling, Multiple-Family.** "Multiple-family dwelling" means a building arranged or designed to contain three (3) or more dwelling units.

**Dwelling, Second Unit.** "Second unit dwelling" means a detached or attached dwelling unit, located on the same parcel as another primary dwelling and subject to the requirements specified in Chapter 9-830.

**Dwelling, Single-Family.** "Single-family dwelling" means a building arranged or designed to contain one (1) dwelling unit, not including mobile homes that are not on permanent foundations.

**Dwelling, Two-Family.** "Two-family dwelling" means a building arranged or designed to contain two (2) dwelling units.

**Dwelling Unit.** "Dwelling unit" means any building or portion thereof containing living facilities, including provisions for sleeping, eating, cooking, and sanitation for no more than one family.

**Easement.** "Easement" means the right to use another's property. Easements are usually over a defined area and for a specific use such as public utilities, drainage facilities, roads, sewers, or access.

**Eave.** "Eave" means the projecting lower edges of a roof overhanging the wall of a building.

**Educational Animal Project.** "Educational animal project" means an animal husbandry activity which is under the supervision of an educationally oriented youth program or organization connected to a school or non-profit organization.

**Embankment.** See "Fill."

**Emergency Work.** "Emergency work" means the use of any machinery, equipment, vehicle, manpower or other activity in a short term effort to protect, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

**Encroachment.** "Encroachment" means the act of constructing, excavating, improving, or installing improvements within the County right-of-way. "Encroachment" also means the improvement, excavation, or facility constructed or installed within the County right-of-way.

**Encroachment Permit.** "Encroachment Permit" means a written permit issued by the Department of Public Works authorizing certain work within a publicly maintained right-of-way.

**Enforcement Official.** "Enforcement Official" means, the Director of the Community Development Department, the Director of the Environmental Health Department, the Agricultural Commissioner, or their deputy or employee, or any person authorized by law or ordinance.

**Engineering Geologist.** "Engineering Geologist" means a registered geologist certified as an Engineering Geologist by the State of California.

**Engineering Geology.** "Engineering geology" means the application of geologic knowledge in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

**Engineering News Record Construction Cost Index.** "Engineering News Record Construction Cost Index" means the twenty (20) city average cost index for materials and labor published in the Engineering News Record.

**Environmental Constraints.** "Environmental constraints" means environmental factors which limit or inhibit the potential for land development including, but not limited to, flood hazards, seismic hazards, air quality, and water supply.

**Environmental Health Division.** "Environmental Health Division" means a division of San Joaquin County Public Health Services.

**Environmental Impact.** "Environmental impact" means projected long-term or short-term effects (adverse or beneficial) which a development project or plan may have on the natural and built environment if the project is carried out.

**Environmental Impact Report (EIR).** "Environmental Impact Report (EIR)" means the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.

**Equivalent Sound Level (Leq).** "Equivalent sound level" or "Leq" means the sound level containing the same total energy as a time-varying sound level over a given sample period, typically computed for a one (1) hour sample period.

**Erosion.** "Erosion" means the wearing away and transportation of earth material as a result of the movement of wind, water, or ice.

**Establishment.** "Establishment" means a single, physical location at which economic activity occurs, such as a store, a factory or a farm.

**Evacuation Plan.** "Evacuation Plan" means a plan for the evacuation of mobile homes and recreational vehicles in existing mobile home parks, or for the evacuation of existing and proposed recreational vehicle parks, during time of flood hazards.

**Excavation (Cut).** "Excavation (cut)" means the removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic sub-



stances other than vegetation from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

**Existing Manufactured Home Park or Subdivision.** "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 3, 1980.

**Existing Grade.** See "Grade, Existing."

**Exotic Animals.** "Exotic animals" mean animals generally considered wild or not normally domesticated, including, but not necessarily limited to, chinchillas, foxes, wolves and wolf-dog hybrids, and game animals.

**Expansion to an Existing Manufactured Home Park or Subdivision.** "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Expansive Soil.** "Expansive soil" means any soil which exhibits significant expansive properties as determined by a Geotechnical Engineer or the Building Inspector.

**Extraction Well.** "Extraction well" means a boring or well constructed for the purpose of extracting contaminants from the soil or ground water.

**Family.** "Family" means one (1) individual or more than one (1) individual related by blood or marriage or a group of not more than five (5) individuals not related by blood or marriage, excluding servants, living together in a dwelling unit.

**Family Food Production.** "Family food production" means the raising or keeping of small animals or fowl on the same lot as the primary residence of the family.

**Family, Immediate.** "Immediate family" means individuals related by blood, marriage, or adoption who personally or through a spouse are in a direct line of descent from another family member.

**Farm Cooperative.** "Farm cooperative" means a group of two (2) or more growers or producers who associate for the purpose of selling farm produce for the mutual benefit of its members.

**Farm Employee Housing.** "Farm employee housing" means any housing provided exclusively for temporary, seasonal, or permanent occupancy by agricultural employees and their immediate families, as defined in Section 1140.4 of the California Labor Code.

**Farm Employee Housing, Large.** "Large farm employee housing" means farm employee housing consisting of thirty-seven (37) or more beds in a group quarters used exclusively for farm employees, or thirteen (13) or more units or spaces designed for use by a single family or household.

**Farm Employee Housing, Small.** "Small farm employee housing" means farm employee housing consisting of no more than thirty-six (36) beds in a group quarters used exclusively for farm employees, or twelve (12) units or spaces designed for use by a single family or household.

**Farm Employee Housing, Temporary.** "Temporary farm employee housing" means farm employee housing used in conjunction with work performed on the site or on property owned or leased by the owner for no more than eight (8) weeks per year.

**Farm Office.** "Farm office" means a building or a portion of building used as the administrative or business center of an agricultural enterprise.

**Farmland Conservation Easement.** "Farmland conservation easement" means an easement over agricultural land for the purpose of restricting its use for the term set forth in the Chapter for primarily agricultural and agricultural-compatible uses.

**Feedlot.** "Feedlot" means a pen, corral, shelter, or other similar confinement used exclusively to fatten animals for market and in which supplemental feeding is provided.

**Fence.** "Fence" means a wall or barrier constructed of boards, masonry, wire, or any other material for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls but does include fence gates and gateposts.

**Fence, Open.** "Open fence" means a fence constructed of materials which allow a clear view between the property that is fenced and a road or adjoining properties. Materials used to build an open fence may include wire, wood rails, chain link, and wrought iron.

**Fill.** "Fill" means the deposit of soil, rock, or other materials placed by man and includes the conditions resulting therefrom.

**Final Grade.** "Final grade" means the elevation of a property or portion thereof upon the completion of grading or excavation.

**Final Map.** "Final map" refers to the map or recording instrument for Major Subdivisions of land as described in Chapter 9-910. The final map must be in substantial compliance with the approved tentative map. A final map filed with the County Recorder may also be used to effect an approved tentative map for a Minor Subdivision at the option of either the subdivider or the County.

**Findings.** "Findings" means a set of conclusions required before specified permits or other entitlements may be granted by the Review Authority.

**Finish Grade.** "Finish grade" means the final elevation of the site after excavating or filling which conforms to the approved final grading plan. The finish grade is also the grade at the top of a paved surface.

**Fireworks.** "Fireworks" means and includes any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, including fireworks classified by the Health and Safety Code as "dangerous fireworks". This definition does not include ammunition used for target shooting or hunting, nor does it include what is ordinarily known as cap pistol caps.

**Firm Zone AH.** "Firm Zone AH" means areas of one hundred (100) year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazards are determined.

**Firm Zone AO.** "Firm Zone AO" means areas of one hundred (100) year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazards are determined.

**Flag.** "Flag" means a piece of cloth or bunting, often attached to a staff, representing emblems of the USA, State of California, or civic, philanthropic, educational, or religious organizations, when not used for advertising.

**Flag Lot.** See "Lot, Flag."

**Flea Market.** "Flea market" means a building or portion of a building where individual market stalls or spaces are provided for persons to display, buy, sell, exchange, or deal in new or used goods.

**Flood or Flooding.** "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas.

**Flood, Base.** "Base flood" means the flood having a one percent (1%) chance of being equalled or exceeded in any given year.

**Flood, Fifty (50) Year.** "Fifty (50) year flood" means the flood having a two percent (2%) chance of being equalled or exceeded in any given year.

**Flood, One Hundred (100) Year.** See "Flood, Base."

**Flood Control Engineer.** "Flood control engineer" means the engineer appointed by the Board of Supervisors to supervise and administer the San Joaquin County Flood Control and Water Conservation District, and shall be the Director of Public Works.

**Flood Control Facilities.** "Flood Control Facilities" means levees, dredger cuts, retention basins, dams, and flood channels.

**Flood Elevation.** "Flood elevation" means the elevation of the water surface of the one hundred (100) year flood shown on the Flood Insurance Maps or the elevation of flood water in an area having a one percent (1%) or greater probability of flood in any given year, as determined by the Floodplain Administrator.

**Flood Fringe.** "Flood fringe" means the area of the one hundred (100) year flood, exclusive of the floodway, as shown on the Flood Insurance Maps and any area determined by the Floodplain Administrator to have a one percent (1%) or greater probability of flood in any given year.

**Flood Hazard.** "Flood hazard" means the danger of damage to persons or property from overflow water resulting from a one hundred (100) year flood or from the accumulation or flow of water determined to be hazardous by the Floodplain Administrator.

**Flood Height.** "Flood height" means the depth of the floodwater during the one-hundred (100) year flood, computed as the difference between the elevation of the one-hundred (100) year floodwater surface and the elevation ground surface at a given point in the flooded area.

**Flood Insurance Maps.** "Flood Insurance Maps" means those maps submitted to the County by the Federal Emergency Management Agency as part of a report entitled "Flood Insurance Study for County of San Joaquin, November 1979," as amended and any

subsequent amendments and/or revisions. The maps include the Flood Insurance Rate Maps and the Floodway Maps.

**Flood Insurance Rate Map or FIRM.** "Flood Insurance Rate Map" or "FIRM" means the official map in which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the County. (e.g., AO, AH, etc.)

**Flood Insurance Study.** "Flood insurance study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water sur-



face elevations submitted to the County by the Federal Emergency Management Agency as part of a report entitled "Flood Insurance Study for County of San Joaquin, November 1979," as amended and any subsequent amendments and/or revisions.

**Flood Variance.** "Flood variance" means a grant of relief from the requirements of Chapter 9-1605 of this Title that permits construction in a manner that would otherwise be prohibited by said chapter. (See Section 9-848 for Flood Variance application.)

**Floodplain Administrator.** "Floodplain Administrator" means the person appointed by the Board of Supervisors to administer and implement the flood prevention provisions of this Title, as described in Division 16 of this Title.

**Floodplain Encroachment Permit.** "Floodplain Encroachment Permit" means a permit issued by the Department of Public Works for any project that would alter a watercourse.

**Floodplain Management.** "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage.

**Floodproofing.** "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments which reduce or eliminate flood damage to properties, utilities, structures, and their contents.

**Floodway.** "Floodway" means:

(1) the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the one-hundred (100) year flood without cumulatively increasing the water surface elevation more than one (1) foot;

(2) the floodway shown on the Flood Insurance Maps;

(3) the designated floodway of the State Reclamation Board, if the Flood Insurance Maps do not indicate the floodway;

(4) the river or other watercourse itself, between its levees or banks, to the elevation of the one-hundred (100) year flood, if the Flood Insurance Maps do not indicate the floodway and the State Reclamation Board has not established a designated floodway; or

(5) the channel necessary to carry a flood with a one percent (1%) or greater probability of occur-

ring in any given year established by the Floodplain Administrator, if the above criteria do not determine the floodway.

**Floor Area.** "Floor area" means the usable area of a building or portion thereof, under the horizontal projection of the roof or structural membrane, excluding garages, carports, porches, patios, courts and vent shafts.

**Floor Area Ratio.** "Floor area ratio" means the gross floor area of all buildings on a lot divided by the lot area.

**Food Establishment.** "Food establishment" means any location or portion thereof, any room or any building that is maintained, used or operated for the purpose of storing, preparing, packaging or otherwise handling food that is engaged in retail trade.

**Food Preparation.** "Food preparation" means packaging, processing, assembling, portioning or any operation which changes the form, flavor or consistency of food, but does not include the trimming of produce.

**Freestanding Structure.** "Freestanding structure" means a monopole, lattice tower, or other vertical support which is not a building, that is used for wireless telecommunication, or radio or television broadcasting.

**Front Wall.** "Front wall" means the nearest wall of a building or other structure to the street which the building faces, excluding cornices, canopies, eaves, or any other architectural embellishments that may extend beyond said front wall.

**Frontage.** "Frontage" means that side of a lot which abuts a public road, or waterway if so specified.

**Frontage, Primary.** "Primary frontage" means that side of a lot abutting a street where the main building entrance is located and in the general direction in which the principal building faces.

**Frontage, Secondary.** "Secondary frontage" means that side of a lot abutting a street which is to the side or in the opposite direction from which the principal building faces.

**Frontage Road or Service Road.** "Frontage road" or "service road" means a road immediately adjacent to a freeway, expressway, or arterial. The frontage road provides access to local properties that would otherwise front on the freeways, expressways, or arterials.

**Garage, Private.** "Private garage" means either (a) a building or portion of a building, not more than one thousand (1,000) square feet in area, in which motor vehicles or pleasure type vehicles used by the owners or

tenants of the building or buildings are stored or kept, or (b) a building or a portion of a building up to three thousand (3,000) square feet in area which meets the special area provisions for private garage contained in the latest edition of the Uniform Building Code as adopted by the County. The building shall be without separate gas and electrical services.

**Garage, Public.** "Public garage" means a building or portion thereof, other than a private garage, in which one or more vehicles are stored, repaired, or kept.

**Garage Sale.** "Garage sale" means the sale of household articles or personal possessions incidentally accumulated during normal and conforming residential use of the property on which the sale is held.

**General Plan.** "General Plan" means the official document consisting of maps and text adopted by the County as a policy guide to decisions pertaining to the physical development of the County. It is the County's statement of goals, policies, and actions necessary for orderly development and growth and thereby serves as a guide for many public decisions, especially land use changes, preparation of capital improvement programs, enactment of growth accommodation legislation, and imposition of impact fees.

**Geophysical Well.** See "Well, Geophysical."

**Geotechnical Engineer.** "Geotechnical engineer" means a civil engineer registered by the State of California who is qualified in the field of soil mechanics and soil engineering and has the authority to use the title "soil engineer."

**Geotechnical Engineering.** "Geotechnical engineering" means the application of the principles of soil mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and may include the inspection, testing, and construction thereof.

**Grade.** "Grade" means the elevation of a specified surface or the degree of rise or descent of a sloping surface.

**Grade, Existing.** "Existing grade" means the elevation of the ground surface at a given point prior to excavating or filling.

**Grade, Natural.** "Natural grade" means the elevation of the ground surface in its natural state, before man-made alterations.

**Grading.** "Grading" means any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition.

**Grading Excavation.** "Grading excavation" means the levelling or excavating of property where:

(1) the final grade has an average elevation equal to or greater than the natural grade, or

(2) the final grade has an average elevation equal to or greater than the existing grade, if the natural grade cannot be determined.

**Grading Plan.** "Grading Plan" means a plan prepared in accordance with Division 14 which shows excavation and reclamation work.

**Grading Site.** See "Site, Excavation or Grading."

**Gravel.** "Gravel" means various sizes of rock.

**Grease Trap.** "Grease trap" means a watertight receptacle which separates grease or oils from sewage prior to being discharged into a septic tank or other treatment facility which is installed under permit and inspection of the Environmental Health Division of Public Health Services.

**Ground Water.** "Ground water" means that part of the subsurface water which is in the zone of saturation.

**Group Care Facility.** "Group care facility" means a facility authorized, certified, or licensed by the State of California to provide nonmedical residential care and supervision on a twenty-four (24) hour a day basis to either mentally disordered or otherwise handicapped persons, to dependent and neglected children, or to aged individuals.

**Group H Occupancies.** "Group H Occupancies," as defined by the Uniform Building Code, mean buildings or structures, or portions thereof, that involve the manufacturing, processing, generation, or storage of materials that constitute a high fire, explosion, or health hazard, including semi-conductor fabrication.

**Grout.** "Grout" means a fluid mixture of cement or other approved material and water of a consistency that can be forced through a pipe and placed as required to form a watertight seal. Various additives, such as sand, bentonite, and hydrated lime, are used to meet certain requirements. For example, sand is added when a considerable volume of grout is needed.

**Guesthouse.** "Guesthouse" means a separate dwelling structure, not exceeding four hundred (400) square feet, located on a lot with one or more main dwelling structures, used for housing guests or servants, not containing kitchen facilities, and not rented, leased, or sold separately from the rental, lease, or sale of the main dwelling.

**Habitat.** "Habitat" means the natural environment of a plant or animal.

**Hazardous Materials.** "Hazardous materials" means any substance, waste, or material defined as an "extremely hazardous waste" or "hazardous waste" by Section 25115 or 25117 of the California Health and Safety Code, and any material listed or cited in Section 66680 of Title 22 of the California Administrative Code. As used herein, "hazardous material" shall also include any substance, waste or material which meets any of the following criteria:

(a) Toxic - capable of producing injury, illness, or damage to humans, livestock, or wildlife through ingestion, inhalation, or absorption through any body surface;

(b) Corrosive - capable of destroying by chemical action living tissue through contact;

(c) Irritants - capable of causing a local inflammatory reaction;

(d) Strong sensitizers - capable of causing allergic or hypersensitive reactions; or

(e) Flammable - capable of burning during normal handling and which may produce harmful gas or particles.

**Hazardous Waste.** "Hazardous waste" means any waste, or combination of wastes, as specified in Title 22 of the California Code of Regulations, which because of its quantity, concentration, physical, chemical, or infectious characteristics may either:

(a) Cause, or significantly contribute to, an increase in mortality or an increase in serious, irreversible, or incapacitating, reversible illness; or

(b) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed. The term "hazardous waste" shall include extremely hazardous waste and acutely hazardous waste.

**Hazardous Waste Facility.** "Hazardous waste facility" means any structure, other appurtenance, improvements on the land, and all contiguous land used for the treatment, storage, disposal, resource recovery, transfer, or recycling of hazardous wastes. It may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste management units, or combination of these units.

**Health Officer.** "Health Officer" means the Health Officer of San Joaquin County Public Health Services or his or her designee.

**Heliport.** "Heliport" means an area of land or water or a structural surface which is used, or intended for use, for the landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

**Heritage Oak Tree.** "Heritage oak tree" means a native oak tree that has a single trunk diameter of thirty-two (32) inches or greater measured at four and one-half (4 1/2) feet above the average ground elevation of the tree.

**Highest Adjacent Grade.** "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

**Historic Resource.** "Historic resource" means any object, building, structure, site, area, or place which is historically or archaeologically significant, or which is significant in the aesthetic, architectural, cultural, engineering, scientific, economic, agricultural, educational, social, political, or military annals of California, San Joaquin County, or local communities.

**Historic District.** "Historic district" means an integrated group of structures or an area which holds special historical interest or value.

**Historic Structure.** "Historic Structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

**Historical Tree.** "Historical tree" means any tree or group of trees given special recognition because of the size, age, location, or history. Designation of historical trees shall be made by the Planning Commission following a Public Hearing.

**Historically Significant.** "Historically significant" means any site, structure, or district which holds special historical interest or value as part of the culture or heritage characteristic of the nation, state, or county, including registered National or State Landmarks, items registered or eligible for listing on the National Register of Historical Places, and resources of local historical significance.

**Hog Farm, Hog Farming.** "Hog farm" or "hog farming" means the keeping or raising of six (6) or more swine.

**Homeless Shelter.** "Homeless shelter" means a public or private building which provides immediate, short-term shelter that may involve supplemental services.

**Home Occupation.** "Home occupation" means any occupation which is customarily or ordinarily conducted within a dwelling, is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the residential character or design of the dwelling.

**Homeowner's Association.** "Homeowner's association" means a community association, composed of individual owners of a development, which is created for the purpose of holding title to common property, managing and maintaining the common property, and/or enforcing certain covenants and restrictions for the overall benefit of its members.

**Homesite Parcel.** "Homesite parcel" means a parcel between two and five acres in size (ten acres for property under Williamson Act contract) which has been split from a parcel designated General Agriculture on the General Plan to serve as a building site for a home.

**Hospital, Small Animal.** "Small animal hospital" means any structure or facility used for treating, boarding, or otherwise caring for domesticated animals or birds commonly accepted as household pets.

**Hotel.** "Hotel" means a building containing guestrooms providing transient lodging accommodations for compensation.

**Household, Low Income.** "Low income household" means a household which meets the qualifications for Low Income Household as defined in Section 50079.5 of the Health and Safety Code.

**Household, Medium Income.** "Medium income household" means a household which meets the qualifications for Medium Income Household as defined in Section 50093 of the Health and Safety Code.

**Household, Very Low Income.** "Very low income household" means a household which meets the qualifications for Very Low Income Household as defined in Section 50105 of the Health and Safety Code.

**Household Pets.** "Household pets" means animals ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and birds.

**Improvement Plans.** "Improvement plans" means plans, profiles, specifications, and engineering estimates of improvement cost, and all necessary details of the improvement proposed for installation or modification.

**Improvements.** "Improvements" means additional roadway, drainage, water, and wastewater facilities required to adequately serve development projects.

(a) Roadway improvements may include, but are not limited to, grading, pavements, curbs and gutters, sidewalks, driveways, bridges, traffic signals, roadway lighting, signs, or roadway landscaping.

(b) Drainage improvements may include, but are not limited to, main pipelines, culverts, drainage inlets, connector pipes, manholes, channels, ponds, ditches, and appurtenances.

(c) Wastewater improvements may include, but are not limited to, wells, main pipelines, service laterals, manholes, cleanouts, and appurtenances.

(d) Water improvements may include, but are not limited to, main pipelines, service laterals, valves, meters, hydrants, and appurtenances.

"Improvements" also mean specific facilities whose installation is necessary or desirable to ensure conformity to, or implementation of, the County General Plan, Special Purpose Plan, or Specific Plans.

**Impulsive Noise.** "Impulsive noise" means noise of short duration, usually less than one (1) second, with an abrupt onset and rapid decay, such as the discharge of firearms.

**Individual.** "Individual" means a born human being.

**Industry Event.** "Industry event" is a regional event where the wineries and/or off-site wine cellars in the area are participating and includes the congregation of persons for the purpose of promoting and marketing wine, the wine industry, winery or off-site wine cellar. Industry events always include wine tasting and the sale



of wine. Adequate on-site parking accommodations are required. Industry event participation details shall be identified in a supplemental Marketing Calendar filed with the Department pursuant to Development Title Section 9-1075.9(c). Industry events shall be operated in conformance with all approved land use permits and Development Title Section 9-1075.9(l).

**Industry, Extractive.** "Extractive industry" means an industry which exploits mineral resources through the operation of facilities including, but not limited to, mines, quarries, and pits.

**Industrial Project.** "Industrial project" means a development project which involves the on-site production of goods or commodities and/or the processing of raw materials.

**Infrastructure.** "Infrastructure" means facilities and services needed to sustain industrial, residential, and commercial activities, including water, drainage, and sewer lines; streets and roads; communications; and public facilities.

**Infrastructure Reimbursement Charge.** "Infrastructure Reimbursement Charge" means the dollar amount set by the County for properties within the Area Facilities Plan service area as an apportioned share of the cost of Area Facilities Plan facilities.

**Injection Well.** See "Well, Injection."

**Inoperative Vehicle.** "Inoperative vehicle" means a vehicle that mechanically is incapable of being driven, including a vehicle which is missing any part essential for movement or where such essential parts are broken or defective; or a vehicle prohibited from being operated on a public street or highway pursuant to Sections 4000, 5202, 24002, or 40001 of the California Vehicle Code, concerning license plates, registration, equipment, safety and related matters.

**Intensity, Building.** See "Building Intensity."

**Junkyard.** "Junkyard" means the use of any lot, or portion of a lot, for the sale, storage, keeping, or abandonment of junk, including scrap metals or salvageable material, or for the dismantling, wrecking, or abandonment of automobiles or other vehicles.

**Kennel.** "Kennel" means a place where four (4) or more dogs, or four (4) or more cats, over four (4) months of age are kept for commercial or noncommercial purposes, but excludes animal control shelters operated by governmental agencies or to veterinary hospitals.

**Keyway.** "Keyway" means a special backfilled excavation which is constructed beneath the toe area of a planned fill slope on sloping ground to improve the stability of the slope.

**Kitchen.** "Kitchen" means any room, all or any part of which is designed or used for cooking and preparation of food.

**L1 - L90.** "L1 - L90" refers to statistical descriptors of noise: the noise level exceeded one percent to ninety percent (1% - 90%) of the time period.

**Land Area, Net.** "Net land area" means the gross lot area of a site, less the land area required for roads and off-street parking facilities.

**Land Disposal Facility.** "Land disposal facility," as specified in Chapter 9-1050, means a hazardous waste facility where hazardous waste is disposed on or under the land.

**Land Leveling Operation.** "Land leveling operation" means the physical movement of rock or soil which results in a change in the topography of the land.

**Large-scale Accessory Winery Event.** "Large-scale accessory winery event" is an event hosted by the on-site winery or off-site wine cellar and that includes the congregation of persons for the purpose of promoting and marketing wine, the wine industry, winery or off-site wine cellar. Large-scale accessory winery events may include but are not limited to: wine club activities and wine education seminars and always include wine tasting and the sale of wine. Large-scale accessory winery events exclude events where the facility is rented (or otherwise made available) to a second party. Large-scale accessory winery events shall have a maximum number of attendees equal to twice the number of permitted permanent on-site parking accommodations approved by a land use permit (2:1 ratio of attendees to permanent parking spaces). A maximum of ten (10) large-scale accessory winery events shall be permitted per calendar month. Marketing of wine as a large-scale accessory winery event may include food service and/or food and wine pairings provided all such food service is provided on a fixed cost basis and not in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425. Outdoor amplified sound may be conditionally permitted in compliance with Development Title Section 9-1075.9(f)(2). Large-scale accessory winery events shall be identified in a supplemental Marketing Calendar filed with the Department pursuant to

ant to Development Title Section 9-1075.9(c). Large-scale accessory winery events may be permitted in addition to small-scale accessory winery events. Large-scale winery events shall be operated in conformance with all approved land use permits and Development Title Section 9-1075.9(1).

**Ldn.** See the definition for "day/night average sound level (Ldn)."

**Leq.** See the definition for "equivalent sound level (Leq)."

**Level.** See "Land Leveling Operation."

**Limited Retail Sales.** "Limited retail sales" means the sale of items other than fresh produce and shell eggs. Limited retail sales areas are limited to one hundred fifty (150) square feet of the floor area for a small agricultural store and five hundred (500) square feet of floor area for a large agricultural store.

**Loading Space.** "Loading space" means an off-street space or berth used for loading or unloading commercial vehicles.

**Lot.** "Lot" means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

**Lot, Corner.** "Corner lot" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five (135) degrees.

**Lot, Flag.** "Flag lot" means an "L"-shaped or "T"-shaped lot in which one arm of the lot fronts on a public road and is used solely as a driveway.

**Lot, Interior.** "Interior lot" means a lot other than a corner lot.

**Lot, Reverse Corner.** "Reverse corner lot" means a corner lot in which the rear yard abuts the side yard of an interior lot.

**Lot, Substandard.** "Substandard lot" means a lot which fails to meet the area, width, infrastructure, or other characteristic(s) required by this Title or by the regulating zone in which said lot is located.

**Lot, Through.** "Through lot" means a lot having frontage on two (2) parallel or approximately parallel streets.

**Lot Area.** "Lot area" means the total horizontal area included within the property lines of a lot.

**Lot Area, Gross.** "Gross lot area" means the total lot or parcel area within the lot lines of a lot, including existing and/or proposed rights-of-way.

**Lot Area, Net.** "Net lot area" means the total lot or parcel area within the lot lines of a lot, excluding the land area required for roads and off-street parking facilities.

**Lot Depth.** "Lot depth" means the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**Lot Line.** "Lot line" means a line of record bounding a lot which divides that lot from another lot or from a public or private street or any other public space.

**Lot Line, Front.** "Front lot line" means the lot line separating an interior lot from a street. For flag lots, the front lot line is defined as follows:

(a) Where a lot's driveway will not be needed to serve more than one parcel, "front lot line" means the lot line closest to the public street, excluding the lot lines defining the driveway;

(b) Where a lot's driveway may be needed as part of a future public road, "front lot line" means a line extended from the end of the driveway straight through the parcel which will be parallel to the rear lot line and nearest to the location of the proposed dwelling.

**Lot Line, Rear.** "Rear lot line" means the lot line opposite and most distant from the front lot line; or, in the case of triangular or otherwise irregularly shaped lots, a line of no less than ten (10) feet in length within the lot, parallel to and at a maximum distance from, the front lot line.

**Lot Line, Side.** "Side lot line" means any lot line other than a front or rear lot line.

**Lot Line Adjustment.** "Lot Line Adjustment" means a minor relocation of a property line between the existing parcels which would create no new parcels.

**Lot Size.** "Lot size" means the gross or net lot area calculated for a particular parcel. For parcels in agricultural zones, lot size means gross lot area. For parcels in all other zones, lot size means net lot area.

**Lot Width.** "Lot width" means the distance between the side lot lines, measured at such distance back from the front lot line as is required for the depth of the front yard.

**Lowest Floor.** "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

(a) An unfinished or flood resistant enclosure below the lowest floor that is useable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a

building's lowest floor, provided it conforms to applicable non-elevation design requirements, including but not limited to:

1. The wet floodproofing standard in Section 9-1605.12(d).
2. The anchoring standards in Section 9-1605.10.
3. The construction materials and methods standards in Section 9-1605.11.
4. The standards for utilities in Section 9-1605.13.

(b) For residential structures, all subgrade-enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

**Luminaire.** "Luminaire" means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**Major Subdivision.** "Major subdivision" means a subdivision of land creating five (5) or more parcels, five (5) or more condominiums, or a community apartment project containing five (5) or more units, unless otherwise excepted in the definition of a minor subdivision.

**Manufactured Home.** "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use as a dwelling unit with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**Manufactured Home Park or Subdivision.** "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**Marina.** "Marina" means a facility for storing, servicing, fueling, berthing, and securing pleasure boats and which may include eating, sleeping, and retail facilities for owners, crews, and guests.

**Marketing Calendar.** A document that identifies all events (Marketing, Large-scale and Small-scale Accessory, Wine Release and/or Industry) a winery or off-site wine cellar may have on-site. The details included in the Marketing Calendar shall include but are not limited to: dates of events, numbers of attendees, hours of events and whether outdoor amplified sound will be used.

**Marketing Event.** "Marketing event" means the congregation of persons for the purpose of promoting the wine industry and marketing wine. Marketing events always include wine tasting and the sale of wine, and may include the selling and serving of beer. Activities or events include but are not limited to: non-profit community fund raising, weddings, concerts, and/or any other event where the winery or off-site wine cellar facility is rented or otherwise made available to a second party and wine is served. Marketing events may include food service (but not in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425). Marketing events shall be identified in a supplemental Marketing Calendar filed with the Department pursuant to 9-1075.9(c). Marketing events shall be operated in conformance with all approved land use permits and Development Title Section 9-1075.9(l).

**Maximum Demand.** "Maximum demand" means the maximum momentary load placed on a water source, pump station, or distribution system. This demand is usually the maximum average load in one day (maximum day demand) or one hour (peak hour demand).

**Maximum Sound Level (Lmax).** "Maximum sound level" or "Lmax" means the maximum sound level recorded during a noise event.

**Median.** "Median" means that portion of a divided highway separating the traveled way for traffic in opposite directions. A median may be raised, landscaped, or painted.

**Medical Marijuana Dispensary.** "Medical Marijuana Dispensary" means any facility where medical marijuana is made available pursuant to Health and Safety Code Sections 11362.5 (The Compassionate Use Act of 1996) and Sections 11362.7 through 11362.83 (Medical Marijuana Program).

A medical marijuana dispensary shall not include the following uses, so long as such uses comply with this code, Health and Safety Code Section 11362.5, et seq., and other applicable law:

1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.
2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.

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

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

5. A hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

**Merger.** "Merger" means the process in which the County initiates an action to combine contiguous parcels or units of land under the same ownership, pursuant to Article 1.5 (commencing with Section 66451.10) of the Government Code and Chapter 9-863 of this Title.

**Merger, Voluntary.** "Voluntary merger" means the process in which an owner initiates an action to combine contiguous parcels of land owned by said owner, pursuant to Section 66499.20314 of the Government Code and Chapter 9-866 of this Title.

**Mined Lands.** "Mined lands" means the surface and subsurface of land and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private roads appurtenant to any such area; land excavations; soil, rock, liquid, vegetation, equipment, or other materials or property resulting from or displaced by surface mining operations; and areas in which structures, facilities, equipment, or other materials that are used in surface mining operations are located.

**Mineral Resources.** "Mineral resources" means any naturally occurring chemical element or compound, or group of elements and compounds, formed from inorganic processes and from organic and inorganic substances and present in sufficient quantities to permit commercial extraction. Included in this definition are peat, bituminous rock and aggregate minerals; excluded are geothermal resources, natural gas and petroleum.

**Minimum Parcel Size.** "Minimum parcel size" means the smallest unit of land permitted through subdivision within a zoning designation, as outlined in this Title.

**Ministerial Permit.** "Ministerial permit" means any permit required before the development or use of real property can proceed, in which the Review Authority is required to approve said permit if specified standards or requirements will be or have been met. Ministerial

permits include, but are not limited to, final subdivision maps, home occupation permits, encroachment permits, grading permits, and building permits.

**Minor Subdivision.** "Minor subdivision" means a subdivision of land where:

(a) The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body; or

(b) Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a County maintained road, street, or highway; or

(c) The land consists of a parcel or parcels of land which have approved access to a public road, street, or highway and which compose part of a tract of land zoned for industrial or commercial development and which have the approval of the governing body as to street alignments and widths; or

(d) The subdivision would create four (4) parcels or less, or condominiums or community apartments containing four (4) units or less; or

(e) Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter-section.

**Mixed Use Development.** "Mixed use development" means two or more uses that are integrated and developed under a coherent plan.

**Mobile Home.** See "Manufactured Home."

**Mobile Home, Caretaker.** "Caretaker mobile home" means a mobile home which is used to provide complete living facilities for an individual whose presence on the property is necessary to prevent vandalism, pilferage, damage, or destruction to property, structures, or equipment located on the same parcel.

**Mobile Home, Temporary.** "Temporary mobile home" means a mobile home which is to be used as a residence during the construction of a permanent dwelling on the same property, and which will be removed when the building permit for the residence is finalized.

**Mobile Home Park.** "Mobile home park" means any parcel of land composed of a lot or contiguous lots used, designed, or intended to accommodate more than four (4) mobile homes but which does not include labor camps and labor supply camps.

**Mobile Home Site.** "Mobile home site" means any portion of a mobile home park or recreational vehicle park designated or used for the occupancy of one (1) mobile home.

**Mobile Home Space.** "Mobile home space" means a space in a mobile home or recreational vehicle park, or a space for a caretaker mobile home or a farm labor mobile home, which is designed to be used for parking a mobile home on a temporary, semipermanent, or permanent basis.

**Monitoring Well.** See "Well, Monitoring."

**Monumentation.** "Monumentation" means a stone shaft or other object set in the earth to mark a boundary.

**Motel.** "Motel" means a hotel as defined in this Chapter.

**Native Oak Tree.** "Native oak tree" means a valley oak (*Quercus lobata*) with a trunk diameter of six (6) inches to less than thirty-two (32) inches for a single trunk tree, or a combined trunk diameter of eight (8) inches or greater for a multi-trunk tree, measured four and one-half (4½) feet above the average ground elevation of the tree; or an interior live oak (*Quercus wislizenii*), California live oak (*Quercus agrifolia*), or blue oak (*Quercus douglasii*) with a trunk diameter of four (4) inches to less than thirty-two (32) inches for a single trunk tree, or a combined trunk diameter of six (6) inches or greater for a multi-trunk tree, measured four and one-half (4½) feet above the average ground elevation of the tree.

**Natural Bank.** "Natural bank" means the bank of a waterway that does not have a levee or that has a levee which does not provide protection from a fifty (50) year flood.

**New Construction.** "New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after October 3, 1980 and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision.** "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 3, 1980.

**Noise Contour.** "Noise contour" means a line passing through points where the same sound intensity level prevails. Contours form bands of varying width emanating from a noise source.

**Noise-Sensitive Land Uses.** "Noise-sensitive land uses" mean uses included under the following use types: Residential, Administrative Offices, Child Care Services—Child Care Centers, Community Assembly, Cultural and Library Services, Educational Services—General, Funeral and Interment Services—Undertaking, Lodging Services, Medical Services, Professional Services, Public Services, Recreation—Indoor Spectator, and Religious Assembly.

**Nonconforming Structure.** "Nonconforming structure" means a building or structure which was legal when brought into existence but which does not conform to the current height, setback, or building intensity requirements of the zone where it is located.

**Nonconforming Use.** "Nonconforming use" means a use which was legal when brought into existence but does not conform to the current uses allowed or to the performance standards of the zone where it is located.

**Nuisance.** Except as modified in Chapter 9-1110, "nuisance" means anything resulting from unreasonable or unlawful practices or from neglect which is or tends to be injurious to health, safety, or public welfare, or is so unsightly or offensive to the senses as to interfere with the comfortable enjoyment of life or property.

**Nursing Home.** "Nursing home" means a facility for the accommodation of convalescents or other persons who are not acutely ill or in need of hospital care, but who require skilled nursing care and related medical services, which is operated in conjunction with a hospital or in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State.

**Official Notices.** "Official notices" mean public notices and signs posted by public officers in performance of their duties.

**On-Site Wastewater Disposal.** See "Wastewater Disposal, On-site."

**One Hundred (100) Year Flood.** See "Flood, Base."

**Open Space, Common.** "Common open space" means the total land area within a Planned Development (PD), not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents or occupants of the PD.

Common open space includes swimming pools, putting greens, and other recreational-leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding, or off-street bicycle trails; and landscaped areas adjacent to lands which are in excess of minimum required rights-of-way.

**Open Space, Private.** "Private open space" means the outdoor living area directly adjoining a dwelling unit or building which is intended for the private enjoyment of the residents or occupants of the dwelling unit or building and which is defined in such manner that its boundaries are evident.

**Open Space, Public.** "Public open space" means a continuous open space which is readily accessible to the public at all times and specifically designed for the use and enjoyment of the public.

**Outdoor Activity Areas.** "Outdoor activity areas" mean the outdoor recreation areas of noise-sensitive land uses. With respect to single-family dwellings, outdoor activity areas mean the rear yard, and/or side yard when the side yard is of a sufficient size to provide outdoor recreational opportunities, of said dwellings. With respect to multiple-family dwellings, outdoor activity areas mean the patios, balconies, common outdoor recreation areas, and swimming pool areas of said dwellings.

**Outdoor Goods Display.** "Outdoor goods display" means an outdoor display of the goods or merchandise of a commercial establishment.

**Outdoor Storage.** "Outdoor storage" means the keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

**Outstanding Payments.** "Outstanding payments" means any moneys owed to the County by an applicant for past work performed by the County or by the County's consultant on a project submitted to the County for processing by said applicant.

**Overburden.** "Overburden" means all materials lying on top of mineral resources which must be removed in order to extract those resources.

**Overflow Parking.** "Overflow parking" means space that is temporarily used for parking or maneuvering purposes for an event or activity that is in addition to the minimum number of permanent parking spaces and/or maneuvering areas calculated based on use type pursuant to Table 9-1015.3(b).

**Owner.** "Owner" means the real party in interest in the property, or the holder of record title in the property.

**Owner-Operator.** "Owner-operator" means an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in property to exert direct control over its use, development, and day-to-day operations.

**Parcel.** See "Lot."

**Parcel Map.** "Parcel map" refers to the map and recording instrument for minor subdivisions of land and other subdivisions described in the Subdivision Map Act. The parcel map must reflect the design and conditions that were approved on the tentative map for minor subdivisions by the Director, Planning Commission, or Board of Supervisors.

**Parking Attendant.** "Parking attendant" means a person who is dedicated to managing and directing traffic during a marketing event, industry event, wine release event or accessory winery event at a winery or off-site wine cellar, to ensure there is no parking on highways, public or private streets, or neighboring properties. The parking attendant should also direct traffic off of the public or private roads and into an on-site parking space.

**Parking Lot.** "Parking lot" means an open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

**Parking Space or Stall.** "Parking space" or "parking stall" means a space within a building, lot, or parking lot for the parking or storage of one (1) automobile.

**Parkway.** "Parkway" means the area adjoining the outer edge of the roadbed, extending to the right-of-way line in which sidewalks, plantings, utilities, bank slopes, and related facilities may be located.

**Part-Width Road.** See "Road, Part-Width."

**Pasture.** "Pasture" means a lot, or portion of a lot, greater than one (1) acre in area used for the grazing and confinement of animals.

**Pedestrian Way.** "Pedestrian way" means a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind. A pedestrian way may be located within or outside of a street right-of-way, either at grade or grade separated from vehicular traffic.

**Pen.** "Pen" means a small enclosure for animals.

**Permanent Parking.** "Permanent parking", for the purposes of the Wineries and Related Facilities Chapter, means space that has been designated and improved to standards identified by an approved land use permit.

**Permanent Residency.** "Permanent residency" means a residence that is occupied for a period exceeding ninety (90) days.

**Person.** "Person" means any individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, group, or combination acting as a unit.

**Pets.** See "Household Pets."

**Planned Development or PD.** "Planned Development" or "PD" means the underlying project of a Planned Development zone, consisting of either residential uses or a combination of residential, commercial, and/or civic uses and associated ancillary uses and structures; situated on one or more contiguous parcels or noncontiguous parcels separated solely by a road or other right-of-way easement; and planned and developed as a unified project within a single development operation or series of development operations in accordance with a detailed site plan.

**Planning Agency.** "Planning Agency" means the Board of Supervisors, the Planning Commission, or the San Joaquin County Community Development Department.

**Planning Commission.** "Planning Commission" means the Planning Commission of San Joaquin County.

**Pollution** may include contamination.

**Pollution, Water.** "Water pollution" means an alteration of the quality of the waters by waste to a degree which unreasonably affects:

- (a) The value of such water for beneficial uses; or
- (b) Facilities which serve such beneficial uses.





**Portland Cement Concrete.** "Portland cement concrete" means a commercially premixed surfacing material using a cement powder and water binding agent that is poured on top of a base material such as aggregate base or sand.

**Poultry Ranch or Farm.** "Poultry ranch" or "poultry farm" means a farm for the keeping or raising of more than thirty-five (35) game fowl or poultry, or, with respect to ostriches or other ratites, a farm for the keeping or raising of seven (7) or more animals.

**Prepackaged Food.** "Prepackaged food" means any properly labeled food, prepackaged by the manufacturer to prevent any direct human contact with the food product.

**Prime Agricultural Land.** "Prime agricultural land" means land as defined in the Farmland Mapping and Monitoring Program upon completion of the maps for San Joaquin County. Until that time:

(a) Land best suited for producing food, feed, forage, fiber, and oilseed crops and which is available for these uses and has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed, including water management, according to modern farming methods; or

(b) When in reference to Williamson Act contracts, any land so termed and defined by Section 51201 of the Government Code.

**Private Rights-of-Way.** "Private rights-of-way" means any of the following:

(a) Any right-of-way which has been offered for dedication but which has not been accepted by the County.

(b) A legally established private easement for access.

(c) A navigable waterway.

(d) Roads shown on antiquated subdivision plats that are not County maintained roads.

(e) Public roads for which there are not legally established rights-of-way or easement.

**Private Road.** See "Road, Private."

**Privy.** "Privy" means a structure used as a toilet, all or a part of which is a vault or pit intended for the reception of human waste matter.

**Privy, Pit.** "Pit privy" means a privy which has an unlined hole to receive waste.

**Privy, Vaulted.** "Vaulted privy" means a privy which has a concrete-lined hole that prevents leaching of wastes into the surrounding areas.

**Produce.** "Produce" means shell eggs and any fruit or vegetable in its raw or natural state.

**Produce Stand.** "Produce stand" means a food establishment that sells only produce, cut flowers or shell eggs, or both, directly to the consumer. Produce stands must be located on property which is owned, rented, or leased to a grower, producer or a member of a farm cooperative.

**Project Frontage.** "Project frontage" means the developed portion of the property that fronts on an existing or planned public right-of-way.

**Protected Zone.** "Protected zone" means an area commencing at a point five (5) feet outside the drip line of a native oak tree or heritage tree and extending inward to the trunk of the tree.

**Public.** "Public" means that which is operated and/or maintained by governmental agency or by public utility.

**Public Display of Fireworks.** "Public display of fireworks" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of dangerous fireworks as defined in Section 12505 of the Health and Safety Code. Examples include but are not limited to fireworks displays conducted at public venues, private venues, wineries, ballparks and schools.

**Public Facilities.** "Public facilities" means any facility operated by a public entity, including but not limited to the following:

(a) Public buildings, including schools and related facilities;

(b) Sewage collection, treatment, and disposal facilities;

(c) Facilities for the supply, storage, treatment, and distribution of nonagricultural water for municipal and industrial uses for meeting Title 22 of the California Administrative Code;

(d) Facilities for the collection and disposal of storm waters for drainage and/or flood control purposes;

(e) Facilities for the generation of electricity and the distribution of gas and electricity;

(f) Transportation and transit facilities including, but not limited to, streets, roads, ports, airports, and related facilities;

- (g) Parks and recreation facilities;
- (h) Police stations and fire stations; or
- (i) Hospitals.

**Public Health Services.** "Public Health Services" means the Public Health Services of San Joaquin County.

**Public Nuisance.** See "Nuisance."

**Public Road.** See "Road, Public."

**Public Sanitary Sewer.** "Public sanitary sewer" means any sewage disposal system operated and maintained by any municipality, district, or public corporation organized and existing under and by virtue of the laws of the State of California for the benefit of the public.

**Public Water System.** "Public water system" means any potable water supply system owned, operated, and maintained by a public agency, and approved by, or under the supervision of, a public health agency of the State of California or the County. This definition is for use in interpreting the provisions of this Title and is not intended to be the same as a "public water system" as defined by Title 22 of the California Administrative Code.

**Qualified Historic Property.** "Qualified historic property" means a privately owned property which is not exempt from property taxation, or site that is registered with either the federal National Register of Historic Places or the state's California Register of Historical Resources. A qualified historic property may also be a property designated by the State of California as a Historic Landmark or as a Point of Historic interest.

**Qualifying Entity.** "Qualifying Entity" means a non-profit public benefit 501(c)(3) corporation or other appropriate legal entity operating in San Joaquin County for the purpose of conserving and protecting land in agriculture, and approved for this purpose by the Board of Supervisors. The County may be designated as a Qualifying Entity.

**Quarry Excavation.** "Quarry excavation" means all, or part, of the process involved in the surface mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

- (a) Inplace distillation or retorting or leaching.
- (b) The production and disposal of mining waste.

**Quarry, Idle.** "Idle quarry" means a quarry whose excavation operations have been curtailed for a period of one (1) year or more by more than ninety (90) percent of the operation's previous maximum annual mineral production, with the intent to resume those quarry excavation operations at a future date.

**RWQCB.** "RWQCB" means the State Regional Water Quality Control Board for a region as specified in Section 13200 of the Porter-Cologne Water Quality Control Act.

**Rainy Season.** "Rainy season" means the period of the year during which there is a substantial risk of rainfall. For the purpose of Division 14, the rainy season is defined as from November 1 to April 15, inclusive.

**Rare and Endangered Species.** "Rare and endangered species" means a plant or animal species designated as rare, endangered, or threatened by the State Fish and Game Commission or the United States Department of Interior Fish and Wildlife Service.

**Recharge Water Well.** See "Well, Recharge Water."

**Record Title Ownership.** "Record title ownership" shall mean either fee title of record or, when a leasehold interest is to be divided, ownership of record of the leasehold interest.

**Recreation.** "Recreation" means any activity, voluntarily engaged in, which contributes to the physical, mental, or moral development of the individual or group participating therein, and includes any activity in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports, and athletics, or any informal play incorporating any such activity.

**Recreation, Commercial.** "Commercial recreation" means any recreation area or facility that is under direct control of an individual, group, association, corporation, club, or fraternal organization and is open to the public.

**Recreation, Private.** "Private recreation" means any recreation area or facility operated and controlled by an association, corporation, or nonprofit group and limited to members or owners and their guests.

**Recreation, Public.** "Public recreation" means any recreation area or facility that is under direct control of a public authority.

**Recreation Area.** "Recreation area" means any land, water, or combination thereof used for purposes of recreation.

**Recreation Facility.** "Recreation facility" means any building, structure, development, or improvement constructed or used for recreational purposes, whether or not located in a recreation area.

**Recreational Vehicle.** "Recreational vehicle" means a motorhome, travel trailer, truck camper, camping trailer, boat or boat trailer with or without motive power, designed for human recreational use only, that meets all of the following criteria as defined by State Health and Safety Code Section 18010:

(a) It contains less than three hundred twenty (320) square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;

(b) It contains four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) It is built on a single chassis;

(d) It is designed to be either self-propelled, truck-mounted or permanently towable by a light-duty truck; and

(e) It is designed primarily as a temporary living quarters for recreational, camping, travel, or seasonal use and not for use as a permanent dwelling.

**Recreational Vehicle Park.** "Recreational vehicle park" means any parcel of land composed of a lot or contiguous lots used, designed, or intended as a campground to accommodate more than four (4) recreational vehicles and/or mobile homes, not including labor camps and labor supply camps.

**Recreational Vehicle Site.** "Recreational vehicle site" means any portion of a mobile home park or recreational vehicle park designated or used for the occupancy of one (1) recreational vehicle.

**Recycling.** "Recycling" means the process by which waste products are reduced to raw materials and transformed into new and often different products. As it pertains to Chapter 9-1050 only, "recycling" means redirecting or utilizing a hazardous waste or substance from a hazardous waste, and includes recovery of resources from a hazardous waste.

**Registered Environmental Health Specialist.** "Registered Environmental Health Specialist" means the duly authorized representative of the Director of Public Health Services, working in the Division of Environ-

mental Health, registered with the State of California to investigate and abate various laws and ordinances related to public health and environmental quality.

**Residence, Primary.** "Primary residence" means a dwelling unit intended for occupancy by the owner or by members of the owner's family, excluding mobile homes, second unit dwellings, guest houses, and farm labor housing.

**Residential.** "Residential" means places where people live and sleep. The term includes, but is not limited to, single-family dwellings, apartments, institutions, mobile homes, group quarters, hotels and motels, convalescent hospitals, and rest homes.

**Residential Development.** "Residential development" means a development project containing residential dwellings, including mobile homes, consisting of one (1) or more dwelling units, or a subdivision for one (1) or more residential dwelling units.

**Residual Repository.** "Residual repository," as specified in Chapter 9-1050, means a hazardous waste disposal facility for collection of residuals from hazardous waste treatment facilities and other irreducible, stabilized, or detoxified hazardous wastes.

**Resource Recovery.** "Resource recovery" means the reclamation or salvage of wastes for reuse, conversion to energy, or recycling. Resource recovery does not include automotive wrecking yards or junkyards. As specified in Chapter 9-1050 only, "resource recovery" means the reuse or reclamation of any hazardous waste or any recyclable hazardous waste.

**Restricted Access.** See "Access, Restricted."

**Retention Basin.** "Retention basin" means a drainage pond with no outlet facilities for terminal drainage that is capable of storing the required stormwater runoff volume and is capable of emptying through percolation and evaporation over a specified time.

**Review Authority.** "Review Authority" means any of the following entities which are empowered to interpret, implement and enforce this Title:

- (a) Board of Supervisors;
- (b) Planning Commission;
- (c) Director of the Community Development Department; and
- (d) Community Development Department.

**Ridge Line.** "Ridge line" means the intersection of two roof surfaces forming the highest horizontal line of the roof.

**Right-of-Way.** "Right-of-way" means an easement for the use of roads, water and wastewater facilities, flood and drainage works, overhead and underground utilities, or any related improvements.

**Riparian Corridor.** "Riparian corridor" means a strip or generally contiguous area of riparian habitat.

**Riparian Habitat.** "Riparian habitat" means the banks and other terrestrial environs of fresh water bodies, watercourses, estuaries, and surface waters whose conditions provide soil moisture sufficiently in excess of that otherwise available through local precipitation to support the growth of mesic vegetation.

**Riparian Woodland.** "Riparian woodland" means a riparian habitat characterized by trees twenty (20) feet or taller that compose the dominant vegetation element of the plant community.

**Road.** "Road" includes streets and highways, both public and private. The terms streets, roads, roadways, and highways are used interchangeably. "Road" includes the roadbed, all slopes, shoulders, side ditches, curbs, gutters, sidewalks, and all other related facilities within the right-of-way.

**Road, Part-Width.** "Part-width road" means any street in which the improved width is less than the width necessary for a normal full-width street.

**Road, Private.** "Private road" means a roadway within a private development or planned development where the street improvements remain in private ownership.

**Road, Public.** "Public road" means any road which is open for unrestricted travel by the general public. A public road may or may not be dedicated to or maintained by the County.

**Road System.** "Road system" means the classification of streets and highways by their diverse functions and design. The following is a hierarchy of roads in the County.

(a) **Rural Road.** "Rural road" means a two-lane undivided road providing access to agricultural properties. A rural road may also serve as a route connecting rural communities with each other and the urban communities.

(b) **Rural Residential Road.** "Rural residential road" means a two-lane undivided road providing access to rural residential subdivision parcels.

(c) **Local Residential Road.** "Local residential road" means a two-lane undivided road providing

direct access to all abutting residential properties. The local residential road's primary purpose is to provide access to single-family lots.

(d) **Local Commercial/Industrial Road.** "Local commercial/industrial road" means a two-lane undivided road providing direct access to commercial and industrial properties. The local commercial/industrial road's primary purpose is to provide access to commercial and industrial lots.

(e) **Collector Road.** "Collector road" means a two-lane undivided road which funnels traffic from local residential, commercial, and industrial roads to arterial roads.

(f) **Minor Arterial.** "Minor arterial" means a four-lane undivided road with access limited to abutting commercial, industrial, and multi-family properties only. The minor arterial's primary purpose is to carry local and through traffic within urban communities.

(g) **Major Arterial.** "Major arterial" means a multi-lane divided road with major access to abutting property limited to major commercial and industrial developments. The arterial's primary purpose is to carry major through traffic within and between urban communities and provide access to expressways and freeways.

(h) **Expressway.** "Expressway" means a roadway which provides no direct access to abutting properties. The primary purpose of an expressway is to carry through traffic with minimum interference with adjacent development. Intersections are limited to freeways, major and minor arterials, and rural roads only. Intersections are usually no closer than one quarter mile.

(i) **Freeway.** "Freeway" means a multi-lane divided highway providing no access to adjoining property. Freeways are intended to accommodate high speed, high volume, long distance regional through traffic and traffic between urban areas. Freeways typically connect to the local road system at high volume interchanges with arterial roads in urban areas and with some rural roads in rural county areas.

**Roadbed.** "Roadbed" means that portion of the road between curb-faces or between the outside line of improved shoulders.

**Salute fireworks.** "Salute fireworks" means fireworks designed to produce an explosive sound as their

primary effect. Salutes include "aerial salutes" and "ground salutes" as defined in the California Fire Code as adopted by San Joaquin County.

**Sanitary Landfill.** "Sanitary landfill" means a disposal site employing an engineered method of disposal of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume practical, and applying cover material over all exposed wastes at the end of each operating day.

**School Districts.** "School districts" means all school districts located in whole or in part within the unincorporated areas of San Joaquin County.

**Screening.** "Screening" means a method of visually shielding or obscuring one (1) abutting or nearby structure from another by fencing, walls, berms, or densely planted vegetation.

**Seal, Sanitary.** "Sanitary seal" means a grout, mastic, or mechanical device used to make a watertight joint between the pump and casing or the concrete base.

**Sediment.** "Sediment" means any material transported or deposited by water, including soil debris or other foreign matter.

**Seepage Pit or Vertical Drain.** "Seepage pit" or "vertical drain" means one (1) or more pits extending into porous stratum, other than a subterranean water bearing stratum, and filled with washed rock, for the purpose of receiving waste water.

**Seismic Test Well.** See "Well, geophysical."

**Semi-truck.** "Semi-truck" means a vehicle designed to carry property, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

**Senior Citizen.** "Senior citizen" means a person at least sixty-two (62) years of age, or a person at least fifty-five (55) years of age who meets the qualifications found in Section 51.3 of the California Civil Code.

**Septic System.** "Septic system" means an on-site wastewater disposal system which utilizes a septic tank for wastewater processing and a subsurface drainage system for the disposal of treated effluent.

**Septic Tank.** "Septic tank" means a watertight receptacle which receives the discharge of a building drainage system or part thereof, designed and constructed to retain solids, digest organic matter through a period of

detention, and allow the liquids to discharge into the soil outside the tank through a sub-surface drainage system meeting the requirements of Division II.

**Servants' Quarters.** "Servants' quarters" means a dwelling unit intended for occupancy by a person employed as a household servant which is attached to the primary residence and does not exceed twenty-five (25) percent of the floor area of the primary residence.

**Setback Line.** "Setback line" means that line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

**Sewage.** See "Wastewater."

**Sewer Well.** See "Well, sewer."

**Sign.** "Sign" means any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising, directing attention, or identifying any establishment, product, goods, services, or entertainment.

**Sign, Abandoned.** "Abandoned sign" means a sign that:

- (a) is located on property which becomes vacant or unoccupied for a period of twelve (12) months; or
- (b) was erected for an occupant or business unrelated to the present occupant or business; or
- (c) relates to an event or purpose which no longer exists.

**Sign Area.** "Sign area" means the entire area within a single, continuous, rectangular perimeter enclosing the extreme limits of writing, representation, emblem, or figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from its surroundings. This excludes the necessary supports or up-rights on which such a sign is located.

**Sign, Awning.** "Awning sign" means a sign painted, printed, stenciled, sewn, or stained into the surface of an approved awning or canopy.

**Sign, Clearance of.** "Clearance of sign" means the smallest vertical distance between grade and the lowest point of any sign, including any structure or framework and embellishments extending over the grade.

**Sign, Commemorative.** "Commemorative sign" means a sign designed to recognize or observe a significant historical or memorial event.

**Sign, Construction/Development.** "Construction/development sign" means a sign to announce an intended or proposed future use of the site and to identify enterprises affiliated with the project site, such as architectural, engineering, or construction firms.

**Sign Copy.** "Sign copy" means words and symbols found on the sign surface, either in permanent, removable, or electronically changeable form.

**Sign, Copy Area of.** "Copy area of sign" means the area of the sign in which copy appears.

**Sign, Freestanding.** "Freestanding sign" means a sign in a fixed location which is self-supporting on the ground, and is in no part supported by a permanent structure (Includes pole signs and monument signs).

**Sign, Height of.** "Height of sign" means the vertical distance measured from the highest point of the sign to the grade immediately beneath the sign.

**Sign, Illegal.** "Illegal sign" means a sign that was installed contrary to the laws and ordinances in effect at the time of its installation; or that has been abandoned; or that is unsafe and poses a danger to the public or is a traffic hazard.

**Sign, Indirectly Illuminated.** "Indirectly illuminated sign" means a sign with an external light source which is separate from the sign face or cabinet, and is directed to shine solely on the sign.

**Sign, Institutional/Public.** "Institutional/public sign" means a sign erected and maintained by the city, county, state, or federal government for municipal and regulatory purposes, or to identify schools, hospitals, historical sites, public services, or other public institutions, or to identify public service events, such as festivals and spectacles.

**Sign, Internally Illuminated.** "Internally illuminated sign" means a sign with an internally concealed light source within the sign or sign structure.

**Sign Maintenance.** "Sign maintenance" means the normal care needed to keep a sign functional such as cleaning, painting, replacing or repairing parts or portions of a sign made unusable by ordinary wear, tear, or damage beyond the control of the owner, or the reprinting of existing copy in such a manner that does not alter the basic copy, design, or structure of the sign.

**Sign, Master.** "Master sign" means a sign which identifies the entire facility of a multi-tenant development project.

**Sign, Monument.** "Monument sign" means a sign anchored to and continuously attached at grade.

**Sign, Nonconforming.** "Nonconforming sign" means a sign which was validly installed under the ordinances and law in effect prior to the effective date of this Ordinance but which is in conflict with the provisions of Division 17.

**Sign, Off-premises.** "Off-premises sign" means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

**Sign, On-premises.** "On-premises sign" means a sign which directs attention to a business, community, service, or entertainment conducted, sold, or offered on the premises, or on property which is contiguous to the parcel which contains the business activity.

**Sign, Pole.** "Pole sign" means a sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign face is at least five (5) feet above grade.

**Sign, Political.** "Political sign" means a sign used in connection with local, state, or national elections, campaigns, or referendums.

**Sign, Portable.** "Portable sign" means a sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

**Sign, Produce.** "Produce sign" means a sign associated with farm produce stands.

**Sign, Projecting.** "Projecting sign" means a sign which is attached to and projects from a building wall.

**Sign, Real Estate.** "Real estate sign" means a sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

**Sign, Residential Identification.** "Residential identification sign" means a sign identifying a recognized subdivision, condominium complex, or other residential development.

**Sign, Roof.** "Roof sign" means a sign mounted or painted on a building roof or parapet, or which is wholly dependent on a building for support and which projects more than eighteen (18) inches above the roof eave.

**Sign, Special Events/Holiday.** "Special events/holiday sign" means a temporary sign announcing a special event associated with the premises, a community, or holiday.

**Sign Structure.** "Sign structure" means a structure specifically intended for supporting, bracing, or containing a sign.

**Sign, Supplemental Tenant.** "Supplemental tenant sign" means a projecting sign up to eight (8) square feet in sign area which hangs over pedestrian walkways and is designed to inform pedestrians of either a product sold or the tenant name of individual shops.

**Sign, Tenant.** "Tenant sign" means a sign larger than eight (8) square feet in sign area which identifies an individual tenant space in a multi-tenant development project.

**Sign, Traffic.** "Traffic sign" means a sign pertaining to official traffic control and safety.

**Sign, Utility.** "Utility sign" means a company sign identifying conduits, cables, danger, and/or providing service or safety information.

**Sign, Wall.** "Wall sign" means a sign painted on, or attached parallel to, a building wall.

**Sign, Window.** "Window sign" means a sign painted on or attached to a window and intended to be viewed principally from outside the business.

**Single Tone Noise.** "Single tone noise" means noise which is distinctly audible as a single pitch (frequency) or set of pitches as determined by a qualified acoustical consultant, or as defined by the "Model Community Noise Control Ordinance, California Department of Health, 1977."

**Site, Excavation or Grading.** "Excavation site" or "grading site" means any lot or parcel of land, or combination of contiguous lots or parcels of land, whether held separately or joined together in common ownership or occupancy, where grading is to be performed or has been performed.

**Slope.** "Slope" means an inclined ground surface, the inclination of which may be expressed as the ratio of horizontal distance to vertical distance.

**Slope Stability.** "Slope stability" means the maximum stable inclination of an unsupported slope under the most adverse conditions that it will likely experience, as determined by current engineering technology.

**Slope Stability Standards.** "Slope stability standards" means those standards that are necessary in order to ensure that a slope achieves slope stability.

**Small Animal Farm.** "Small animal farm" means a farm for the keeping or raising of over thirty-five (35) rabbits or other fur bearing animals of similar size at maturity.

**Small-scale Accessory Winery Event.** "Small-scale accessory winery event" is an event hosted by the on-site winery or off-site wine cellar and that includes the

congregation of persons for the purpose of promoting and marketing wine, the wine industry, winery or off-site wine cellar. Small-scale accessory winery events may include but are not limited to: wine club activities and wine education seminars and always include wine tasting and the sale of wine. Small-scale accessory winery events exclude events where the facility is rented (or otherwise made available) to a second party. Small-scale accessory winery events shall have a maximum of eighty (80) attendees per event, provided there are adequate on-site parking accommodations for attendees. A maximum of one (1) small-scale accessory winery event shall be permitted per day. Marketing of wine as a small-scale accessory winery event may include food service and/or food and wine pairings provided all such food service is provided on a fixed cost basis and not in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425. Outdoor amplified sound shall be prohibited at small-scale accessory winery events. Small-scale accessory winery events shall be identified in a supplemental Marketing Calendar filed with the Department pursuant to 9-1075.9(c). Small-scale accessory winery events shall be operated in conformance with all approved land use permits and Development Title Section 9-1075.9(l).

**Snipe.** "Snipe" means the triangular area formed at the intersection of two streets whose sides are equal distance from the intersection of the street lines.

**Social Care Facility.** "Social care facility" means a facility authorized, certified, or licensed by the State of California to provide nonmedical residential care and supervision to mentally disordered or otherwise handicapped persons, to dependent and neglected children, or to aged individuals (includes both group care facilities and child care centers).

**Soil.** "Soil" means all earth material of any origin that overlies bedrock and may include the decomposed zone of bedrock which can be excavated readily by mechanical equipment.

**Soil Scientist.** "Soil scientist" means a person having a minimum of thirty (30) semester hours or the equivalent in biological, physical, and earth sciences with a minimum of fifteen (15) semester hours in soils.

**Solid Waste.** "Solid waste" means any unwanted or discarded material, including garbage, with insufficient liquid content to be free flowing.

**Solid Waste Facility.** "Solid waste facility" means a disposal facility, disposal site, or solid waste transfer/processing station.

**Source Capacity.** "Source capacity" means the maximum amount of water that can be reliably provided by a water source. In most cases, the source capacity must be at least equal to the maximum day demand.

**Special Flood Hazard Area.** See "Area of Special Flood Hazard."

**Special Indoor Event.** "Special indoor event" means any temporary event or activity generally attracting large numbers of people, that is conducted within a structure, is subject to compliance with specific Uniform Building and Fire Code requirements, and is not already defined within a specified zone as an allowable "temporary" use activity. Included in this definition are Halloween haunted houses and home craft fairs. Excluded from this definition are marketing events. A maximum of either four (4) special indoor events or four (4) special outdoor events or four (4) of any combination of special indoor events and special outdoor events shall be permitted within a calendar year. Each special indoor event may not exceed a length of three (3) consecutive days.

**Special Outdoor Event.** "Special outdoor event" means any temporary event or activity generally attracting large numbers of people, requiring the importation of temporary facilities such as portable bleachers, food stands, and portable toilet facilities, conducted out-of-doors and not already defined within a specified zone as an allowable "temporary" activity. Excluded from this definition are parades, carnivals, circuses, and marketing events. A maximum of either four (4) special indoor events or four (4) special outdoor events or four (4) of any combination of special indoor events and special outdoor events shall be permitted within a calendar year. In the R-L (Low Density Residential) and R-M (Medium Density Residential) zones, an additional four (4) special outdoor events shall be permitted within a calendar year. Each special outdoor event may not exceed a length of three (3) consecutive days.

**Specific Plan.** "Specific plan" means a plan prepared pursuant to Government Code Section 65450 for the systematic implementation of the General Plan for all or part of the area covered by the General Plan.

**Stable, Boarding.** "Boarding stable" means a structure for the feeding, housing, and exercising of horses not owned by the owner of the premises.

**Stable, Private.** "Private stable" means a detached, accessory building for the keeping of horses owned by the occupants of the premises and operated other than for remuneration, hire, or sale.

**Start of Construction.** "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**State.** "State" means the State of California.

**Statement of Expense.** "Statement of Expense" is an itemized statement explaining all enforcement costs incurred by the Enforcement Official and any other County Department in abating any violation of this Title that the Enforcement Official seeks to recover.

**Stationary Noise Source.** "Stationary noise source" means any fixed or mobile noise source not preempted from local control by existing Federal or State regulations, including, but not necessarily limited to, industrial and commercial facilities, and vehicle movements on private property.

**Stock Cooperative.** "Stock cooperative" means a development in which a corporation is formed or availed of, primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation.



**Storage Building, Private.** "Private storage building" means an accessory structure designed to permit the storage of personal goods and materials. This building shall not be used as a place of human habitation, or a place of employment, nor shall it be a place used by the public. Kitchen facilities, comfort heating and cooling, separate electrical services and multiple bathrooms are prohibited.

**Storage Building, Public.** "Public storage building" means a commercial facility open to the public whose buildings are designed to permit the storage of personal goods and materials, boats and recreational vehicles. Recreational vehicles and storage facilities shall not be used as a place of human habitation.

**Storage Facility.** "Storage facility," as it pertains to Chapter 9-1050, means a hazardous waste facility at which hazardous waste is contained for periods of time as specified in the State Health and Safety Code.

**Stormwater Runoff.** "Stormwater runoff" means water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation, and which flows over the ground surface.

**Story.** "Story" means the space within the building included between the surface of any floor and the surface of the ceiling immediately above.

**Story, Half.** "Half story" means a story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds ( $\frac{2}{3}$ ) of the floor immediately below it.

**Street.** See "Road."

**Stub Street.** "Stub street" means a street open at one (1) end only, without permanent provisions for turning around.

**Structural Alteration.** "Structural alteration" means any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

**Structure.** "Structure" means any object constructed or installed by man having location upon, in, or under the ground, including, but not limited to, buildings, manufactured homes, fences over six (6) feet in height, towers, gas or liquid storage tanks, signs, smokestacks, and overhead transmission lines.

**Subdivider.** "Subdivider" means a person who proposes to divide, divides, or causes to be divided real property into a subdivision for himself, herself, or for

others. A consultant, engineer, or surveyor who does not hold title to the land is not considered a subdivider.

**Subdivision.** "Subdivision" means the division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units even if separated by roads, streets, utility easements, or railroad rights-of-way. "Subdivision" includes a condominium project as defined in Section 1350 of the Civil Code, a community apartment project as defined in Section 11004 of the Business and Professions Code, or the conversion of five (5) or more existing dwelling units to a stock cooperative as defined in Section 11003.2 of the Business and Professions Code. A conveyance of land for rights-of-way to a governmental agency, public entity, public utility, or subsidiary of a public utility shall not be considered a division of land for purposes of computing the number of parcels. "Subdivision" does not include:

- (a) The leasing of agricultural land used for the cultivation of food or fiber or the grazing or pasturing of livestock;
- (b) The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or recreational vehicle parks;
- (c) Mineral, oil, or gas leases;
- (d) Land dedicated for cemetery purposes under the Health and Safety Code of the State of California;
- (e) A lot line adjustment;
- (f) The financing or leasing of existing separate commercial or industrial buildings on a single parcel;
- (g) The financing or leasing of any parcel of land, or any portion, for the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other ordinances regulating design and improvements;



(h) The construction, financing, or leasing of units classified as second unit dwelling;

(i) Any separate assessment under Section 2188.7 of the California Revenue and Taxation Code for community apartment or cooperative housing projects;

(j) The conversion of a community apartment project to a condominium if the requirements of Sections 66412(g) and (h) of the California Government Code are met; or

(k) Leasing of, or grant of easement to, a parcel of land, or any portion or portions of land, for financing, erection, and sale or lease of a wind-powered electrical generation device.

**Substantial Damage.** "Substantial damage" means a damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**Substantial Deposits.** "Substantial deposits" of mineral resources means a deposit at the plant site of mineral resources with a minimum gross selling price value of at least five million dollars (\$5,000,000) in 1978 equivalent dollars.

**Substantial Improvement.** "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

(a) "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; and

(b) "Substantial improvement" does not include improvement of a structure solely to comply with existing state or local health, sanitary, or safety code specifications, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Subsurface Boring.** "Subsurface boring" means any subsurface soil boring that is drilled or driven for testing or logging strata or to obtain data from the underground.

**Sundries.** "Sundries" mean a limited number of frequently or recurrently needed items or services for the traveling public. Examples include, but are not limited to, maps, sunglasses, ice, canned drinks, sunscreen, first-aid items, hats and souvenirs.

**Supporting Equipment.** "Supporting equipment" means, when used in association with the terms wireless telecommunication antennas or wireless communication facilities, any electronic switching equipment, cabinet, or other equipment used for a wireless telecommunication and the ancillary building or buildings used to house said equipment.

**Supportive Housing.** "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Consistent with Government Code Section 65583, supportive housing shall be permitted in all zones allowing residential uses, subject to the same permit requirements of other residential uses of the same type in the same zones.

**Surface Water.** "Surface water" includes but is not limited to rivers, creeks, sloughs, irrigation ditches, irrigation conduits, drainage ditches, and natural or unnatural impoundments.

**Swine.** "Swine" means a pig or a hog eight (8) weeks of age or older.

**Target Population.** "Target population" means persons with low incomes who have one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

**Tentative Map.** "Tentative map" means a map submitted for approval as a Major Subdivision or Minor Subdivision.

**Terminal Drainage or Terminal Drain.** "Terminal drainage" or "terminal drain" means a storm drainage system or a portion thereof which conveys storm runoff into a terminal waterway.

**Terminal Waterway.** "Terminal waterway" means a natural or man-made channel which has the capacity to contain a fifty (50) year return frequency storm and which by gravity carries storm water ultimately to the ocean.

**Terrace.** "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage, maintenance, or other purposes.

**Test Well.** See "Well, Geophysical."

**Topsoil.** "Topsoil" means the upper part of the soil profile that is relatively rich in humus, known in agronomy as the A-horizon.

**Towing Service.** "Towing service" means a commercial service in which a truck is used to tow or transport another vehicle.

**Transfer Station.** "Transfer station," as specified in Chapter 9-1050, means any hazardous waste facility where hazardous wastes are loaded, unloaded, pumped, or packaged.

**Transfer/Processing Station.** "Transfer/processing station" means a facility utilized to receive solid wastes; to temporarily store, separate, convert, or otherwise process the materials in the solid wastes; or to transfer the solid wastes directly from smaller to larger vehicles for transport. Transfer/processing station does not include any facility whose principal function is to receive, store, separate, convert, or otherwise process manure, in accordance with State minimum standards; nor does it include any facility whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal.

**Transit.** "Transit" means public transportation.

**Transitional Housing.** "Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance. Consistent with Government Code Section 65583, transitional housing shall be permitted in all zones allowing residential uses, subject to the same permit requirements of other residential uses of the same type in the same zones.

**Transportation Noise Source.** "Transportation noise source" means traffic on public roadways, railroad line operations and aircraft in flight.

**Traveled-Way.** "Traveled-way" means that portion of the road for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

**Treatment.** "Treatment," as specified in Chapter 9-1050, means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste in order to neutralize such waste, to recover energy or material resources from the waste, or to render such waste nonhazardous or less hazardous; to make it safer to transport, store, or dispose of; or to make it amenable for recovery, amenable for storage, or reduced in volume.

**Treatment Facility.** "Treatment facility," as specified in Chapter 9-1050, means any facility at which hazardous waste is subjected to treatment or where a resource is recovered from a hazardous waste.

**Tree.** "Tree" means any object of natural growth having a woody stem or trunk.

**Tributary Watershed.** "Tributary watershed" means the entire area that contributes storm water runoff to a given point.

**Truck.** "Truck" means a motor vehicle designed or used for either: (1) the transportation of property; or (2) drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load so drawn.

**Truck Parking.** "Truck parking" means the parking, storing, or keeping of trucks, semi-trucks, truck trailers, or trailers. Excluded are the transferring, storing, assembling, or sorting of cargo.

**Truck Terminal.** "Truck terminal" means an area and buildings used by motor freight vehicles or trucks of common carriers for purposes of transferring, storing, assembling, and sorting cargo or for purposes of storing and maintaining the trucks used for such purposes on a regular basis.

**Truck Trailer.** "Truck trailer" means either: (1) a vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and constructed so that some part of its weight and that of its load rests upon, or is carried by, another vehicle; or (2) a vehicle designed to carry persons or property on its own structure and to be drawn by a motor vehicle which is constructed so that no part of its weight rest upon any other vehicle.

**Uniform Plumbing Code.** "Uniform Plumbing Code" means the current edition published by the International Association of Plumbing and Mechanical Officials.

**Use.** "Use" means the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

**Use, Accessory.** "Accessory use" means a subordinate use customarily incidental to and located upon the same lot occupied by a main use.

**Utility.** "Utility" means electric, communication, natural gas, and cable television facilities including, but not limited to, poles, wires, transformers, conduits, conductors, guys, pipes, meters, vaults, and all necessary appurtenances. Utility may also mean the company owning these facilities.

**Vapor Probe.** "Vapor probe" means a device used to test or extract from the subsurface.

**Variance.** "Variance" means a permit granted to an applicant pursuant to Chapter 9-827, to allow the applicant's project to depart from the literal requirements of this Title.

**Vehicle.** "Vehicle" means a device by which any person or property may be propelled, moved, or drawn, not including a device drawn by human power or used exclusively upon stationary rails or tracks.

**Vernal Pool.** "Vernal pool" means a shallow depression in poorly drained soil that fills with water during rain, gradually shrinks in the spring, usually dries out in the summer, and often supports a unique population of organisms.

**Vesting Tentative Map.** "Vesting tentative map" means any tentative map that, when filed with the County, has conspicuously printed on its face the words "Vesting Tentative Map."

**Vineyard.** "Vineyard" means land that contains grapevines and is assessed as a commercial vineyard for tax purposes. The wine grape crop is capable of being harvested and then sold for processing.

**Violation.** "Violation" means, for floodplain management purposes, the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Title is presumed to be in violation until such time as that documentation is provided.

**Waste.** "Waste" means waste as defined in Section 13050 of the California Water Code. Waste includes sewage and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to and for purposes of disposal.

**Waste Disposal Facilities.** "Waste disposal facilities" means any and all facilities which are used or intended to be used for the transport, treatment, or disposal of wastewater.

**Wastewater.** "Wastewater" means any and all waste substances, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

**Wastewater Disposal, On-Site.** "On-site wastewater disposal" means treatment and disposal of wastewater within the confines of the same parcel of land as the development. This may include a septic system or other acceptable treatment method.

**Wastewater Disposal System.** "Wastewater disposal system" means any and all portions of a facility which is used or intended to be used for the collection, transport, treatment, and disposal of wastewater.

**Wastewater Treatment Plant.** "Wastewater treatment plant" means those lands, structures, and equipment necessary for the processing and disposal of wastewater. It does not include a septic tank.

**Water Main or Water Line.** "Water main" or "water line" means the water supply pipe conveying potable water for public use.

**Water Quality.** "Water quality" means the chemical, physical, radiological, and biological characteristics of water with respect to its suitability for a particular purpose. The same water may be of good quality for one purpose or use, and bad or poor for another, depending upon its characteristics and the requirements for the particular use.

**Water Source.** "Water source" means either groundwater or surface water used to supply water.

**Water System.** "Water system" means all wells, pumps, tanks, filters, water treatment equipment, valves, water mains, water service lines, fire hydrants, fire hydrant piping, and all appurtenances to the system.

**Watercourse.** "Watercourse" means any natural or manmade channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay, or storage of waters, and which functions at any time to convey or store stormwater runoff.

**Watercourse, Major.** "Major watercourse" means a watercourse which provides terminal drainage according to the County Flood Control Engineer.

**Waterway.** See "Watercourse."

**Well.** "Well" means a deep hole or shaft, dug or drilled.

**Well, Abandoned.** "Abandoned well" means a well whose use has been permanently discontinued or which is in such a state of disrepair that no water can be produced.

**Well, Cathodic Protection.** "Cathodic protection well" means any artificial excavation constructed by any means for the purposes of installing equipment or facilities.

**Well, Destroyed.** "Destroyed well" means a well that has been properly filled so that it cannot produce water nor act as a vertical conduit for the movement of ground water.

**Well, Dewatering.** "Dewatering well" means a well installed for the purpose of dewatering an excavation during construction or any other purpose to lower the water table.

**Well, Domestic Water.** "Domestic water well" means a water well that is used or intended to be used for domestic needs.

**Well, Drilled.** "Drilled well" means a well for which the hole is excavated by mechanical means such as the rotary or cable tool methods.

**Well, Extraction.** "Extraction well" means a boring or well constructed for the purpose of extracting contaminants from the soil or ground water.

**Well, Geophysical.** "Geophysical well" means a well used for testing or logging strata or to obtain data from the underground.

**Well, Injection.** "Injection well" means any bored, drilled, or driven shaft, dug pit, or hole in the ground into which waste or fluid is discharged, the depth of which is greater than the circumference of the shaft, pit, or hole, and any associated subsurface appurtenances.

**Well, Monitoring.** "Monitoring well" means a well constructed to monitor the ground water quality.

**Well, Recharge Water.** "Recharge water well" means any well constructed to introduce water into the underground as a means of replenishing ground water basins.

**Well, Sewer.** "Sewer well" means and includes all of the following:

(a) Any hole dug or drilled into the ground and intended for use as a water supply and which has been abandoned and is being used for the disposal of sewage; and

(b) Any hole dug or drilled into the ground and used or intended to be used for the disposal of sewage or wastewater and extending to or into a subterranean water bearing stratum that is used, may be used, or is suitable for a source of water supply for domestic purposes.

**Well, Test.** See "Well, Geophysical."

**Well, Water.** "Water well" means any artificial excavation constructed by any method for the purpose of extracting or recharging ground water or testing or logging of stratum to obtain data from the underground, not including the following:

(a) Wells, or geothermal wells constructed under jurisdiction of the Department of Conservation, State of California, except those wells converted to use as water wells;

(b) Wells used for the purpose of (1) dewatering excavation during construction, or (2) stabilizing hillsides or earth embankments.

**Well Contractor.** "Well contractor" means any person or company licensed by the State Contractors License Law, as provided in Division 3, Chapter 9, of the Business and Professional Code.

**Well Pit.** "Well pit" means an excavation in which the well head or top of well casing is installed below the ground surface.

**Well Seismic Test.** See "Well, Geophysical."

**Windfarm.** "Windfarm" means a facility which cultivates wind for the purposes of energy production.

**Wind Turbine Generator, Commercial.** "Commercial wind turbine generator" means a wind driven machine which converts the kinetic energy in the wind into electrical energy for the primary purpose of sale for off-site use or where the maximum energy output is twenty (20) kilowatts or more.

**Wind Turbine Generator, Noncommercial.** "Noncommercial wind turbine generator" means a wind driven machine which converts the kinetic energy in the wind into electrical energy for the primary purpose of on-site use and the incidental sale to an electric utility for off-site use.

**Windmill.** "Windmill" means a wind driven machine which converts the kinetic energy in the wind into mechanical energy for the purpose of on-site use.

**Wine Cellar, Off-Site.** "Wine cellar, off-site" means a type of bonded premises that is located on a parcel or parcels of land under the same ownership with a vineyard, and where wine made from the grapes of the vineyard(s) is stored. A minimum of one (1) gross acre of grapes shall be grown on the site and used for production of wine sold at the off-site wine cellar. The stored wine is made at an off-site winery. Wine must be produced using grapes from the vineyard where the off-site wine cellar is located and be available for consumption prior to the off-site wine cellar hosting any marketing, accessory winery, wine release or industry event.

**Wine Cellar, On-Site.** "Wine cellar, on-site" means a type of bonded wine premises that is located on the same parcel or parcels of land as either the boutique, small, medium or large winery. Wine produced at the winery may be stored in the wine cellar.

**Wine Premises, Bonded.** "Bonded wine premises" means a place that is bonded by the Bureau of Alcohol, Tobacco and Firearms (ATF) where wine related production operations occur.

**Wine-Related Production Operation.** "Wine-related production operation" means any of the component activities and structures that are needed to produce a bottle of wine such as crushing, pressing, fermenting, clarifying, aging, bottling, labeling, storing and distribution.

**Wine Release Event.** "Wine release event" is an event hosted by the winery or off-site wine cellar that includes the congregation of persons for the purpose of releasing wines produced by the permitted facility and providing an opportunity for wine club members to pick up their wine. Wine release events may be open to the public and may occur a maximum of four (4) times per year. Each event may last up to two (2) consecutive days and shall have a maximum attendance of three-hundred (300) attendees at any given time, provided there are adequate on-site parking accommodations for attendees. Wine release events exclude events where the facility is rented (or otherwise made available to) a second party. Outdoor amplified sound may be permitted at wine release events, if the facility has been approved to have outdoor amplified sound. Wine release events may include food service (but not in a way that is

defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425). Wine release events shall be identified in a supplemental Marketing Calendar filed with the Department pursuant to 9-1075.9(c). Wine release events shall be operated in conformance with all approved land use permits and Development Title Section 9-1075.9(l).

**Wine Tasting Room.** "Wine tasting room" means either an individual structure dedicated for the tasting of wine or an area within a multipurpose structure that is used for tasting wine and for retail sales of wine related products.

**Winery.** "Winery" means a type of bonded wine premises that is composed of an agricultural processing facility where the primary purpose is to produce wine on-site by fermenting grape juice that results in an alcoholic beverage that is ready for consumption. A winery shall include the following activities: crushing, fermenting, bottling, blending, and aging and may include the following activities and/or facilities: shipping, receiving, tasting room(s), laboratory equipment, maintenance facilities, conference room space, sales and administrative offices. Wineries have a current California Alcohol Beverage Control Winegrowers License and a bonded winery permit from the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Bonded wineries may include an on-site wine cellar. Wine must be produced from the bonded wine premises and available for consumption prior to the winery hosting any marketing, accessory winery, wine release or industry events.

**Winery, Large.** "Large winery" means a winery that has a minimum production capacity of more than five hundred fifty-five (555) tons of grapes or approximately one hundred thousand (100,000) gallons of wine per year.

**Winery, Medium.** "Medium winery" means a winery that has a minimum production capacity of two hundred one (201) tons of grapes or approximately thirty-six thousand (36,000) gallons of wine and a maximum production capacity of five hundred fifty-five (555) tons of grapes or approximately ninety-nine thousand nine hundred ninety-nine (99,999) gallons of wine per year.

**Winery, Small.** "Small winery" means a winery that has a minimum production capacity of 1.1 tons of grapes or approximately two hundred one (201) gallons

of wine and a maximum production capacity of two hundred (200) tons of grapes or approximately thirty-six thousand (36,000) gallons of wine per year.

**Winery Tours.** "Winery tour" means any supervised visit at a winery facility for educational purposes. Winery tours may be held for private individuals, for employees, for members of the trade or for members of the public.

**Wireless Telecommunication Facility.** "Wireless telecommunication facility" means any unstaffed facility which is commercially licensed by the Federal Communications Commission and/or the Public Utilities Commission for the transmission and/or reception of microwave/radio signals. Included in this definition are facilities such as commercial radio-telephone towers, personal communication service towers, and commercial satellite and receiving dishes. Excluded from this definition are radio and television broadcasting towers.

**Writing.** "Writing" means any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this Title, it shall be made in writing in the English language.

**Yard.** "Yard," except as otherwise provided in this Title, means an open space, other than a court, on a lot also occupied by a building. A yard is unoccupied and unobstructed from the ground upward and does not include any portion of any road, alley, or road right-of-way.

**Yard, Front.** "Front yard" means a yard extending across the front of the lot between the side lot lines, measured from the front lot line to a depth required by the zone in which the lot is situated.

**Yard, Rear.** "Rear yard" means a yard extending along the back of the lot between the side lot lines, measured from the rear lot line to a depth required by the zone in which the lot is situated.

**Yard, Side.** "Side yard" means a yard extending from the front yard to the rear yard, measured from the side lot line to a width required by the zone in which the lot is situated.

**Yard, Street Side.** "Street side yard" means a yard along a side street extending from the front yard to the rear yard, measured from the side lot line to a width required by the zone in which the lot is situated.

**Zone.** "Zone" means a portion of the unincorporated area of San Joaquin County which is specifically

designated in Divisions 3 through 7 of this Title, or on any map which is part of Divisions 3 through 7 of this Title, and given a zone name or number.

**Zoning District.** See "Zone."

(Ord. 3675, 3697, 3703, 3715, 3739, 3756, 3788; Ord. 3832, §§ 1, 2, 1995; Ord. 3843, § 11, 1995; Ord. 3931, § 1, 1997; Ord. 3932, § 1, 1997; Ord. 3937, § 1, 1997; Ord. 3938, § 1, 1997; Ord. 3971, § 1, 1998; Ord. 4035, § 1, 1999; Ord. 4036, § 1, 1999; Ord. 4047, § 2, 1999; Ord. 4059, § 2, 2000; Ord. 4070, § 2, 2000; Ord. 4101, § 2, 2001; Ord. 4106, § 1, 2001; Ord. 4115, § 1, 2001; Ord. 4133, § 1, 2001; Ord. 4149, § 1, 2002; Ord. 4153, § 1, 2002; Ord. 4211, § 1, 2004; Ord. 4225, § 1 (part), 2004; Ord. 4258, § 1, 2005; Ord. 4308, § 2, 2006; Ord. 4368, §§ 1, 2, 2009; Ord. No. 4385, § 1, 1-12-2010; Ord. No. 4413, § 2, 8-9-2011; Ord. No. 4443, § 1, 10-8-2013; Ord. No. 4471, § 2, 12-15-2015; Ord. No. 4476, § 1, 4-12-2016; Ord. No. 4486, § 1, 9-13-2016; Ord. No. 4487, § 1, 8-23-2016; Ord. No. 4488, § 1, 10-11-2016; Ord. No. 4508, § 1, 6-6-2018; Ord. No. 4523, § 1, 1-8-2019)



## CHAPTER 9-115

## USE CLASSIFICATION SYSTEM

## Sections:

- 9-115.1 Intent.  
 9-115.2 Classification Rules.  
 9-115.3 Authority and Responsibility.  
 9-115.4 Procedure.

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- 9-115.100 General Description of Residential Use Types.  
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## 9-115.1 INTENT.

The intent of this Chapter is to classify uses according to a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public health, safety, and general welfare. These classifications shall apply throughout this Title. (Ord. 3675)

**9-115.2 CLASSIFICATION RULES.**

All uses shall be classified according to the use types described in this Chapter beginning with Section 9-115.100. The classifications shall comply with the provisions of this Section.

(a) **Types of Uses Regulated.** Only principal uses are included within the Use Classification System. Accessory uses and temporary uses are regulated by the use regulations for each zone district.

(b) **Typical Uses Within Use Types.** The description of the use types in this chapter often contain typical uses classified within that use type. These typical uses are examples and are not meant to include all uses that may properly be classified within the use type.

(c) **Classifying New Uses.** New uses shall be classified into use types based upon the description of the use types and upon characteristics similar to other uses already classified within the use type, subject to the applicable provisions of Subsection (d) of this Section.

(d) **Classifying Several Uses on the Same Parcel.** The principal uses conducted on a single parcel shall be classified separately.

(e) **Capitalization of Use Types.** The names of use types are capitalized throughout this Title. (Ord. 3675)

**9-115.3 AUTHORITY AND RESPONSIBILITY.**

The Director shall have the following authority and responsibilities with respect to the Use Classification System:

(a) **Classifying Uses.** The Director shall have the authority to classify uses according to use types or to determine that a use does not fit under any use type and, therefore, is not permitted.

(b) **List of Uses.** The Director shall develop and maintain an administrative list of common uses and the use types into which they are classified. (Ord. 3675)

**9-115.4 PROCEDURE.**

The classification of a use is an administrative decision without notice and hearing, except that an applicant can appeal the Director's decision pursuant to Section 9-215.12.

(Ord. 3675)

(San Joaquin County Supp. No. 96, 12-16)

**ARTICLE I. RESIDENTIAL USE TYPES****9-115.100 GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES.**

Residential use types include the occupancy of living accommodations, but exclude those providing forced residence, such as asylums and prisons, and the Lodging Services use type.

(Ord. 3675)

**9-115.105 FAMILY RESIDENTIAL.**

The Family Residential use type refers to the occupancy of living quarters by one (1) or more families. The following are the categories of the Family Residential use type:

(a) **Single-Family.** The use of a parcel for only one (1) dwelling unit, not including a mobile home.

(b) **Two-Family.** The use of a parcel for two (2) dwelling units in a single structure.

(c) **Small Multifamily.** The use of a parcel for three (3) to nine (9) dwelling units within one (1) or more buildings.

(d) **Large Multifamily.** The use of a parcel for ten (10) or more dwelling units within one (1) or more buildings.

(Ord. 3675)

**9-115.110 FARM EMPLOYEE HOUSING.**

The following are the categories of the Farm Employee Housing use type:

**Small Farm Employee Housing.** Farm employee housing consisting of no more than thirty-six (36) beds in a group quarters used exclusively for farm employees, or twelve (12) units or spaces designed for use by a single family or household.

**Large Farm Employee Housing.** Farm employee housing consisting of thirty-seven (37) or more beds in a group quarters used exclusively for farm employees, or thirteen (13) or more units or spaces designed for use by a single family or household.

(Ord. 3675, 3788; Ord. No. 4385, § 2, 1-12-2010)

**9-115.115 GROUP CARE.**

The Group Care use type refers to facilities authorized, certified, or licensed by the State of California to provide nonmedical care and supervision to adults or to dependent and neglected children. Excluded are uses

classified under the Child Care Services use type. Typical uses include halfway houses, nursing homes, homes for the developmentally disabled or mentally disabled, homes for substance abusers, and adult day care facilities. The following are the categories of the Group Care use type:

(a) **Small.** Group care facility for six (6) or fewer people.

(b) **Large.** Group care facility providing twenty-four (24) hour a day care for seven (7) or more people.

(c) **Adult Day Care.** Group care facility providing less than twenty-four (24) hour a day care for seven (7) or less people.

(d) **Farm Related.** Group care facility on a farm, ranch, or camp setting wherein a bona fide commercial agricultural enterprise, animal husbandry, or farm-related vocational educational program, along with skills training and outdoor-oriented personal fitness training, are substantial elements of the program provided, and where the density for the facility is three (3) full-time residents for each five (5) acres. (Ord. 3675; Ord. 4368, § 3, 2009)

#### **9-115.120 GROUP RESIDENTIAL.**

The Group Residential use type refers to the occupancy of a dwelling unit with a common kitchen facility by a group of unrelated persons on a weekly or longer basis. Typical uses include boarding houses, sorority houses, and retirement homes. (Ord. 3675)

#### **9-115.125 MOBILE HOME PARK.**

The Mobile Home Park use type refers to a site accommodating two (2) or more mobilehomes which are not used to provide employee housing. (Ord. 3675)

#### **9-115.135 EMERGENCY SHELTERS.**

The Emergency Shelters use type refers to housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person.

(a) **Small.** Shelters for up to two (2) families or not more than five (5) adults.

(b) **Large.** Shelters for not more than forty (40) beds.

(Ord. 3675; Ord. No. 4471, §§ 3, 4, 12-15-2015)

**Editor's note**—Ord. No. 4471, §§ 3, 4, adopted Dec. 12, 2015, changed the title of §9-115.135 from shelters to read as herein set out.

#### **9-115.140 SINGLE-ROOM OCCUPANCY.**

The Single-Room Occupancy (SRO) use type refers to any building containing five (5) or more guest rooms or units intended or designed to be used or occupied for sleeping purposes by residents, which is also the primary residence of those residents. The individual units may or may not lack either cooking facilities or individual sanitary facilities, or both. However, for purposes of this definition, an SRO facility does not include residential care homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging, extended care facilities, or hospitals.

(Ord. No. 4471, §§ 3, 5, 12-15-2015)

### **ARTICLE II. NON-RESIDENTIAL USE TYPES**

#### **9-115.300 GENERAL DESCRIPTION OF NON-RESIDENTIAL USE TYPES.**

Non-Residential use types include commercial, agricultural, industrial, civic, and extractive uses. (Ord. 3675)

#### **9-115.305 ADMINISTRATIVE OFFICES.**

The Administrative Offices use type refers to offices of private sector firms or organizations which are used for the provision of executive, management, or administrative services and which do not serve walk-in customers or clients. Typical uses include corporation headquarters and administrative offices.

(Ord. 3675)

#### **9-115.310 ADMINISTRATIVE SUPPORT SERVICES.**

The Administrative Support Services use type refers to the sale, rental, or servicing of office-related equipment or the provisions of support services to businesses or other organizations, rather than to individuals. Typical uses include office supply stores, secretarial services, duplicating services, and data processing services.

(Ord. 3675)

**9-115.315 ADULT ENTERTAINMENT.**

Adult Entertainment means any of the following:

(a) Any business where, as a substantial or significant course of conduct, explicit sexual materials are shown, displayed or exhibited on the premises to members of the public by means of any mechanical, lighting or electrical device whatsoever;

(b) Any business where, as a substantial or significant course of conduct, members of the public are entertained on the premises by or in the presence of one (1) or more entertainers or any other person:

(1) That engages in simulated explicit sexual conduct, or

(2) If, with respect to any such entertainer or person the following actual or simulated conditions exist:

A. The genitals or pubic region or any part thereof are visible.

B. All or any part of the cleavage of the buttocks is visible.

C. The female breast is visible below a point immediately above the top of the areola, or

D. The male genitals are in a discernibly turgid state even if completely and opaquely covered; or

(c) Any business that, as a substantial or significant course of conduct, sells, offers for sale, rents, exhibits, shows, or displays explicit sexual material in the form of a book, magazine, newspaper, pamphlet, film, video or any other form or medium or sexually oriented devices intended for use in relation to explicit sexual conduct.

A particular business at a particular location that receives in excess of twenty-five percent (25%) of its gross revenue directly or indirectly from, or devotes in excess of twenty-five percent (25%) of the stock on hand or the square footage of the business that is open to the public to the activities defined above, is presumed to be engaging in "a substantial or significant course of conduct" with respect to such activities.

Explicit Sexual Conduct means simulated, by person or inanimate object, sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, sexually oriented sadism or masochism, or excretory functions in conjunction with sexual activity, masturbation or lewd exhibition of the genitals, whether any of the above conduct is presented as being preformed

alone or between members of the same of opposite sex or between humans or animals, or any other act of sexual arousal involving physical contact with female breast or a person's genitals, pubic region, pubic hair, perineum, anus or anal region.

(Ord. 3675; Ord. 3877 § 3, 1996; Ord. 3878, § 3, 1996; Ord. 4355, § 1, 2008; Ord. No. 4389, § 1, 3-30-2010)

**9-115.320 AERIAL SERVICES.**

The Aerial Services use type refers to aerial services provided to agricultural operations and to businesses. The following are the categories of the Aerial Services use type:

(a) **Farm.** Establishments primarily providing aerial services to farms from airstrips or heliports and which are owned and operated for that purpose. Typical uses include aerial spraying and crop dusting services.

(b) **Heliport.** Establishments primarily providing aerial services to businesses other than farms from heliports owned and operated by said establishments. Typical uses include aerial photography and aerial geographical exploration services.

(Ord. 3675)

**9-115.325 AGRICULTURAL ORGANIZATIONS.**

The Agricultural Organizations use type refers to organizations operating on a membership basis to promote the interests of their members with respect to agricultural concerns. Typical uses include farm bureaus, farm granges, and growers' associations not engaged in contract buying or selling.

(Ord. 3675)

**9-115.330 AGRICULTURAL PROCESSING.**

The Agricultural Processing use type refers to the processing of foods and beverages from agricultural commodities. The following are the categories of the Agricultural Processing use types:

(a) **Preparation Services.** Establishments primarily engaged in performing limited processing on crops, subsequent to their harvest, with the intent of preparing them

for market or further processing. Typical uses include nut hulling and shelling, bean cleaning, corn shelling and sorting, and grading and packing of fruits and vegetables.

(b) **Food Manufacturing.** Establishments engaged in manufacturing or processing foods and beverages for consumption. Typical uses include canning of fruits and vegetables, slaughter houses, creameries, and manufacture of prepared meat products.

(Ord. 3675)

#### 9-115.335 AGRICULTURAL SALES.

The Agricultural Sales use type refers to the sale of agricultural supplies such as feed, grain, and fertilizers, but excludes uses classified under the Produce Sales and Nursery Sales use types. The following are the categories of the Agricultural Sales use type:

(a) **Feed and Grain Sales.** The sale of feed and grain and the accessory sale of garden fertilizers and other chemicals sold in small quantities which are classified for home garden use. Typical uses include feed and grain stores.

(b) **Agricultural Chemical Sales.** The sale and on-site storage of agricultural chemicals and pesticides for farm production purposes. Typical uses include establishments engaged in the sale of fertilizers and pesticides.

(Ord. 3675)

#### 9-115.340 AGRICULTURAL WAREHOUSING.

The Agricultural Warehousing use type refers to the storage of raw farm products on a fee or contract basis, including refrigerated storage. Typical uses include storage of grains, beans, meats, and cheese.

(Ord. 3675)

#### 9-115.345 AGRICULTURAL WASTES.

The Agricultural Wastes use type refers to the storage, stockpiling, sacking, and sale of waste products and by-products from plant crops and animals, and organic materials, including composting operations, but excludes tallow rendering and similar uses requiring additional processing. Typical uses include establishments selling chicken manure, cattle manure, compost from urban yard refuse, or removed grapevines.

(Ord. 3675)

#### 9-115.350 ANIMAL FEEDING AND SALES.

The Animal Feeding and Sales use type refers to temporary holding of livestock on a fee or contract basis in preparation for slaughter, market, shipping, or sales. Typical uses include livestock auction yards, stockyards, animal sales yards, and feedlots for cattle, hogs, or sheep.

(Ord. 3675)

#### 9-115.355 ANIMAL RAISING.

The Animal Raising use type refers to the raising of animals, but excludes small animals commonly raised as pets. The following are the categories of the Animal Raising use type:

(a) **Exotic Animals.** Raising animals generally considered as wild or not normally domesticated. Typical uses include chinchilla farms, fox farms, and game farms.

(b) **General.** Raising animals for personal use, for animal products, or for commercial purposes, but excluding uses classified under other Animal Raising use types. Typical uses include farms or ranches raising cattle, horses, sheep and goats.

(c) **Hogs.** Raising hogs for breeding purposes or meat production in numbers large enough to constitute a hog farm.

(d) **Small Animals.** Raising small animals or poultry, in numbers large enough to constitute a small animal farm or poultry farm, or raising aquatic animals, for breeding purposes or for meat, fish, or egg production. Typical uses include chicken farms, turkey farms, duck farms, pigeon farms, fish and frog farms, fish hatcheries, and rabbit farms.

(e) **Family Food Production.** Raising animals for family food production.

(f) **Educational Animal Project.** Raising animals for an educational animal project.

(g) **Zoo.** Raising and maintaining a variety of animals, both wild and domestic, for purposes of exhibiting such animals to the public. Typical uses include zoos.

(h) **Petting Zoo.** Raising and maintaining a variety of domesticated animals for purposes of both exhibition to the public and direct contact by the public. Typical uses include petting zoos.

(Ord. 3675; 3756; Ord. 3832 § 3, 1995)

#### 9-115.360 ANIMAL SPECIALTY SERVICES.

The Animal Specialty Services use type refers to establishments which provide spraying, cleaning, breeding, shearing, and veterinarian services to animals on a fee or contract basis. The following are the categories of the Animal Specialty Services use type:

(a) **Farm.** Establishments which primarily provide service to large animals raised for commercial purposes such as cattle and sheep, or for personal enjoyment such as horses. Typical uses include cattle spraying operations, sheep dipping and sheering services, and veterinary offices for livestock, with or without incidental veterinary services for pets.

(b) **Pet.** Establishments which provide cleaning, veterinarian, and training services to dogs, cats, and similar small animals. Typical uses include pet grooming

shops, pet clinics, dog and cat hospitals, and dog obedience training centers.

(c) **Kennels.** Establishments which provide boarding and breeding services to dogs and cats and similar small animals. Typical uses include dog kennels and pet motels.

(d) **Kennels, Small Breeding.** Establishments which raise and breed less than ten (10) dogs and cats for purposes of selling or exhibiting. Typical uses include small breeding kennels.

(Ord. 3675; 3756)

#### **9-115.365 AUCTION SALES.**

The Auction Sales use type refers to the sale of merchandise by auction, but excludes the sale of food products and animals. The following are the categories of the Auction Sales use type:

(a) **Indoor.** The indoor sale of merchandise by auction. Typical uses include antique and art auction houses.

(b) **Outdoor.** The outdoor sale of merchandise by auction.

(Ord. 3675)

#### **9-115.370 AUTOMOTIVE SALES AND SERVICES.**

The Automotive Sales and Services use type refers to establishments or places of business primarily engaged in automotive-related sales or services. The following are the categories of the Automotive Sales and Services use type:

(a) **Automotive Rentals.** Rental of automobiles and light trucks. Typical uses include car rental agencies.

(b) **Automotive Repairs, Light.** Repair services for automobiles and light trucks conducted within an enclosed building, and the sale, installation, and servicing of automobile equipment and parts. Typical uses include muffler shops, automobile repair garages, and automobile glass shops. Excluded are uses included under the Automotive Repairs, Heavy, category.

(c) **Automotive Repairs, Heavy.** Automotive body repair services, including painting of automobiles and light trucks. Typical uses include automotive body shops, collision shops, and paint shops.

(d) **Automotive Sales.** Sale, retail or wholesale, of automobiles, light trucks, and motorcycles, together with incidental automotive repairs and maintenance. Typical uses include automobile dealers.

(e) **Cleaning.** Washing and polishing of automobiles. Typical uses include car washes and auto detailers.

(f) **Inoperable Vehicle Storage.** Parking or storage of inoperable vehicles. Typical uses include vehicle storage yards and tow storage yards. Excluded are auto-

motive dismantling operations and uses classified under the Truck Services use type.

(g) **Operable Vehicle Storage.** Storage of operable vehicles, recreational vehicles and boat trailers, but excluding commercial parking lots. Typical uses include fleet storage lots and recreational vehicle storage lots.

(h) **Parking.** Parking of operable motor vehicles on a temporary basis within an off-street parking area with, or without, a fee. Typical uses include parking lots and garages.

(Ord. 3675)

#### **9-115.375 BUILDING MAINTENANCE SERVICES.**

The Building Maintenance Services use type refers to the provision of maintenance and custodial services. Typical uses include janitorial services and window cleaning services.

(Ord. 3675; 3697)

#### **9-115.380 CHILD CARE SERVICES.**

The Child Care Services use type refers to the care of children in a day-care facility, but excludes uses requiring overnight care. The following are categories of the Child Care Services use type:

(a) **Family Day Care Homes.** Child day-care services in a residence which provide care for fourteen (14) or fewer children, including children who reside at the residence. Typical uses include small family day care home and large family day care homes.

(b) **Child Care Centers.** Child day-care services for fifteen (15) or more children. Typical uses include child care centers, preschools, and day nurseries.

(Ord. 3675; Ord. 3936 § 1, 1997)

#### **9-115.385 COMMUNICATION SERVICES.**

The Communication Services use type refers to commercial establishments or facilities which primarily provide electronic communication of audio/visual information and/or entertainment via cable, microwave or radio frequency transmission. The following are the categories of the Communication Services use type:

(a) **Type I.** Communication Services which require the mounting of a wireless telecommunication facility on an existing building or structure. Typical uses include wireless telecommunication facilities for cellular radio mobile services, paging services, and personal communication services.

(b) **Type II.** Communication Services which require the construction of a new freestanding support structure for wireless telecommunication antennas and associated supporting equipment. Typical uses include wireless

telecommunication monopoles and lattice towers for cellular radio mobile services.

(c) **Type III.** Communication Services which require the construction of a new freestanding support structure for the purposes of radio or television broadcasting. Typical uses include radio and television broadcast towers.

(d) **Type IV.** Communication Services which require the regular day-to-day presence of personnel at a site to provide the service being offered. Typical uses include radio and television broadcasting studios, cable TV administrative offices, and telegraph message centers. (Ord. 3675; Ord. 3931 § 2, 1997)

#### 9-115.390 COMMUNITY ASSEMBLY.

The Community Assembly use type refers to recreational, social, or multi-purpose uses within buildings. Typical uses include community centers, private clubs, and lodges. Excluded are uses included under the Recreation: Indoor Spectator sub-use type. (Ord. 3675)

#### 9-115.395 CONSTRUCTION SALES.

The Construction Sales use type refers to the rental or sale of paint, fixtures, hardware, and other materials used in the construction of buildings, but excludes those establishments which rent out heavy equipment and are classified under the Equipment Sales use type. Typical uses include building materials stores and lumber yards. (Ord. 3675)

#### 9-115.400 CONSTRUCTION SERVICES.

The Construction Services use type refers to the operation of a construction business, and the storage of equipment and material for said business other than at the construction site. The following are the categories of the Construction Services use type:

(a) **Light.** Construction services provided by general contractors and specialized trade contractors engaged in building construction. Typical uses include general contracting services for residential dwellings; plumbing, heating, electrical, and air conditioning contractors.

(b) **Heavy.** Construction services provided by general and special trade contractors engaged in heavy construction other than buildings. Typical uses include contractors engaged in highway and street construction; water, sewer, and pipeline construction; and bridge and tunnel construction. (Ord. 3675)

#### 9-115.405 CROP PRODUCTION.

The Crop Production use type refers to growing plant

crops for commercial purposes. Typical uses include growing field crops, fruit or nut trees, and vineyards. (Ord. 3675)

#### 9-115.410 CULTURAL AND LIBRARY SERVICES.

The Cultural and Library Services use type refers to activities involving private, nonprofit, museum-like preservation and exhibition of objects of permanent interest in the arts and sciences, and library collections of books, manuscripts, and similar materials for study and reading. Typical uses include museums, art galleries, and libraries. (Ord. 3675)

#### 9-115.412 CUSTOM AGRICULTURAL MANUFACTURING.

The Custom Agricultural Manufacturing use type includes the manufacturing and repair of customized agricultural equipment where such equipment is primarily used to support the agricultural economy. Customized agricultural equipment includes specialty agricultural equipment which is not commonly available to farmers on the retail market. (Ord. 3911 § 1, 1997)

#### 9-115.415 CUSTOM MANUFACTURING.

The Custom Manufacturing use type refers to the on-site production of goods by hand manufacturing or artistic endeavor which involves only the use of hand tools or small mechanical equipment, and the incidental sale of these goods directly to consumers. Typical uses include ceramic studios, candle making shops, and custom jewelry manufacturers. (Ord. 3675; 3703)

#### 9-115.420 DAIRIES.

The Dairies use type refers to collecting milk from animals and temporarily storing the milk prior to selling it to a dairy processing plant. Typical uses include cow dairy farms and goat dairy farms. (Ord. 3675)

#### 9-115.425 EATING ESTABLISHMENTS.

The Eating Establishments use type refers to the sale of prepared food and beverages for on-premises consumption, but excludes those uses classified under the Liquor Sales use type. The following are the categories of the Eating Establishments use type:

(a) **Convenience.** The preparation and retail sale of food and beverages that does not normally provide for ordering from tables. Typical uses include drive-in and fast-food restaurants, ice cream parlors, and delicatessens.

(b) **Full Service.** The sale of prepared food and beverages on the premises, which normally entails ordering of food and beverages from tables, and which may include sales of alcoholic beverages as an accessory or secondary service. Typical uses include full-service restaurants.  
(Ord. 3675)

#### 9-115.430 EDUCATIONAL SERVICES.

The Educational Services use type refers to the provision of educational services. The following are the categories of the Educational Services use type:

(a) **Commercial.** Educational services provided by private institutions or individuals with the primary purpose of preparing students for jobs in a trade or profession. Typical uses include business and vocational schools, music schools, and hair styling schools.

(b) **General.** Educational services that meet State requirements for primary, secondary, or higher education and that are owned and operated by private institutions or individuals. Typical uses include elementary, junior high, and senior high schools; boarding schools; and community colleges.  
(Ord. 3675)

#### 9-115.435 EQUIPMENT SALES AND REPAIR.

The Equipment Sales and Repair use type refers to the sale, rental, servicing, and/or repair of farm machinery, heavy equipment, aircraft, and a variety of leisure-oriented equipment. The following are the categories of the Equipment Sales and Repair use type:

(a) **Farm Machinery, Sales.** The sale, rental, and minor, incidental repair of farm machinery. Typical uses include tractor sales yards.

(b) **Farm Machinery, Repair.** The repair of farm implements and equipment. Typical uses include welding shops and tractor repair shops.

(c) **Heavy Equipment, Sales.** Sale of heavy construction equipment or major facility equipment like large-scale furnaces or boilers. Typical uses include crane or bulldozer sales yards.

(d) **Heavy Equipment, Repair.** Repair of heavy construction equipment or major facility equipment like large-scale furnaces or boilers. Typical uses include bulldozer or boiler repair shops.

(e) **Leisure.** Storage, sale/rental, servicing, and repair of boats, trailers, recreational vehicles, and mobile homes. Typical uses include recreational vehicle dealers, boat dealers, and mobile home dealers.

(f) **Aircraft.** Sale/rental, servicing, and repair of aircraft. Typical uses include aircraft dealers.  
(Ord. 3675; Ord. 4013 § 1, 1999)

#### 9-115.440 EXPLOSIVES HANDLING.

The Explosives Handling use type refers to the production, storage, and testing of explosives. Typical uses include chemical plants producing explosive chemicals and safe-haven truck terminals.  
(Ord. 3675)

#### 9-115.445 FARM SERVICES.

The Farm Services use type refers to administrative services, soil preparation services, and plant crop services, and the storage of farm equipment and material for said services, provided to farming operations on a fee or contract basis. Excluded are those uses classified under the Agricultural Processing use type. Typical uses include farm headquarters offices and contract harvesting done primarily by machine.  
(Ord. 3675)

#### 9-115.450 FUNERAL AND INTERMENT SERVICES.

The Funeral and Interment Services use type refers to the provision of services involving the care, preparation, or disposition of the dead. The following are the categories of the Funeral and Interment Services use type:

(a) **Cemeteries.** Services involving the keeping of bodies below ground on cemetery grounds and the incidental provision of interring, undertaking, and crematory services on said cemetery grounds.

(b) **Interring and Cremating.** Services involving the keeping of human bodies above ground and/or crematory services involving the reduction of the human body to ashes by burning. Typical uses include columbaria, mausoleums, cineraria, crematories, or crematoriums.

(c) **Undertaking.** Services involving the preparation of the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.  
(Ord. 3675)

#### 9-115.455 GASOLINE SALES.

The Gasoline Sales use type refers to the retail sale of petroleum products from the premises of the establishment. The following are the categories of the Gasoline Sales use type:

(a) **Service.** Gasoline sales with incidental sale of tires, batteries, replacement items, lubricating services, and minor repair services. Typical uses include automobile service stations.

(b) **Combination.** Gasoline sales combined with the retail sales of other items provided for the convenience of the automotive traveler. Typical uses include convenience markets that also sell gasoline.  
(Ord. 3675)



**9-115.460 GENERAL INDUSTRIAL.**

The General Industrial use type refers to the on-site production of goods other than those that are agricultural or extractive in nature, but excludes those uses classified under the Custom Manufacturing, the High Technology, and the Explosives Handling use types. The following are the categories of the General Industrial use type:

(a) **Limited.** Production processes which, by the nature of the activity performed and/or the scale of operation, can be located near residential or commercial uses with minimal impact to adjacent uses. Typical uses include apparel manufacturing, paper products manufacturing, and furniture production using already manufactured components.

(b) **Intermediate.** Production processes which can be located near residential or commercial uses only if special control measures are taken to mitigate the land use conflicts which can result from such operations. Typical uses include manufactured buildings prefabrication and small household appliance manufacturers.

(c) **Heavy.** Production processes which should not be located near residential or commercial uses due to the intensive nature of the industrial activity and/or its scale of operation. These uses may be located near other manufacturing uses exhibiting similar characteristics although special control measures may still be required of some extremely intensive operations to ensure compatibility with similar industrial uses. Typical uses include motor vehicle assembly, sawmills, textile dyeing, and leather tanning chemical production.

(Ord. 3675)

**9-115.465 HAZARDOUS INDUSTRIAL.**

The Hazardous Industrial use type refers to the production, storage, or testing of materials which are especially dangerous or hazardous, but excludes those uses classified under the Explosives Handling and General Industrial, Heavy, use types. Typical uses include toxic chemical production.

(Ord. 3675, 3739)

**9-115.470 HIGH TECHNOLOGY INDUSTRY.**

The High Technology Industry use type refers to the research, development, and controlled production of

high-technology electronic, industrial, or scientific products. Typical uses include biotechnology firms and computer component manufacturers.

(Ord. 3675)

**9-115.475 LAUNDRY SERVICES.**

The Laundry Services use type refers to the provision of commercial laundering, dry cleaning, or dyeing services other than those classified under Retail Sales and Services. Typical uses include laundry agencies, diaper services, and linen supply services.

(Ord. 3675)

**9-115.478 Repealed by Ord. 4035.****9-115.480 LIQUOR SALES.**

The Liquor Sales use type refers to the retail sale of alcoholic beverages for consumption either on or off the premises of the establishment. This excludes uses classified under either the Retail Sales or Eating Establishments use types. The following are the categories of the Liquor Sales use type.

(a) **On-Premises.** On-premises sale and consumption of alcoholic beverages in a facility. Typical uses include comedy clubs, taverns, brew pubs, and cocktail lounges.

(b) **Off-Premises.** The retail sale of alcoholic beverages for off-premises consumption. Typical uses include liquor stores.

(Ord. 3675; Ord. 4368 § 4, 2009)

**9-115.4825 LIMITED AGRICULTURAL RECYCLING.**

The limited agricultural recycling use type is restricted exclusively to the recycling of materials generated from production of agricultural activities. Examples of such materials might be: plastic sheeting used for soil fumigation or covering of silage, plastic pipe used for irrigation systems, or similar products used in agriculture. Any such facilities shall be within five hundred (500) feet of a major arterial, or higher classification roadway.

(Ord. No. 3999, § 1, 10-27-1998)

**9-115.485 LODGING SERVICES.**

The Lodging Services use type refers to the provision of rental guest rooms on a less than weekly basis to

the general public, and the incidental sale of food, drink, and similar products and services intended for the convenience of guests. This use type excludes those uses classified under Group Residential. The following are the categories of the Lodging Services use type:

(a) **Bed and Breakfast.** Lodging facilities, other than a motel, that are provided in an existing dwelling structure and are located in areas designated as residential, commercial, agriculture, or mixed use on the General Plan 2010 map. Typical uses include bed and breakfast inns.

(b) **Motel.** Lodging facilities which are used primarily for the accommodation of automobile travelers and which are located in areas designated as a commercial or mixed use on the General Plan 2010 map. Typical uses include hotels, motels, and inns. (Ord. 3675)

#### **9-115.490 MAJOR IMPACT SERVICES.**

The Major Impact Services use type refers to land intensive activities that must be located away from residences or concentrations of people due to the magnitude or nature of the operation's impacts on the surrounding environment. Typical uses include airports, sanitary landfills, hazardous waste disposal sites, and correctional institutions.

(Ord. 3675)

#### **9-115.495 MEDICAL SERVICES.**

The Medical Services use type refers to the provision of personal health services, ranging from prevention to diagnosis, treatment and rehabilitation, by physicians, dentists, nurses, and other health personnel, as well as the provision of medical testing and analysis services, but excludes uses classified under other nonresidential use types. Typical uses include medical offices, dental laboratories, health maintenance organizations, immediate care facilities, and sports medicine facilities.

(Ord. 3675)

#### **9-115.500 NURSERY SALES AND SERVICES.**

The Nursery Sales and Services use type refers to the sale of plants and related nursery items and to the provision of nursery related services. The following are the categories of the Nursery Sales and Services use type:

(a) **Wholesale.** Wholesaling of plants and/or the incidental retail sales of plants. Typical uses include wholesale nurseries and commercial greenhouses.

(b) **Retail.** Retail sale of plants and flowers and related nursery items. Typical uses include retail nurseries and home garden stores.

(c) **Landscaping Services.** Services involving the installation or maintenance of plant and garden materials. Typical uses include tree trimming, sod laying, and lawn and garden maintenance.

(Ord. 3675, 3697)

#### **9-115.505 PERSONAL STORAGE.**

The Personal Storage use type refers to commercial storage services, primarily for personal effects and household goods located within enclosed storage areas that have individual access. Workshops, hobby shops, manufacturing and commercial activities are prohibited within the rented or leased structures. Typical uses include mini-warehouses.

(Ord. 3675; Ord. 4047 § 3, 1999)

#### **9-115.510 PETROLEUM AND GAS EXTRACTION.**

The Petroleum and Gas Extraction use type refers to the extraction of oil and natural gas from the ground and the temporary storage of oil at the well site. Typical uses include oil and gas wells.

(Ord. 3675)

#### **9-115.515 PRODUCE SALES.**

The Produce Sales use type refers to the sale of produce and agricultural products, including shell eggs, as the primary economic activity of produce stands and agricultural stores. Excluded are uses classified under Agricultural Sales, Nursery Sales and Service and Retail Sales and Service use types. The full-service category under the Eating Establishment use type is also excluded. The following are the categories of the Produce Sales use type:

(a) **Produce Stand.** A food establishment for the sale of only produce, cut flowers, and/or shell eggs that are grown or raised in San Joaquin County. The maximum amount of time that a produce stand may operate shall not exceed one hundred eighty (180) days within a twelve (12) month period. The maximum area for a produce stand shall not exceed seven hundred (700) square feet.

(b) **Agricultural Store, Small.** A food establishment that is used for the sale of produce, agricul-

tural products, and limited retail merchandising. The maximum structure size of a small agricultural store shall be one thousand five hundred (1,500) square feet including a maximum of one hundred fifty (150) square feet of the floor area for limited retail sales.

(c) **Agricultural Store, Large.** A food establishment housed in a permanent structure that is used for the sale of produce, agricultural products, limited retail merchandising and food preparation. The structure size of a large agricultural store shall be more than one thousand five hundred (1,500) square feet including a maximum of five hundred (500) square feet of the floor area for limited retail sales and food service, i.e., customer seating. Food preparation areas, i.e., kitchens, shall not be counted as part of the retail sales area. (Ord. 3675; Ord. 4059, § 3, 2000)

#### **9-115.520 PROFESSIONAL SERVICES.**

The Professional Services use type refers to those establishments which provide professional services to individuals or businesses, but excludes offices not servicing walk-in customers which are classified under the Administrative Offices use type. Typical uses include law offices, banks, real estate offices, bail bonds, insurance offices, and architectural firms. (Ord. 3675)

#### **9-115.525 PUBLIC SERVICES.**

The Public Services use type refers to services provided by a public agency, public utility, quasi-public agency, or charitable organization, and to major health services provided by a public or private entity. Excluded from this use type are equipment storage and maintenance yards and uses classified under the Major Impact Services, Group Care, and Medical Services use types. The following are the categories of the Public Services use type:

(a) **Administrative.** Consulting, record keeping, clerical, or public contact services, that deal directly with citizens. Typical uses include governmental offices, charitable service organizations, and telephone business offices.

(b) **Essential.** Public services which have a substantial impact on the surrounding community but which may be conditionally permitted in a variety of zones for reasons of necessary location and/or commu-

nity-wide interest. Typical uses include police and fire stations, hospitals, post offices, libraries, and museums. (Ord. 3675)

#### **9-115.530 QUARRY OPERATIONS.**

The Quarry Operations use type refers to the extraction and processing of rocks and minerals from the ground, but excludes uses classified under the Petroleum and Gas Extraction use type. Typical uses include sand and gravel pits, metal mining, and coal mining. (Ord. 3675)

#### **9-115.535 RECREATION.**

The Recreation use type refers to sport, amusement, and leisure activities for adults and children. The following are the categories of the Recreation use type:

(a) **Campgrounds.** Areas and services for two or more campsites, accommodating either tents or camping vehicles, which are used by the general public as temporary living quarters for recreational purposes. Typical uses include recreational vehicle campgrounds and group tent campgrounds.

(b) **Indoor Participant.** Facilities for indoor participant sport activities. Typical uses include skating rinks, bowling alleys, billiard parlors, racquet clubs, and gymnasiums.

(c) **Indoor Spectator.** Indoor facilities for presenting cultural, entertainment, and athletic events to spectators or for social or fraternal gatherings. Typical uses include theaters and exhibition halls.

(d) **Marinas.** Docking, storage, rental, and repair of recreational and fishing boats. Typical uses include recreational boat marinas, boat rental establishments, and boat launch pads.

(e) **Outdoor Entertainment.** Facilities used for outdoor recreational activities and for presenting entertainment and athletic events to spectators. Typical uses include water slide facilities, amusement parks, open air theaters, and stadiums.

(f) **Outdoor Sports Clubs.** Sports clubs using open space or agricultural land for hunting, shooting, or fishing purposes. Typical uses include duck clubs, hunting clubs, skeet clubs, and rifle ranges.

(h) **Parks.** Outdoor areas used for recreational activities which involve large amounts of open space with minimal development. Typical uses include parks and golf courses. Excluded are uses under the "Outdoor Entertainment" use type subcategory.

(i) **Resort.** A facility for transient guests where the primary attraction is generally recreational features or activities. Typical uses include summer camps, dude ranches, and health spas.

(j) **Nature Preserve.** Outdoor areas used for limited impact recreational activities which involve large amounts of land in its agricultural or natural state located within an agricultural preserve. The agricultural preserve may also include wildlife habitat or wetlands areas. Typical activities conducted within a nature preserve may include the following: hiking, picnicking, swimming, boating, fishing or hunting. Activities and uses under the "Parks," "Outdoor Entertainment," and "Marinas" use types are excluded. Activities grouped under the "Outdoor Sports Club" use type are permitted except for gun and rifle ranges and skeet clubs.

(Ord. 3675; Ord. 4106, § 3, 2001)

#### **9-115.540 RECYCLING SERVICES.**

The Recycling Services use type refers to the reuse of previously produced materials. The following are the categories of the Recycling Services use type:

(a) **Consumer.** The collection and temporary storage, prior to recycling, of paper, aluminum, plastic, and glass products used by consumers in the home and not intended for reuse in their commercially marketed form. Any materials that are hazardous are excluded. Typical uses include neighborhood recycling centers.

(b) **Scrap Operations.** The storage, sale, dismantling, and recycling of inoperable vehicles, scrap metal products, and inoperable industrial equipment, and the storage and sale of scrap products brought in from neighborhood recycling centers. Typical uses include junk yards, automobile wrecking yards, and commercial recycling centers.

(c) **Limited Agricultural Recycling.** The Limited Agricultural Recycling use type is restricted exclusively to the recycling of materials generated from production of agricultural activities. Examples of such materials might be: plastic sheeting used for soil fumigation or covering of silage, plastic pipe used for irrigation systems, or similar products used in agriculture. Any such facilities shall be within five hundred (500) feet of a major arterial, or higher classification roadway.

(Ord. 3675; 3756; Ord. 4035, § 3, 1999)

(San Joaquin County Supp. No. 92, 3-14)

#### **9-115.545 RELIGIOUS ASSEMBLY.**

The Religious Assembly use type refers to religious services and activities involving public assembly. Typical uses include churches, synagogues, and temples. The following are the categories of Religious Assembly use type:

(a) **Neighborhood.** Religious assembly having a seating capacity of less than two hundred and fifty (250) people.

(b) **Community.** Religious assembly having a seating capacity of at least two hundred and fifty (250) people, but less than five hundred (500) people.

(c) **Regional.** Religious assembly having a seating capacity of five hundred (500) people or more. (Ord. 3675)

#### **9-115.550 RESEARCH AND LABORATORY SERVICES.**

The Research and Laboratory Services use type refers to research of an industrial or scientific nature and laboratory processing of material, but excludes medical testing and analysis, product testing, and manufacturing classified under the High Technology use type. Typical uses include electronics research firms, pharmaceutical research laboratories, and photographic labs. (Ord. 3675)

#### **9-115.555 RETAIL SALES AND SERVICE.**

The Retail Sales and Service use type refers to the sale of commonly used goods and merchandise or the provision of personal services, but excludes those uses classified under other use types. The following are the categories of the Retail Sales and Service use type:

(a) **Primary.** Retail establishments which provide a limited number of frequently or recurrently needed personal items or services for residents in an immediate neighborhood. These establishments shall be of appropriate size and scale to meet the above criteria. Typical uses include small grocery stores, barber shops, beauty parlors, and self-service laundromats.

(b) **Intermediate.** Retail establishments which provide a variety of retail or personal service needs for residents in a particular area of the community. Typical uses include supermarkets, dry cleaners, tanning salons, video rental outlets, and appliance repair shops.

(c) **General.** Retail establishments which provide for a wide variety of the retail or personal service needs of an entire community. However, due to their

scope of service, method of operation, or type of goods sold, they may be incompatible with primary or intermediate establishment locations. Typical uses include warehouse-styled retail outlets, bottled fuel sales, ammunition sales, towing services, furniture stores, and department stores.

(Ord. 3675)

#### **9-115.560 SIGN, OFF-PREMISES.**

The Off-Premises Signs use type refers to signs which direct attention to businesses, commodities, services, or entertainment which are conducted, sold, or offered at a location different from that of the sign. Typical uses include billboards.

(Ord. 3675)

#### **9-115.565 STABLES.**

The Stables use type refers to boarding, exercise, and training services for horses. The following are the categories of the Stables use type:

(a) **Neighborhood.** Boarding and training services for six (6) or fewer horses. Typical uses include neighborhood boarding stables and small horse arenas.

(b) **Commercial.** Boarding, exercise, and training services for seven (7) or more horses. Typical uses include commercial stables, riding clubs, riding academies, and race horse training.

(Ord. 3675)

#### **9-115.570 TRANSPORTATION SERVICES.**

The Transportation Services use type refers to the provision of transportation of persons and goods. Typical uses include bus services, train services, taxi services, and commercial postal services.

(Ord. 3675)

#### **9-115.575 TRUCK SALES AND SERVICES.**

The Truck Sales and Services use type refers to the sale/rental and repair of trucks and the provision of services for trucks involved in local or long distance hauling. Excluded are uses classified under the Automotive Services use type and the Equipment Sales and Repair use type. The following are the categories of the Truck Sales and Services use type:

(a) **Parking.** A commercial operation for the parking or storage of trucks. Typical uses include truck storage yards.

(b) **Cleaning.** Washing and cleaning of trucks. Typical uses include truck washes.

(c) **Stops.** Minor servicing and repair of trucks, including the direct dispensing of motor fuel and the sale of truck accessories, and the (optional) provision of any overnight accommodations and restaurant facilities for the use of truck crews. Typical uses include truck stops.

(d) **Repairs.** Repair of trucks and the sale, installation, and servicing of truck equipment and parts. Typical uses include truck transmission shops.

(e) **Sales.** The sale, rental, and incidental repair of trucks. Typical uses include truck dealers and truck rental leasing without drivers.

(f) **Terminals.** The operation of truck terminals including auxiliary maintenance and service facilities. Typical uses include freight trucking terminals.

(g) **Liquefied Natural Gas (LNG) Truck Fueling Stations.** Fueling operations with the sole purpose of the direct dispensing of Liquefied Natural Gas fuel to trucks. Excluded are uses classified in the Gasoline Sales — Service and Combination use types.

(Ord. 3675; Ord. No. 4440, § 1, 8-13-2013)

#### **9-115.580 UTILITY SERVICES.**

The Utility Services use type refers to the provision of electricity, liquids, or gas through wires or pipes. The following are the categories of the Utility Services use type:

(a) **Minor.** Utility services that are necessary to support principal development involving only minor structures. Typical uses include electrical distribution lines, utility poles, and pole transformers.

(b) **Major.** Utility services involving major structures. Typical uses include natural gas transmission lines and substations, petroleum pipelines, and wind farms.

(Ord. 3675; Ord. 3843, § 1, 1995; Ord. 3931, § 3, 1997)

#### **9-115.581 VETERANS ORGANIZATIONS.**

The Veterans Organization use type refers to nationally recognized, non-profit veterans groups providing services to the nation's military veterans. Services provided may include, but are not limited to, funeral services and burials, transportation to veterans hospitals, providing wheelchair and medical equipment, counseling services, youth activities associated with veterans organizations, and flag placement on public thorough-

fares on major holidays. Typical uses include: Veterans of Foreign Wars, The American Legion, Disabled American Veterans, and AmVets.

(Ord. 4181, § 1, 2002)

#### **9-115.582 WATER STORAGE.**

The intentional use of any area of five hundred (500) acres or more for the containment of water which will at any time exceed an average six (6) feet in depth for thirty (30) days or more in any calendar year. This section does not apply to containment by a levee of an island adjacent to tidal waters in the Sacramento-San Joaquin Delta as defined in California Water Code Section 12220 if the maximum possible water storage elevation exceeds four (4) feet above mean sea level as established by the United States Geological Survey 1929 datum. This section does not apply to dams and reservoirs under the jurisdiction of the Federal Government or the State of California exercising jurisdiction under Division 3 of the California Water Code.

(Ord. 4127, § 1, 2001; Ord. 4134, § 1, 2002; Ord. 4155, § 1, 2002)

#### **9-115.585 WHOLESALING AND DISTRIBUTION.**

The Wholesaling and Distribution use type refers to the wholesaling, storage, or bulk sale distribution of materials and equipment, but excludes uses classified under the Agricultural Warehousing, Animal Feeding and Sales, and Truck Services use types. The following are the categories of the Wholesaling and Distribution use type:

(a) **Light.** Wholesaling, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors and storage warehouses.

(b) **Heavy.** Open-air storage, distribution, and handling of materials and equipment. Typical uses include monument or stone yards, and open storage yards. (Ord. 3675)

#### **9-115.590 WINERIES AND WINE CELLARS.**

The Wineries and Wine Cellars use types refer to the production of wine and the storage of wine. These use types exclude uses that are classified under the Eating Establishment use type. Both wineries and wine cellars may hold marketing events and special events. Wineries

and wine cellars are considered to be primary land uses. The following are the categories of the Wineries and Related Facilities use type:

(a) **Wine Cellar, Off-Site.** An off-site wine cellar involves a structure or area used for the storage of wine. No wine is produced on-site. An off-site wine cellar is always associated with a vineyard.

(b) **Winery.** The winery category always includes facilities for the production of wine and may include one on-site and one off-site wine cellar. The winery category includes boutique, small, medium and large wineries.

(Ord. 4115, § 2, 2001)

## CHAPTER 9-120

## SUPPLEMENTARY REGULATIONS

## Sections:

- 9-120.1**      **Intent.**  
**9-120.2**      **Every Dwelling to be on a Lot.**  
**9-120.3**      **Sale or Lease of Required Space.**

**9-120.1**      **INTENT.**

The intent of this Chapter is to qualify or supplement regulations that appear elsewhere in this Title. (Ord. 3675)

**9-120.2**      **EVERY DWELLING TO BE ON A LOT.**

Every dwelling or dwelling group must be located and maintained on a lot as required by this Title. Not more than one (1) dwelling structure shall occupy any one (1) lot, unless otherwise permitted in this Title. (Ord. 3675)

**9-120.3**      **SALE OR LEASE OF REQUIRED SPACE.**

No space needed to meet the width, yard, area, intensity, parking, or other requirements of this Title for lot or building may be sold, separated, or leased away from such lot or building. (Ord. 3675)

## CHAPTER 9-125

## CANNABIS DISPENSARY REGULATIONS\*

## Sections:

- 9-125.1**      **Intent.**  
**9-125.2**      **Definition.**  
**9-125.3**      **Prohibition.**

**9-125.1**      **INTENT.**

The intent of this Chapter is to prohibit the establishment of facilities for the distribution (including selling, serving, storing, keeping, manufacturing, exchanging or giving away) of cannabis within the unincorporated area of San Joaquin County, irrespective of Health and Safety Code Section 11362.765(a) as it applies to Health and Safety Code Section 11570. It is not the intent of this Chapter to otherwise prohibit or inhibit the right of seriously ill people to obtain and use cannabis for medicinal purposes pursuant to The Compassionate Use Act of 1996 and The Medical Cannabis Program of the Health and Safety Code. Nor is it the intent of this Chapter to prohibit or inhibit such a right in hospitals, clinics, residential care facilities, or similar facilities, licensed pursuant to the Health and Safety Code.

(Ord. No. 4500, § 3, 11-7-2017)

**9-125.2**      **DEFINITION.**

The following definition applies to this chapter in addition to those definitions in Section 9-110.4 of this Title:

**Cannabis Dispensary.** "Cannabis Dispensary" means any facility or activity by which cannabis is made available for transfer from one (1) person or entity to another person or entity, including but not limited to such transfers pursuant to Health and Safety Code Sections 11362.5 (The Compassionate Use Act of 1996) and 11362.7 through 11362.83 (Medical Marijuana Program) as they now read or as amended. "Cannabis Dispensary" also means any activity defined as "Delivery," "Distribution," or "Sale" under the Adult Use of Marijuana Act as it now reads or as amended.

**\*Editor's note**—Ord. No. 4500, § 3, adopted Nov. 7, 2017, amended Ch. 9-125 in its entirety to read as herein set out. Former Ch. 9-125, §§ 9-125.1—9-125.3, pertained to Medical Marijuana Dispensary Regulations, and derived from Ord. No. 4388, § 3, adopted March 2, 2010; Ord. No. 4413, § 4, adopted Aug. 9, 2011; Ord. No. 4443, § 2, adopted Oct. 8, 2013.

A cannabis dispensary shall not include the following uses, so long as such uses comply with this code, Health and Safety Code Section 11362.5, et seq., and other applicable law:

1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.

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

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

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

5. A hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

(Ord. No. 4500, § 3, 11-7-2017)

**9-125.3 PROHIBITION.**

No person shall establish, operate, or permit the establishment or operation of a cannabis dispensary in or upon any premises in the unincorporated San Joaquin County.

(Ord. No. 4500, § 3, 11-7-2017)



**DIVISION 2. ADMINISTRATIVE PROVISIONS**

**CHAPTER 9-200**

**ADMINISTRATIVE PROVISIONS: INTENT AND ORGANIZATION**

**Sections:**

- 9-200.1 Title and Intent.**
- 9-200.2 Organization.**

**9-200.1 TITLE AND INTENT.**

Division 2 constitutes the Administrative Provisions. The intent of this Division is to prescribe regulations for the administration of this Title. (Ord. 3675)

**9-200.2 ORGANIZATION.**

Division 2 consists of the following chapters:

- (a) 9-200 Administrative Provisions: Intent and Organization;
- (b) 9-205 Review Authorities;
- (c) 9-210 Staff Review Procedure;
- (d) 9-215 Staff Review with Notice Procedure;
- (e) 9-220 Public Hearing Review Procedure;
- (f) 9-225 Alteration Procedure;
- (g) 9-230 Revocation Procedure;
- (h) 9-235 Nonconformity Provisions; and
- (i) 9-240 Fees.
- (j) 9-245 Reasonable Accommodation.

(Ord. 3675; Ord. No. 4471, § 6, 12-15-2015)

**CHAPTER 9-205**

**REVIEW AUTHORITIES**

**Sections:**

- 9-205.1 Intent.**
- 9-205.2 Planning Agency.**
- 9-205.3 Board of Supervisors.**
- 9-205.4 Planning Commission.**
- 9-205.5 Director of the Community Development Department.**
- 9-205.6 Planning and Development Services Divisions.**
- 9-205.7 Environmental Review Officer.**

**9-205.1 INTENT.**

The intent of this Chapter is to specify the responsibilities of the various County agencies, groups, and offices in implementing this Title. (Ord. 3675)

**9-205.2 PLANNING AGENCY.**

A Planning Agency for San Joaquin County is hereby created and established. It shall consist of the following:

- (a) Board of Supervisors;
- (b) Planning Commission;
- (c) Director of the Community Development Department;
- (d) Planning and Development Services Divisions; and
- (f) Environmental Review Officer.

(Ord. 3675)

**9-205.3 BOARD OF SUPERVISORS.**

The Board of Supervisors has the following functions as they apply to this Title:

- (a) **Appointments.** To exercise all appointing power provided under state law and this Title, including the appointment of the Director of the Community Development Department and the members of the Planning Commission;
- (b) **Adoptions.** To adopt the General Plan, Master Plans, Public Financing Plans, Specific Plans, Special Purpose Plans, regulations, ordinances, and environmental guidelines;
- (c) **Appeals.** To be the final appellate body on all matters as specified in this Title;

(d) **Annual Reviews.** To annually review the Capital Improvement Program of the County for its conformity with the General Plan, pursuant to Article 7 (commencing with Section 65400) of the Government Code;

(e) **Legislative Body.** To serve as the legislative body as that term is used in the Subdivision Map Act; and

(f) **Environmental Reviews.** To determine that there has been adequate environmental review under the provisions of the California Environmental Quality Act, of all matters the Board of Supervisors is considering.

(Ord. 3675; 3715)

#### 9-205.4 PLANNING COMMISSION.

The Planning Commission role as part of the Planning Agency shall be as provided in this Section.

(a) **Membership.** The Planning Commission shall consist of five (5) members who shall be appointed by the Board of Supervisors in the following manner:

(1) Five (5) members composed of one (1) resident from each of the five (5) Supervisorial Districts;

(2) If a member is moved from one Supervisorial District into another because of a change in District boundaries, that member may complete the remainder of his or her term.

(b) **Term.** The term of office of each member of the Planning Commission shall be four (4) years beginning on the first day of the term of office of the Supervisor from whose Supervisorial District the member is appointed and ending on the last day of such Supervisorial term; provided that the term of office of members appointed in July, 2006, from the 2nd and 4th Supervisorial Districts shall begin on the date of appointment and shall end on the last day of the term of office of the Supervisors from the 2nd and 4th Supervisorial Districts, which Supervisorial terms end in January, 2007; provided further that the term of office of the member appointed in July, 2006, from the 5th Supervisorial District shall begin on the date of appointment and shall end on the last day of the term of office of the Supervisor from the 5th Supervisorial District, which Supervisorial term began in January, 2005; provided further that the terms of office of members appointed in June, 2005, from the 1st and 3rd Supervisorial Dis-

tricts shall end on the last day of the term of office of the Supervisors from the 1st and 3rd Supervisorial Districts, which Supervisorial terms began in January, 2005. A member of the Planning Commission may continue in office after the end of the term of office until a successor member has been appointed by the Board of Supervisors and has taken the oath of office.

(c) **Vacancies and Removal.** Vacancies in the office of an appointed member of the Planning Commission shall be filled by appointment of the Board of Supervisors for the unexpired term. Any member of the Planning Commission may be removed for cause by majority vote of the Board of Supervisors. The Board of Supervisors shall declare a vacancy in the office of any member who is absent from three (3) consecutive regular meetings of the Planning Commission without prior notification given to the Planning Commission Chairperson. A vacancy in the office of Planning Commissioner shall occur upon the vacancy in the office of Supervisor of the Supervisorial District from which the Planning Commissioner is appointed.

(d) **Advisory Staff.** The County Counsel, the Director of Environmental Health, and the Director of Public Works are designated as advisory staff to the Planning Commission. Each advisory staff may designate one (1) deputy or assistant to attend Planning Commission meetings.

(e) **Officers and Rules.** Annually, the Planning Commission shall elect a Chairperson and a Vice-Chairperson from among the appointed members. No appointed member shall be elected Chairperson or Vice-Chairperson for more than two (2) consecutive terms. The Director of the Community Development Department shall be the Secretary to the Planning Commission. The Planning Commission shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, and determinations. All decisions and recommendations of the Planning Commission shall be carried by the affirmative votes of not less than a majority of its total voting members.

(f) **Functions.** The Planning Commission shall have the following functions in the administration of this Title and related regulations and policies:

(1) Prepare, periodically review, and revise, as necessary, the General Plan for the County;

(2) Consider and recommend amendments to the General Plan;

(3) Investigate and make recommendations regarding reasonable and practical means for implementing the General Plan;

(4) Consider and recommend amendments to this Title;

(5) Annually review the Capital Improvement Program of the County for its conformity with the General Plan, any Specific Plans, any Special Purpose Plans, and all elements and parts of the General Plan, and provide a report concerning said Capital Improvement Plan to the Board of Supervisors;

(6) Interpret the text of the General Plan as it relates to this Title;

(7) Interpret the maps of the General Plan as they relate to the text of the General Plan;

(8) Develop and maintain any Master Plans, Public Financing Plans, Specific Plans, or Special Purpose Plans necessary or desirable for the implementation of the General Plan;

(9) Consider and recommend upon applications for Master Plans, Public Financing Plans, Specific Plans, and Special Purpose Plans;

(10) Serve as the appellate body for discretionary staff decisions;

(11) Review and act upon referrals or appeals from the Floodplain Administrator;

(12) Act as the advisory agency, as that term is used in the Subdivision Map Act, on Major Subdivisions;

(13) Review and act upon applications requiring public hearings;

(14) Determine that there has been adequate environmental review under the provisions of the California Environmental Quality Act, of all matters the Planning Commission is considering;

(15) Recommend changes to the environmental guidelines for the County; and

(16) Perform such other functions as the Board of Supervisors may require, including conducting studies and preparing plans other than those authorized by Title 7 of the Government Code.

(g) **Compensation.** Members attending Planning Commission meetings shall receive \$100.00 per meeting, plus mileage and actual and necessary expenses incurred in connection with carrying out the

duties of a member of the Planning Commission. Such compensation may be changed by subsequent Resolution of the Board of Supervisors.

(Ord. 3675; 3715; Ord. 4006, § 1, 1998; Ord. 4157, § 1, 2002; Ord. 4298, 2006)



**9-205.5 DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT.**

The Director of the Community Development Department shall have the following functions in the administration of the Title and related regulations and policies:

- (a) **Secretary.** Serve as Secretary to the Planning Commission;
- (b) **Advisor.** Act as the advisory agency, as provided in Government Code Section 66415, for Mergers, Minor Subdivisions, and Notices of Violation;
- (c) **Administrator.** Act as chief administrative officer of the Planning and Development Services Divisions;
- (d) **Review Authority.** Conduct the review of public projects as specified in Section 65402 of the Government Code;
- (e) **Environmental Review.** Appoint the Environmental Review Officer;
- (f) **Staff Review.** Review and act upon all applications requiring Staff Review; and
- (g) **Staff Review With Notice.** Review and act upon all applications requiring Staff Review with Notice. (Ord. 3675)

**9-205.6 PLANNING AND DEVELOPMENT SERVICES DIVISIONS.**

The Planning and Development Services Divisions shall have the following functions in the administration of this Title and related regulations and policies:

- (a) **Administer General Plan.** Perform the duties required for the proper preparation and administration of the General Plan, as provided by law and ordinance;
- (b) **Administer Master Plans and Public Financing Plans.** Perform the duties required for the proper preparation and administration of Master Plans and Public Financing Plans and regulations as provided by ordinance;
- (c) **Administer Specific Plans.** Perform the duties required for the proper preparation and administration of Specific Plans and regulations as provided by law and ordinance;
- (d) **Administer Special Purpose Plans.** Perform the duties required for the proper preparation and administration of Special Purpose Plans and regulations as provided by law and ordinance;
- (e) **Advise Board and Commission.** Provide administrative support and professional advice to the Planning Commission and Board of Supervisors;
- (f) **Special Studies and Surveys.** Perform special studies and surveys as directed by the Board of Supervisors;

(g) **Publicize General Plan.** Endeavor to promote public interest in, comment on, and understanding of the General Plan and regulations relating to it;

(h) **Consult on General Plan.** Consult and advise with public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens concerning the preparation and implementation of the General Plan;

(i) **Coordinate Plans and Programs.** Promote the coordination of local plans and programs with the plans and programs of other public agencies; and

(j) **Report to Board.** Provide an annual report to the Board of Supervisors on the status of the General Plan and progress in its implementation. (Ord. 3675, 3715)

**9-205.7 ENVIRONMENTAL REVIEW OFFICER.**

The role of the Environmental Review Officer shall be as provided in this Section.

(a) **Appointment.** The Environmental Review Officer shall be appointed by and serve at the pleasure the Director of the Community Development Department.

(b) **Term.** The term of the appointment shall be at the discretion of, and subject to the termination by, the Director of the Community Development Department.

(c) **Functions.** The Environmental Review Officer shall have the following functions in the administration of this Title and related regulations and policies:

- (1) Be responsible for the preliminary screening of projects to determine which are exempt from and which are subject to the requirements of the California Environmental Quality Act;
- (2) Conduct Initial Studies and hold meetings, when necessary, to make determinations as to whether a Notice of Exemption will be issued, a Negative Declaration prepared, or an Environmental Impact Report required for a project;
- (3) Prepare Negative Declarations on projects that will have no significant effect on the environment; and
- (4) Prepare and maintain guidelines for the implementation of the California Environmental Quality Act by San Joaquin County. (Ord. 3675)

**CHAPTER 9-210**

**STAFF REVIEW PROCEDURE**

**Sections:**

- 9-210.1 Intent.**
- 9-210.2 General Process.**
- 9-210.3 Application Filing Requirements.**
- 9-210.4 Completeness of Applications.**
- 9-210.5 Concurrent Processing of Applications.**
- 9-210.6 Notification.**
- 9-210.7 Action by Director.**
- 9-210.8 Effective Date of Action.**
- 9-210.9 Appeals.**
- 9-210.10 Time Limit on Approvals.**
- 9-210.11 Violation of Permits.**
- 9-210.12 Nonacceptance of Applications.**

**9-210.1 INTENT.**

The intent of this Chapter is to specify the procedure to be followed for those applications requiring the use of the Staff Review Procedure.

(Ord. 3675)

**9-210.2 GENERAL PROCESS.**

The Director shall review all applications to determine their consistency with established policies and standards. The review shall be of an administrative, nondiscretionary nature. The Director shall approve or deny the application based on the results of that review.

(Ord. 3675)

**9-210.3 APPLICATION FILING REQUIREMENTS.**

An application shall be filed with the Community Development Department on forms provided by that Department. Applications shall, at a minimum, contain the following:

(a) **Name and Address.** The name, address, and signature of the applicant and, for privately initiated applications, the name, address, and signature of the property owner;

(b) **Other Documents.** Other documents, drawings, and plans as required by the Director; and

(c) **Fee.** A fee, as provided by resolution of the Board of Supervisors.

(Ord. 3675)

**9-210.4 COMPLETENESS OF APPLICATIONS.**

Completeness of applications shall be determined pursuant to this Section.

(a) **Initial Determination.** Within thirty (30) calendar days after an application has been received, the Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant. If the written determination is not made within thirty (30) days after receipt of the application, the application shall be deemed complete.

(b) **Procedure If Not Complete.** If the application is determined not to be complete, the following procedure shall be followed:

(1) The Director shall specify in writing those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application;

(2) The applicant shall submit materials to the Director in response to the list and description specified in Subsection (b) (1);

(3) Within thirty (30) calendar days after receipt of the submitted materials, the Director shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within the thirty (30) day period, the application together with the submitted material shall be deemed complete; and

(4) If the applicant has not submitted all required materials to the Director within thirty (30) calendar days after the written determination that the application is not complete has been transmitted to the applicant, the application shall be considered withdrawn. The Director may extend the thirty (30) day period if he or she determines that the applicant is diligently attempting to provide all required materials.

(c) **Appeal Procedure for Applications Deemed Not Complete.** If the application together with the submitted materials are determined not to be complete, the applicant may appeal that decision to the Planning Commission in accordance with the appeal procedure specified in Section 9-215.12.

(1) A final written determination on the appeal shall be made no later than sixty (60) calendar days after receipt of the applicant's written appeal;

(2) If the final written determination on the appeal is not made within the sixty (60) day period noted in Subsection (c)(1), the application with the submitted materials shall be deemed complete.

(Ord. 3675)

**9-210.5 CONCURRENT PROCESSING OF APPLICATIONS.**

If a proposed project requires more than one (1) application under the provisions of this Title, the applications may be filed at the same time and processed concurrently. If more than one Review Authority is involved, the Director shall determine the sequence for action by the Review Authorities.

(Ord. 3675)

**9-210.6 NOTIFICATION.**

Notification is not required to be given for actions taken pursuant to this Chapter.

(Ord. 3675)

**9-210.7 ACTION BY DIRECTOR.**

The Director shall approve or deny the application based upon its consistency with established policies and standards.

(Ord. 3675)

**9-210.8 EFFECTIVE DATE OF ACTION.**

Action on any application, unless otherwise specified, shall be effective immediately.

(Ord. 3675)

**9-210.9 APPEALS.**

An action pursuant to this Chapter may not be appealed.

(Ord. 3675)

**9-210.10 TIME LIMIT ON APPROVALS.**

Unless otherwise specified, approved applications shall lapse and become void eighteen (18) months after the effective date of approval if any of the following occur:

(a) **Standard Requirements.** A standard requirement of approval has not been complied with;

(b) **Building-Related Permits.** A required building, electrical, plumbing, or mechanical permit that has been secured has lapsed and become void; or

(c) **Other Permits.** A required permit that has been secured from any other public agency has lapsed and become void.

(Ord. 3675)

**9-210.11 VIOLATION OF PERMITS.**

Violation of permits approved under the provisions of this Chapter shall be subject to the enforcement procedures beginning with Chapter 9-1900.

(Ord. 3675)

**9-210.12 NONACCEPTANCE OF APPLICATIONS.**

An application submitted under the Staff Review Procedure by an applicant may not be accepted for processing unless the applicant has fully paid for the cost of any outstanding payments due to the Community Development Department by the applicant.

(Ord. 3832 § 4, 1995)

**CHAPTER 9-215**

**STAFF REVIEW WITH NOTICE PROCEDURE**

**Sections:**

- 9-215.1 Intent.**
- 9-215.2 General Process.**
- 9-215.3 Preapplication Conference.**
- 9-215.4 Application Filing Requirements.**
- 9-215.5 Completeness of Applications.**
- 9-215.6 Concurrent Processing of Applications.**
- 9-215.7 Supplemental Guidelines, Standards, and Criteria.**
- 9-215.8 Notification.**
- 9-215.9 Action by Director.**
- 9-215.10 Action by Planning Commission.**
- 9-215.11 Effective Date of Action.**
- 9-215.12 Appeals.**
- 9-215.13 Review by the Board of Supervisors.**
- 9-215.14 Time Limit on Approvals.**
- 9-215.15 One Year Wait on Denials.**
- 9-215.16 Alteration of Permits.**
- 9-215.17 Revocation of Permits.**
- 9-215.18 Nonacceptance of Applications.**

**9-215.1 INTENT.**

The intent of this Chapter is to specify the procedure to be followed for those applications requiring the use of the Staff Review With Notice Procedure.  
(Ord. 3675)

**9-215.2 GENERAL PROCESS.**

Notification shall be made as provided in this Chapter. The Director shall review the application to determine its consistency with established policies, standards, and required findings. The Director shall approve, conditionally approve, or deny the application based on the results of that review.  
(Ord. 3675)

**9-215.3 PREAPPLICATION CONFERENCE.**

At the discretion of the Director, a preapplication conference may be required. The purpose of such a conference shall be to insure that the applicant is aware of issues and requirements related to the project. Other departments and public agencies may be invited to attend a preapplication conference. When a preapplication conference is required by the Director, no application may

be accepted until the conference is considered complete by the Director.  
(Ord. 3675)

**9-215.4 APPLICATION FILING REQUIREMENTS.**

Applications shall be filed with the Community Development Department on forms provided by that Department and shall, at a minimum, contain the following:

- (a) **Name and Address.** The name, address, and signature of the applicant and, for privately initiated applications, the name, address, and signature of the property owner;
- (b) **Other Documents.** Other documents, drawings, and plans as required by the Director; and
- (c) **Fee.** A fee, as provided by resolution of the Board of Supervisors.  
(Ord. 3675)

**9-215.5 COMPLETENESS OF APPLICATIONS.**

The completeness of applications shall be determined pursuant to this Section.

(a) **Initial Determination.** Within thirty (30) calendar days after an application has been received, the Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant. If the written determination is not made within thirty (30) days after receipt of the application, the application shall be deemed complete.

(b) **Procedure If Not Complete.** If the application is determined not to be complete, the following procedure shall be followed:

- (1) The Director shall specify in writing those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application;
- (2) The applicant shall submit materials to the Director in response to the list and description specified in Subsection (b) (1);
- (3) Within thirty (30) calendar days after receipt of the submitted materials, the Director shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within the thirty (30) day period, the application together with the submitted material shall be deemed complete; and
- (4) If the applicant has not submitted all required materials to the Director within thirty (30) calendar days after the written determination that the application is not complete has been transmitted to the applicant,



the application shall be considered withdrawn. The Director may extend the thirty (30) day period if he or she determines that the applicant is diligently attempting to provide all required materials.

(c) **Appeal Procedure for Applications Deemed Not Complete.** If the application together with the submitted materials are determined not to be complete, the applicant may appeal that decision to the Planning Commission in accordance with the appeal procedure specified in Section 9-215.12.

(1) A final written determination on the appeal shall be made not later than sixty (60) calendar days after receipt of the applicant's written appeal;

(2) If the final written determination on the appeal is not made within the sixty (60) day period noted in Subsection (c)(1), the application with the submitted materials shall be deemed complete.

(Ord. 3675)

#### 9-215.6 CONCURRENT PROCESSING OF APPLICATIONS.

If a proposed project requires more than one (1) application under the provisions of this Title, the applications may be filed at the same time and processed concurrently. If more than one Review Authority is involved, the Director shall determine the sequence for action by the Review Authorities.

(Ord. 3675)

#### 9-215.7 SUPPLEMENTAL GUIDELINES, STANDARDS, AND CRITERIA.

In addition to the standards and findings set forth in this Title, the Community Development Department may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

(Ord. 3675)

#### 9-215.8 NOTIFICATION.

Notification of applications shall be given in accordance with the provisions of this Section.

(a) **Owner.** Notice of the application shall be mailed to the owner of the subject real property, or the owner's duly authorized agent, and to the project applicant.

(b) **Local Agencies.** Notice of the application shall be mailed to each local agency expected to provide water, sewage disposal, streets, roads, schools, parks, or other essential facilities or services to the project.

(c) **Other Landowners.** Depending on the General Plan designation of the property involved, a notice of the application shall be mailed to all owners of real property as shown on the latest tax rolls, as follows:

(1) In agricultural and conservation areas, all owners of property within fourteen hundred (1,400) feet of the perimeter of the property. However, property owners of no more than five (5) parcels in any direction need be notified, provided all owners within three hundred (300) feet are notified;

(2) In rural residential and very low density residential areas, all owners of property within seven hundred (700) feet of the perimeter of the property. However, property owners of no more than five (5) parcels in any direction need be notified, provided all owners within three hundred (300) feet are notified; and

(3) In all other areas, all property owners within three hundred and fifty (350) feet of the perimeter of the property.

(d) **Large Numbers of Landowners.** In the event the number of owners to whom notice would be sent pursuant to Subsection (c) is greater than one thousand (1,000), alternative notice may be given in the form of a one eighth (1/8) page or larger display advertisement placed in a newspaper of general circulation in the affected area.

(e) **Interested Parties.** Notice of the application shall be mailed to any person who has filed a written request for notice with the Community Development Department.

(f) **State Law.** Additional notification shall be given as required by state law.

(g) **Additional.** Additional notification may be given as deemed necessary by the Director.

(h) **Mailing.** Notice of the application shall be given by United States Mail and shall be mailed at least ten (10) calendar days prior to any action on the application. (Ord. 3675)

#### 9-215.9 ACTION BY DIRECTOR.

The Director shall decide to rule on the application or refer the application to the Planning Commission based on the response from notifications, the importance of the issue in carrying out the General Plan, the cumulative effect of similar applications, policy guidance previously received from the Planning Commission or Board of Supervisors, and the possibility that the decision may set a precedent for future decisions. If the Director does not refer the application to the Planning Commission, he or she shall approve, conditionally approve, or deny the application.

(Ord. 3675)

#### 9-215.10 ACTION BY PLANNING COMMISSION.

The Planning Commission shall hold a hearing on any

application referred to it pursuant to Section 9-215.9. Notice of the hearing shall be provided to those parties listed in Section 9-215.8. An applicant, an applicant's representative, or any interested party may make a presentation about the application.  
(Ord. 3675)

**9-215.11 EFFECTIVE DATE OF ACTION.**

Action on any application, unless otherwise specified, shall be effective upon expiration of the appeal period.  
(Ord. 3675)

**9-215.12 APPEALS.**

An action pursuant to this Chapter may be appealed in accordance with the provisions of this Section.

(a) **Appeal Period.** Unless otherwise specified, appeals shall be filed within ten (10) days of the date of action, and if filed, shall stay any further action on the permit until finally resolved. If the end of the appeal period falls on a nonbusiness day, the appeal period shall be extended to include the next business day.

(b) **Who May Appeal.** Appeals may be filed only by one of the following:

- (1) The applicant or the applicant's representative;
- (2) A person who may be adversely affected by the decision or who has participated in the review process by submitting written or oral testimony on the application or by attending a public hearing on the application; or
- (3) A person who was prevented from participating in the review by circumstances beyond his or her control.

(c) **Appeal Bodies.** Unless otherwise specified by law, decisions made by the Director pursuant to this Chapter may be appealed to the Planning Commission. Planning Commission decisions may be appealed to the Board of Supervisors.

(d) **Contents of Appeal.** All appeals shall be filed with the Community Development Department on forms provided by that Department. The appeal shall include, at a minimum, the following:

- (1) A written statement specifying the basis of the appeal by citing the specific abuse of discretion by the Review Authority; and
- (2) A fee, as specified by resolution of the Board of Supervisors.

(e) **Scope of Appeal.** The appeal body shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify

the appealed action based upon its interpretation of the findings required and the evidence submitted.  
(Ord. 3675)

**9-215.13 REVIEW BY THE BOARD OF SUPERVISORS.**

The Board of Supervisors may call up for review any decision of the Planning Commission or Planning Director made pursuant to this Chapter. The decision to call up for review shall occur prior to the effective date of the action and shall follow the same procedures as an appealed decision.  
(Ord. 3675)

**9-215.14 TIME LIMIT ON APPROVALS.**

Unless otherwise specified, approved applications shall lapse and become void eighteen (18) months after the effective date of approval if any of the following occur:

(a) **Requirements or Conditions.** A standard requirement or condition of approval has not been complied with;

(b) **Building-Related Permits.** A required building, electrical, plumbing, or mechanical permit that has been secured has lapsed and become void; or

(c) **Other Permits.** A required permit that has been secured from any other public agency has lapsed and become void.  
(Ord. 3675)

**9-215.15 ONE YEAR WAIT ON DENIALS.**

No application may be accepted if a similar application has been finally denied during the immediately preceding one (1) year period. For the purposes of this Section, "similar application" shall mean an application under the same regulation applicable to the same property. This Section shall not apply to applications denied without prejudice, which can be resubmitted within one (1) year upon payment of a fee as set forth by resolution of the Board of Supervisors.  
(Ord. 3675)

**9-215.16 ALTERATION OF PERMITS.**

A permit approved under the provisions of this Chapter may be altered pursuant to Chapter 9-225.  
(Ord. 3675)

**9-215.17 REVOCATION OF PERMITS.**

A permit approved under the provisions of this Chapter may be revoked pursuant to Chapter 9-230.  
(Ord. 3675)

**9-215.18 NONACCEPTANCE OF APPLICATIONS.**

An application submitted under the Staff Review With Notice Procedure by an applicant may not be accepted for processing unless the applicant has fully paid for the cost of any outstanding payments due to the Community Development Department by the applicant.  
(Ord. 3832 § 5, 1995)

**CHAPTER 9-220**

**PUBLIC HEARING REVIEW PROCEDURE**

**Sections:**

9-220.1	<b>Intent.</b>
9-220.2	<b>General Provisions.</b>
9-220.3	<b>Preapplication Conference.</b>
9-220.4	<b>Application Filing Requirements.</b>
9-220.5	<b>Completeness of Applications.</b>
9-220.6	<b>Concurrent Processing of Applications.</b>
9-220.7	<b>Supplemental Guidelines, Standards, and Criteria.</b>
9-220.8	<b>Notification.</b>
9-220.9	<b>Action by Planning Commission.</b>
9-220.10	<b>Effective Date of Action.</b>
9-220.11	<b>Appeals.</b>
9-220.12	<b>Review by the Board of Supervisors.</b>
9-220.13	<b>Time Limit on Approvals.</b>
9-220.14	<b>One Year Wait on Denials.</b>
9-220.15	<b>Alteration of Permits.</b>
9-220.16	<b>Revocation of Permits.</b>
9-220.17	<b>Nonacceptance of Applications.</b>

**9-220.1 INTENT.**

The intent of this Chapter is to specify the procedure to be followed for those applications requiring the use of the Public Hearing Review Procedure.  
(Ord. 3675)

**9-220.2 GENERAL PROVISIONS.**

The following general provisions shall apply to the Public Hearing Review Procedure:

(a) **Planning Commission Review.** The Planning Commission shall conduct a public hearing with notification for the purpose of receiving oral and written evidence relative to the application. This evidence shall be reviewed to determine if the application is consistent with existing policies, standards, and required findings. The Planning Commission shall approve, conditionally approve, recommend approval, or deny the application based on the results of this review.

(b) **Minimum Requirements.** The requirements specified herein are considered minimum and may be expanded or modified by specific application requirements.

(Ord. 3675)

**9-220.3 PREAPPLICATION CONFERENCE.**

At the discretion of the Director, a preapplication conference may be required. The purpose of such a conference shall be to insure that the applicant is aware of issues and requirements related to the project. Other departments and public agencies may be invited to attend a preapplication conference. When a preapplication conference is required by the Director, no application may be accepted until the conference is considered complete by the Director.

(Ord. 3675)

**9-220.4 APPLICATION FILING REQUIREMENTS.**

Applications shall be filed with the Community Development Department on forms provided by that Department and shall, at a minimum, contain the following:

(a) **Name and Address.** The name, address, and signature of the applicant and, for privately initiated, property-specific applications, the name, address, and signature of the property owner;

(b) **Other Documents.** Other documents, drawings, and plans as required by the Director; and

(c) **Fee.** A fee, as provided by resolution of the Board of Supervisors.

(Ord. 3675, 3715)

**9-220.5 COMPLETENESS OF APPLICATIONS.**

Completeness of applications shall be determined as follows:

(a) **Initial Determination.** Within thirty (30) calendar days after an application has been received, the Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant. If the written determination is not made within thirty (30) days after receipt of the application, the application shall be deemed complete.

(b) **Procedure If Not Complete.** If the application is determined not to be complete, the following procedure shall be followed:

(1) The Director shall specify in writing those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application;

(2) The applicant shall submit materials to the Director in response to the list and description specified in Subsection (b) (1);

(3) Within thirty (30) calendar days after receipt of the submitted materials, the Director shall determine in writing whether they are complete and shall

immediately transmit that determination to the applicant. If the written determination is not made within the thirty (30) day period, the application together with the submitted material shall be deemed complete; and

(4) If the applicant has not submitted all required materials to the Director within thirty (30) calendar days after the written determination that the application is not complete has been transmitted to the applicant, the application shall be considered withdrawn. The Director may extend the thirty (30) day period if he or she determines that the applicant is diligently attempting to provide all required materials.

(c) **Appeal Procedure for Applications Deemed Not Complete.** If the application together with the submitted materials are determined not to be complete, the applicant may appeal that decision to the Planning Commission in accordance with the appeal procedure specified in Section 9-220.11.

(1) A final written determination on the appeal shall be made not later than sixty (60) calendar days after receipt of the applicant's written appeal;

(2) If the final written determination on the appeal is not made within the sixty (60) day period noted in subsection (c)(1), the application with the submitted materials shall be deemed complete.

(Ord. 3675)

**9-220.6 CONCURRENT PROCESSING OF APPLICATIONS.**

If a proposed project requires more than one (1) application under the provisions of this Title, the applications may be filed at the same time and processed concurrently. If more than one Review Authority is involved, the Director shall determine the sequence for action by the Review Authorities.

(Ord. 3675)

**9-220.7 SUPPLEMENTAL GUIDELINES, STANDARDS, AND CRITERIA.**

In addition to the standards and findings set forth in this Title, the Community Development Department may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

(Ord. 3675)

**9-220.8 NOTIFICATION.**

Notification shall be given in accordance with the provisions of this Section.

(a) **Owner.** For property-specific applications only, notice of the hearing shall be mailed to the owner of the

subject real property or the owner's duly authorized agent and to the project applicant.

(b) **Local Agencies.** For property-specific applications only, notice of the hearing shall be mailed to each local agency expected to provide water, sewage disposal, streets, roads, schools, parks, or other essential facilities or services to the project.

(c) **Other Landowners.** Depending on the General Plan designation of the property involved, a notice of the hearing, for property-specific applications only, shall be mailed to all owners of real property as shown on the latest tax rolls, as follows:

(1) In agricultural and conservation areas, and in freeway service and industrial areas outside of communities, all owners of property within fourteen hundred (1,400) feet of the perimeter of the property. However, property owners of no more than five (5) parcels in any direction need to be notified, provided all owners within three hundred (300) feet are notified;

(2) In rural residential and very low density residential areas, all owners of property within seven hundred (700) feet of the perimeter of the property. However, property owners of no more than five (5) parcels in any direction need to be notified, provided all owners within three hundred (300) feet are notified; and

(3) In all other areas, all property owners within three hundred fifty (350) feet of the perimeter of the property.

(d) **Large Numbers of Landowners.** In the event the number of owners to whom notice would be sent pursuant to Subsection (c) is greater than one thousand (1,000), alternative notice may be given in the form of a one eighth (1/8) page or larger display advertisement placed in a newspaper of general circulation in the affected area.

(e) **Interested Parties.** Notice of the hearing shall be mailed to any person who has filed a written request for notice with the Community Development Department.

(f) **State Law.** Additional notification shall be given as required by State law.

(g) **Additional.** Additional notification may be given as deemed necessary by the Director.

(h) **Mailing.** Notice of the hearing shall be sent by United States Mail at least ten (10) calendar days prior to any public hearing or final action on an application. (Ord. 3675, 3715)

#### 9-220.9 ACTION BY PLANNING COMMISSION.

The Planning Commission shall hold a public hearing on the application. An applicant, an applicant's represen-

tative, or any interested party may make a presentation on the application.

(Ord. 3675)

#### 9-220.10 EFFECTIVE DATE OF ACTION.

Action on any application, unless otherwise specified, shall be effective upon expiration of the appeal period.

(Ord. 3675)

#### 9-220.11 APPEALS.

An action pursuant to this Chapter may be appealed in accordance with the provisions of this Section.

(a) **Appeal Period.** Unless otherwise specified, appeals shall be filed within ten (10) days of the date of action, and if filed, shall stay any further action on the permit until final resolution of the appeal. If the end of the appeal period falls on a nonbusiness day, the appeal period shall be extended to include the next business day.

(b) **Who Can Appeal.** Appeals may be filed only by one of the following:

(1) The applicant or the applicant's representative;

(2) A person who may be adversely affected by the decision or who has participated in the review process by submitting written or oral testimony on the application or by attending a public hearing on the application; or

(3) A person who was prevented from participating in the review by circumstances beyond his or her control.

(c) **Appeal Body.** Unless otherwise specified by law, appeals of decisions made pursuant to this Chapter may be appealed to the Board of Supervisors.

(d) **Contents of Appeal.** All appeals shall be filed with the Community Development Department on forms provided by that Department. The appeal shall include, at a minimum, the following:

(1) A written statement specifying the basis of the appeal by citing the specific abuse of discretion by the Review Authority; and

(2) A fee, as specified by resolution of the Board of Supervisors.

(e) **Scope of Appeal.** The appeal body shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the findings required and the evidence submitted.

(f) **Final Decision.** The decision of the Board of Supervisors on an appeal from the Planning Commission shall be effective immediately.

(Ord. 3675)

**9-220.12 REVIEW BY THE BOARD OF SUPERVISORS.**

The Board of Supervisors may call up for review any decision of the Planning Commission made pursuant to this Chapter. The decision to call up for review shall occur prior to the effective date of the action and shall follow the same procedures as an appealed decision. (Ord. 3675)

cost of any outstanding payments due to the Community Development Department by the applicant. (Ord. 3832 § 6, 1995)

**9-220.13 TIME LIMIT ON APPROVALS.**

Unless otherwise specified, approved applications for nonlegislative actions shall lapse and become void eighteen (18) months after the effective date of approval if any of the following occur:

- (a) **Requirements or Conditions.** A standard requirement or condition of approval has not been complied with;
  - (b) **Building-Related Permits.** A required building, electrical, plumbing, or mechanical permit that has been secured has lapsed and become void; and
  - (c) **Other Permits.** A required permit that has been secured from any other public agency has lapsed and become void.
- (Ord. 3675, 3715)

**9-220.14 ONE YEAR WAIT ON DENIALS.**

No application may be accepted if a similar application has been finally denied during the immediately preceding one (1) year period. For the purposes of this Section, "similar application" shall mean an application under the same regulation applicable to the same property. This Section shall not apply to applications denied without prejudice, which may be refiled within one (1) year upon payment of a fee as set forth by resolution of the Board of Supervisors. (Ord. 3675)

**9-220.15 ALTERATION OF PERMITS.**

A permit approved under the provisions of this Chapter may be altered pursuant to Chapter 9-225. (Ord. 3675)

**9-220.16 REVOCATION OF PERMITS.**

A permit approved under the provisions of this Chapter may be revoked pursuant to Chapter 9-230. (Ord. 3675)

**9-220.17 NONACCEPTANCE OF APPLICATIONS.**

An application submitted under the Public Hearing Review Procedure by an applicant may not be accepted for processing unless the applicant has fully paid for the

**CHAPTER 9-225****ALTERATION PROCEDURE****Sections:**

- 9-225.1 Intent.**  
**9-225.2 Application for Alteration of a Permit.**

**9-225.1 INTENT.**

The intent of this Chapter is to provide a process for the alteration of any permit granted under this Title. The revocation or modification of a permit for cause shall comply with the provisions of Chapter 9-230. (Ord. 3675)

**9-225.2 APPLICATION FOR ALTERATION OF A PERMIT.**

Any person holding a permit granted under this Title may apply for an alteration by following the same procedure required for the initial application for the permit. For the purpose of this Section, the alteration of a permit may include modification of the terms of the permit itself or the waiver or alteration of conditions imposed incidentally to the granting of the permit. (Ord. 3675)

**CHAPTER 9-230****REVOCAION PROCEDURE****Sections:**

- 9-230.1 Intent.**  
**9-230.2 Automatic Revocation.**  
**9-230.3 Initiation of Action.**  
**9-230.4 Grounds for Revocation or Modification.**  
**9-230.5 Public Hearing Required.**  
**9-230.6 Action by Planning Commission or Board.**  
**9-230.7 Cumulative Rights.**

**9-230.1 INTENT.**

The intent of this Chapter is to provide a process whereby the County can take action to revoke or modify, for cause, any development approval granted under this Title. A change to a development approval requested by the permit holder shall be processed pursuant to Chapter 9-225, Alteration Procedure. (Ord. 3675)

**9-230.2 AUTOMATIC REVOCATION.**

A development approval that has been granted or modified subject to one (1) or more conditions, shall cease to be valid, and all rights or privileges that were granted shall lapse, even if other provisions in the Title are to the contrary, if any final judgment of a court of competent jurisdiction declares that one (1) or more of the conditions are void or ineffective, or if the enforcement or operation of one (1) or more of the conditions are enjoined or otherwise prohibited. (Ord. 3675)

**9-230.3 INITIATION OF ACTION.**

Actions to revoke or modify development approvals may be initiated as follows:

(a) **By Planning Commission.** The Planning Commission may initiate an action to revoke or modify any development approval which it has granted, extended, or modified;

(b) **By Board of Supervisors.** The Board of Supervisors may initiate an action to revoke or modify any development approval. Action by the Planning Commission shall not be a prerequisite to action by the Board. (Ord. 3675)

**9-230.4 GROUND FOR REVOCATION OR MODIFICATION.**

A development approval may be revoked or modified pursuant to the provisions of this Chapter upon a finding of any one (1) or more of the following grounds:

- (a) **Fraud.** That such development approval was obtained or extended by fraud;
- (b) **Violation of Condition.** That one (1) or more of the conditions upon which such development approval was granted have been violated; or
- (c) **Adverse Impacts.** That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance. (Ord. 3675)

**9-230.5 PUBLIC HEARING REQUIRED.**

All actions to reduce or modify development approvals initiated under the provisions of this Chapter shall be conducted pursuant to the Public Hearing Review Procedure set forth in Chapter 9-220. (Ord. 3675)

**9-230.6 ACTION BY PLANNING COMMISSION OR BOARD.**

Upon the conclusion of the public hearing, the Planning Commission or Board of Supervisors may, on the basis of the evidence presented at the hearing, make a finding on any one or more of the grounds listed in Section 9-230.4 and take action to revoke or modify the development application. Decisions of the Planning Commission shall be final unless appealed to the Board of Supervisors pursuant to Chapter 9-220. Decisions of the Board shall be final. (Ord. 3675)

**9-230.7 CUMULATIVE RIGHTS.**

The County's right to revoke a development approval, as provided by this Chapter, shall be cumulative to any other remedy allowed by law. (Ord. 3675)

**CHAPTER 9-235**

**NONCONFORMITY PROVISIONS\***

**Sections:**

- 9-235.1 Intent.**
- 9-235.2 Finding of Incompatibility.**
- 9-235.3 Nonconforming Use.**
- 9-235.4 Nonconforming Structure.**
- 9-235.5 Historic Buildings, Structures, or Sites.**
- 9-235.6 Repairs Necessary to Protect Health and Safety.**
- 9-235.7 Requirements for Obtaining Status as a Nonconforming Use.**

\* Prior ordinance history: Ords. 3675, 3697, 3703 and 3715.

**9-235.1 INTENT.**

The intent of this Chapter is to regulate structures and uses which were legal when brought into existence, but which no longer comply with the provisions of this Title. The additional intent of this Chapter is to permit those nonconformities to continue until they are removed or required to be terminated, but not to encourage their continuance. (Ord. 3756)

**9-235.2 FINDING OF INCOMPATIBILITY.**

Nonconforming uses and structures are declared to be incompatible with permitted uses, structures, and standards in the zones involved. They shall not be enlarged upon, expanded, extended, or replaced, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone, except as expressly permitted in this Chapter. (Ord. 3756)

**9-235.3 NONCONFORMING USE.**

A nonconforming use shall be subject to the provisions of this Section.

(a) **Continuation.** A nonconforming use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (1) If the nonconforming use is not conducted within a structure but on land only, such use shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of this Chapter;
- (2) If the nonconforming use is conducted wholly or partially within a structure, the structure devot-



ed to the nonconforming use may be enlarged, extended, or remodeled, subject to Site Approval; and

(3) If the nonconforming use is superseded by a conforming use, or if the nonconforming use ceases for any reason for a period of more than twelve (12) consecutive calendar months, any subsequent use shall conform to the requirements of this Title for the zone in which it is located and the nonconforming use may not thereafter be resumed.

(b) **Adding New Uses.** When a nonconforming use exists on any lot, no new use shall be established or built on such lot unless the new use conforms to the requirements of this Title for the zone in which the lot is located.

(c) **Change to Another Nonconforming Use.** A nonconforming use not conducted within a structure but on land only, shall not be changed to another nonconforming use. A nonconforming use conducted at least partially within a structure may be changed to another nonconforming use within said structure, subject to the following:

(1) If the nonconforming use is changed to another use classified within the same use type and the Director determines that additional off-street parking and loading space is not needed by said change, no development application shall be required.

(2) A Site Approval pursuant to the procedures set forth in Chapter 9-818 shall be required for all changes other than those described in Subsection (c)(1) above.

(3) A change shall be allowed only if the Review Authority finds that the proposed use is less detrimental to, or will have no greater impact in, the zone than the existing nonconforming use. In permitting such change, the Review Authority may require conditions and safeguards and an amortization period for the new use.

(4) When a nonconforming use is replaced by a less detrimental nonconforming use, the occupancy may not thereafter revert to a more detrimental use.

(d) **Replacement of a Structure Occupied by a Nonconforming Use.** A building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or natural disaster or the public enemy, may be restored, and the occupancy or use of such building, structure, or part thereof to the extent that it existed at the time of such damage or destruction, may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently pursued to completion. All restored structures must meet the requirements of Chapter 9-1605, Flood Hazards. (Ord. 3756)

#### 9-235.4 NONCONFORMING STRUCTURE.

A nonconforming structure shall be subject to the provisions of this Section.

(a) **Continuation.** A nonconforming structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

(1) Such structure may be remodeled or repaired, provided such action does not increase its nonconformity;

(2) Such structure may be added to or enlarged within the yard setback area provided such additions do not increase such nonconformity and provided the expansion does not increase the linear measurement of the portion of the building within the setback area by more than one hundred percent (100%). Expansions greater than one hundred percent (100%) require an approved Site Approval.

(3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located;

(b) **Adding New Structures.** When a nonconforming structure exists on any lot, no new structure shall be established or built on such land unless the new structure conforms to the requirements of this Title for the zone in which the lot is located.

(c) **Replacement of Nonconforming Structure.** Should a nonconforming structure be destroyed or damaged by fire, flood, wind, earthquake, or other calamity or natural disaster or the public enemy, it may be restored to the extent to which it existed at the time of the damage or destruction, provided that such restoration is started within a period of one (1) year and is diligently pursued to completion. All restored structures must meet the requirements of Chapter 9-1605, Flood Hazards. (Ord. 3756)

#### 9-235.5 HISTORIC BUILDINGS, STRUCTURES, OR SITES.

Notwithstanding any other provision of this Chapter, a building, structure, or site which is listed on the National Register of Historic Places or is registered as a State Historical Landmark or Point of Historical Interest shall be allowed to continue to exist and be repaired, restored, or reconstructed as long as it complies with federal and state regulations and statutes regarding historic buildings, structures, or sites.

(Ord. 3756)

#### 9-235.6 REPAIRS NECESSARY TO PROTECT HEALTH AND SAFETY.

Nothing in this Chapter shall be deemed to prevent the

strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any County or State official charged with protecting the public health or safety, upon order of such official. (Ord. 3756)

**9-235.7 REQUIREMENTS FOR OBTAINING STATUS AS A NONCONFORMING USE.**

A use that was established without obtaining required permits shall be deemed a nonconforming use only if all of the following conditions are satisfied:

(a) **Ordinance Requirements.** The use shall comply with all applicable ordinance requirements that would have been required at the time the use was established.

(1) The County shall consider such ordinance requirements as minimum requirements.

(2) If the County determines that said ordinance requirements are not adequate to protect public health, safety, and welfare, the County may impose additional requirements for this purpose as specified in this Title.

(b) **Permits.** The following permits shall be required:

(1) A Site Approval or other discretionary application shall be required for the use.

(2) Other permits that normally would have been required at the time the use was established shall be obtained.

(Ord. 3756)

**CHAPTER 9-240**

**FEES**

**Sections:**

- 9-240.1 Intent.
- 9-240.2 Fee Schedule.
- 9-240.3 Public Agencies.
- 9-240.4 Refunds.
- 9-240.5 Preapplication Conferences.
- 9-240.6 Notice of Preparation.
- 9-240.7 Schedule of Payments.
- 9-240.8 Enforcement Actions.
- 9-240.9 Concurrent Applications.
- 9-240.10 Time and Materials Fees.
- 9-240.11 Fees for Specialists.
- 9-240.12 Reinitiation of Withdrawn Applications.
- 9-240.13 Requests for Nonconforming Status.

**9-240.1 INTENT.**

The intent of this Chapter is to establish fees necessary to offset the County's cost to administer applications required by this Title.

(Ord. 3675)

**9-240.2 FEE SCHEDULE.**

The Board of Supervisors shall, by Resolution, adopt a fee schedule for the development applications required by this Title.

(Ord. 3675)

**9-240.3 PUBLIC AGENCIES.**

Fees shall be required, pursuant to this Chapter, of a municipal corporation, the State of California, political subdivisions of the State of California, or the United States of America.

(Ord. 3675)

**9-240.4 REFUNDS.**

All fees shall be nonrefundable except:

(a) **Lack of Jurisdiction.** Where the County does not have jurisdiction to act on an application, a one-hundred percent (100%) refund shall be given; or

(b) **Lack of Notification.** Where notification of the project is required and such notification has not been served, a refund, not to exceed fifty percent (50%), may be given.

(Ord. 3675)

**9-240.5 PREAPPLICATION CONFERENCES.**

The fee required for a Preapplication Conference shall be deducted from the fee for the final application. (Ord. 3675)

**9-240.6 NOTICE OF PREPARATION.**

The fee required for a Notice of Preparation shall be deducted from the Environmental Impact Report Fee. (Ord. 3675)

**9-240.7 SCHEDULE OF PAYMENTS.**

The fee required for a Specific Plan, Environmental Impact Report, or Monitoring and Reporting Plan may be paid by means of a schedule of payments agreed to by the Director and the applicant. (Ord. 3675)

**9-240.8 ENFORCEMENT ACTIONS.**

In addition to the fees specified in this code, the following penalty fees shall be required for projects subject to enforcement proceedings:

(a) Whenever an application is made to correct a violation where a citation has been issued, or two (2) weeks notice has been given, the cost of the application shall be two (2) times the application fee normally charged for the application, up to a maximum of five hundred dollars (\$500) over the application fee normally charged.

(b) Whenever a change of use or occupancy occurs within eighteen (18) months of its approval, and subsequent approval(s) as required by this Code have not been obtained, fees shall be nine (9) times the application fee(s) normally required to bring the use or occupancy into compliance with this Code. (Ord. 3675)

**9-240.9 CONCURRENT APPLICATIONS.**

Whenever more than one (1) legislative application type is required for a single project and the applications are processed concurrently, the total fee shall be the sum of the most expensive project application type plus one-half (1/2) the required fee(s) for any remaining project application type(s). (Ord. 3675)

**9-240.10 TIME AND MATERIALS FEES.**

At the discretion of the Director of Community Development Department or Director of Public Works, the fee for a project application may be based on the actual County cost of processing the application. The decision to use actual cost of processing shall be based on the extraordinary amount of staff time estimated to process the application. The decision must be made within thirty (30) business days after the application is declared complete. Actual cost shall include employee salaries and benefits, overhead, and materials. (Ord. 3675)

**9-240.11 FEES FOR SPECIALISTS.**

The County may use professional services as follows:

- (a) When special expertise is required,
- (b) To relieve workload peaks,
- (c) At the request of an applicant, or
- (d) For any other reason deemed appropriate by the Director.

The consultant shall be selected by the Director with the applicant being responsible for the cost of the professional services plus an administrative fee as set by resolution by the Board of Supervisors. (Ord. 3675, 3715)

**9-240.12 REINITIATION OF WITHDRAWN APPLICATIONS.**

At the discretion of the Director, an application that has been withdrawn may be reinitiated with no fee requirements if the following requirements are met:

- (a) **Substantially Same.** The new application is substantially the same as the withdrawn application;
- (b) **Processing.** Processing of the new application will generally proceed from the point the withdrawn application stopped;
- (c) **Elapsed Time.** Less than eighteen (18) months have elapsed since the application was withdrawn; and
- (d) **Consistency.** The application is consistent with current provisions of this Title. (Ord. 3675)

**9-240.13 REQUESTS FOR NONCONFORMING STATUS.**

The application processing fee for any permit required to enable an existing use to become a nonconforming use shall be the fee in effect at the time the application is filed plus fifteen percent (15%) of said fee.

(Ord. 3756)

**CHAPTER 9-245**

**REASONABLE ACCOMMODATION**

**Sections:**

- 9-245.1 Intent.**
- 9-245.2 Applicability.**
- 9-245.3 Procedure.**
- 9-245.4 Findings.**
- 9-245.5 Conditions of Approval.**
- 9-245.6 Appeals.**

**9-245.1 INTENT.**

The intent of this Chapter is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the federal Fair Housing Act and the California Fair Employment and Housing Act (Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

(Ord. No. 4471, §§ 1, 6, 7, 12-15-2015)

**9-245.2 APPLICABILITY.**

The following shall apply to any request for a reasonable accommodation:

(a) A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this Title or other County requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this Chapter, a "person with a disability" is any person who has a physical or mental impairment that limits or substantially limits one (1) or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment. This Chapter is intended to apply to those persons who are defined as disabled under the Acts.

(b) A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of his or her choice.

(c) A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.

(d) A reasonable accommodation may be granted in compliance with this Chapter without the need for the approval of a deviation or a variance.

(Ord. No. 4471, §§ 1, 6, 7, 12-15-2015)

**9-245.3 PROCEDURE.**

(a) A request for reasonable accommodation shall be submitted on an application form provided by the Community Development Department or in the form of a letter to the Director of the Community Development Department, and shall contain the following information:

- (1) The applicant's name, address, and telephone number;
- (2) Address and/or APN of the property for which the request is being made;
- (3) The current use of the property;
- (4) The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim;
- (5) The Development Title provision, regulation, or policy from which reasonable accommodation is being requested; and
- (6) Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

(b) If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection (a) of this section for concurrent review with the application for discretionary approval.

(c) A request for reasonable accommodation shall be reviewed by the Director of the Community Development Department (Director) or his/her designee, if no approval is sought other than the request for reasonable accommodation or for applications that do not

require a public hearing review. The Director or his/her designee shall make a written determination within forty-five (45) days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.

(d) A request for reasonable accommodation submitted for concurrent review with a discretionary land use application that requires a public hearing review shall be reviewed by the Planning Commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.

(Ord. No. 4471, §§ 1, 6, 7, 12-15-2015)

#### **9-245.4 FINDINGS.**

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

(a) The housing in the request will be used by a person with a disability under the Acts;

(b) The request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;

(c) The requested reasonable accommodation would not impose an undue financial, administrative, enforcement, or health and safety burden on the County;

(d) The requested reasonable accommodation would not conflict with the nature of a County program or law, including but not limited to land use and zoning;

(e) The impact on surrounding uses;

(f) The physical attributes of the property and structures; and

(g) Any other reasonable accommodations that may provide an equivalent level of benefit.

(Ord. No. 4471, §§ 1, 6, 7, 12-15-2015)

#### **9-245.5 CONDITIONS OF APPROVAL.**

In granting a request for reasonable accommodation, the Director or his/her designee, or the Planning Commission, as the case may be, may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. The conditions shall, also, state whether the accommodation granted shall be re-

moved in the event that the person for whom the accommodation was requested no longer resides on the site.

(Ord. No. 4471, §§ 1, 6, 7, 12-15-2015)

#### **9-245.6 APPEALS.**

An action pursuant to this Chapter may be appealed in accordance with the provisions stated in Section 9-215.12 Appeals of Staff Review With Notice or Section 9-220.11 Appeals of Public Hearing Review.

(Ord. No. 4471, §§ 1, 6, 7, 12-15-2015)

### DIVISION 3. RESIDENTIAL ZONES

#### CHAPTER 9-300

#### RESIDENTIAL ZONES: INTENT AND ORGANIZATION

##### Sections:

**9-300.1 Title and Intent.**

**9-300.2 Organization.**

##### 9-300.1 TITLE AND INTENT.

Division 3 constitutes the residential zones. The intent of this Division is to prescribe use, lot, and structure regulations for residential zones within San Joaquin County, consistent with the Community Development portion of the General Plan. The names and intents of the residential zones are as follows:

(a) **R-R Zone.** The Rural Residential (R-R) Zone is intended to provide for large lot rural homesites within or adjacent to existing rural communities. Lots will generally have sufficient area to allow for individual water supply, sewage disposal, and storm water drainage, but densities greater than one (1) dwelling unit per two (2) net acres shall require community water and drainage systems. Typically, areas in this zone will contain parcels too small to support significant commercial agriculture, yet suitable for residential use without undue detriment to the agricultural productivity of San Joaquin County. This zone is intended to implement the Rural Residential land-use category of the General Plan.

(b) **R-VL Zone.** The Very Low Density Residential (R-VL) Zone is intended as a transition from rural to urban areas allowing for detached, single-family dwellings on large lots located in areas with existing large lot development, within communities around sensitive natural resources, or on the urban fringes. This zone is intended to implement the Very Low Density Residential land-use category of the General Plan.

(c) **R-L Zone.** The Low Density Residential (R-L) Zone is intended to provide for neighborhoods consisting of detached, single-family residences, located within or immediately adjacent to population centers which are served by a public water supply, sanitary sewer system, and similar facilities and ser-

vices. This zone is intended to implement the Low Density Residential land-use category of the General Plan.

(d) **R-M Zone.** The Medium Density Residential (R-M) Zone is intended to accommodate detached single-family dwelling units, mobile homes, and attached units including duplexes, triplexes, and fourplexes in neighborhoods most appropriately situated as buffers between less and more intensively developed residential areas or as transitions from residential to commercial areas. The zone is intended to implement the Medium Density Residential land-use category of the General Plan.

(e) **R-MH Zone.** The Medium-High Density Residential (R-MH) Zone is intended to allow for attached housing units such as townhouses and garden apartments in central portions of urban communities, along major transportation routes, and around major commercial areas. This zone is intended to implement the Medium-High Density Residential land-use category of the General Plan.

(f) **R-H Zone.** The High Density Residential (R-H) Zone is intended to encompass housing such as apartments, condominiums, and other multifamily housing units, located near central business districts, major commercial areas, and major transportation routes, where hotels and motels may also be appropriate. This zone is intended to implement the High Density Residential land-use category of the General Plan. (Ord. 3675)

##### 9-300.2 ORGANIZATION.

Division 3 consists of the following chapters:

(a) 9-300 Residential Zones: Intent and Organization;

(b) 9-300 Residential Zones: Use Regulations;

(c) 9-310 Residential Zones: Lot and Structure Regulations; and

(d) 9-315 Residential Zones: Density Bonus.

(e) 9-320 Residential Zones: Single-Room Occupancy

(Ord. 3675; Ord. No. 4471, § 8, 12-15-2015)

## CHAPTER 9-305

### RESIDENTIAL ZONES: USE REGULATIONS

#### Sections:

- 9-305.1** Intent.  
**9-305.2** Permitted Use Types.  
**9-305.3** Expansion of Uses and Structures.  
**9-305.4** Accessory Uses and Structures.  
**9-305.5** Temporary Uses and Structures.  
**9-305.6** Special Use Regulations.

#### Tables:

- 9-305.2** Uses in Residential Zones.  
**9-305.3** Accessory Uses & Structures in Residential Zones.  
**9-305.4** Temporary Uses & Structures in Residential Zones.

#### **9-305.1 INTENT.**

The intent of this Chapter is to specify the range of uses and structures allowed in the residential zones, consistent with the policies and principles of the General Plan.

(Ord. 3675)

#### **9-305.2 PERMITTED USE TYPES.**

Permitted, not permitted, and conditionally permitted use types are set forth in Table 9-305.2. Use types are described in Chapter 9-115.

(Ord. 3675)

#### **9-305.3 EXPANSION OF USES AND STRUCTURES.**

Uses or structures that require discretionary review, may be expanded with an Improvement Plan, provided the following conditions are met:

(a) The proposed expansion of a structure involves less than a twenty-five percent (25%) increase in floor area covered by the existing use; and

(b) The proposed expansion involves less than a ten percent (10%) increase in the overall site area covered by the existing use; and

(c) The proposed expansion, in the opinion of the Director, will not have a substantial, adverse effect on adjacent property; and

(d) The proposed expansion will comply with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency; or

(e) Where conditions in Subsections (a) through (d) of this Section are not met, the level of review for the expansion shall be the same as the level of review required in Table 9-305.2.

(Ord. 3675; Ord. 3872, § 16, 1996)

#### **9-305.4 ACCESSORY USES AND STRUCTURES.**

Accessory uses and structures permitted, not permitted, and conditionally permitted are set forth in Table 9-305.3. Accessory uses and structures not specifically listed in Table 9-305.3 may be allowed by the Director, subject to approval of an Improvement Plan pursuant to Chapter 9-884 or a discretionary application as specified by the Director.

(Ord. 3938, § 2, 1997)

#### **9-305.5 TEMPORARY USES AND STRUCTURES.**

Permitted, not permitted, and conditionally permitted temporary uses and structures are set forth in Table 9-305.4. Temporary uses or structures not specifically listed in Table 9-305.4 may be allowed, subject to approval of an Improvement Plan pursuant to Chapter 9-884.

(Ord. 3675; 3739; Ord. 3938, § 3, 1997)

#### **9-305.6 SPECIAL USE REGULATIONS.**

In addition to the provisions of Section 9-305.2 through Section 9-305.5, the following special regulations shall apply to those uses or use types specified below:

(a) **Education Animal Project.** In the Rural Residential (R-R) and Very Low Density Residential (R-VL) zones, the number of animals that may be raised for an educational animal project shall not exceed the number permitted under the Family Food Production Use Type, as specified in Chapter 9-1045, and shall not include the raising of swine.

(b) **Trucks in Residential Zones.** No truck exceeding eleven thousand (11,000) pounds gross vehicle weight rating (GVWR), as defined in the California Vehicle Code, shall be parked or stored on private property in any area zoned for residential use and containing a primary dwelling unit.

(c) **Parking.** The Automotive Sales and Services-Parking Use Type may be permitted in Low Den-

sity Residential (R-L), Medium Density Residential (R-M), Medium-High Density Residential (R-MH) and High Density Residential (R-H) zones if adjacent to a commercial or industrial zone with an approved Use Permit.

(d) A maximum of eight (8) special outdoor events may be permitted with an approved site approval application in the Low Density Residential (R-L) and Medium Density Residential (R-M) zones.

(e) **Religious Assembly.** Regional uses shall have a minimum parcel size requirement of ten (10) acres.

(f) **Permit Type Required for Change in Existing Use.** Any change in an existing use to a new use which requires either a Use Permit, a Site Approval, or an Improvement Plan shall be permitted without a Use Permit, Site Approval, or Improvement Plan, provided the Review Authority finds that the proposed use is less detrimental to, or will have no greater impact in, the zone than the existing use.

(g) **Public Display of Fireworks.** An Improvement Plan shall be required for all public displays of fireworks and are subject to the following regulations:

(1) An improvement plan shall be approved a minimum of two (2) weeks prior to the proposed public display of fireworks. An approved Operational Fire permit shall be submitted with every Improvement Plan.

(2) All property owners of parcels adjacent to the parcel(s) approved by the Improvement Plan shall be notified of the details of the public display of fireworks which shall include the date of the event, time of event, and length of time for the fireworks display. The Community Development Department shall notify property owners in writing a minimum of one (1) week prior to the public display of fireworks date.

(3) The Community Development Department shall notify the appropriate Municipal Advisory Council in writing a minimum of one (1) week prior to the public display of fireworks date if a public display of fireworks is proposed on a parcel located within a Municipal Advisory Council district.

(Ord. 3697; Ord. 3832, § 8, 1995; Ord. 3891, § 1 (part), 1996; Ord. 3938, § 4, 1997; Ord. 4135, § 1, 2002; Ord. 4225, § 1 (part), 2004; Ord. 4247, § 1 (part), 2005; Ord. No. 4399, § 1, 9-14-2010; Ord. No. 4508, § 2, 6-6-2018)



TABLE 9-305.2 USES IN RESIDENTIAL ZONES

Legend: P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted						
Use Types	Residential Zones					
	R-R	R-VL	R-L	R-M	R-MH	R-H
<b>Residential Use Types</b>						
Family Residential						
Single-Family	P	P	P	P	P	P
Two-Family	-	-	-	P	P	P
Small Multi-Family	-	-	-	P	P	P
Large Multi-Family	-	-	-	S	S	S
Farm Employee Housing	-	-	-	-	-	-
Small	-	-	-	-	-	-
Large	-	-	-	-	-	-
Group Care						
Small	P	P	P	P	P	P
Large	U	U	U	U	U	U
Adult Day Care	-	-	U	U	U	U
Farm Related	-	-	-	-	-	-
Group Residential	-	-	S	S	S	S
Mobile Home Park	-	-	U	U	-	-
Emergency Shelters						
Small	P	P	P	P	P	P
Large	-	-	-	S	S	P
Single-Room Occupancy	-	-	-	-	-	P
<b>Nonresidential Use Types</b>						
Administrative Offices	-	-	-	-	S	S
Administrative Support Services	-	-	-	-	-	-
Adult Entertainment	-	-	-	-	-	-
Aerial Services		-	-	-	-	-
Farm	-	-	-	-	-	-
Heliport	-	-	-	-	-	-
Agricultural Organizations	-	-	-	-	-	-
Agricultural Processing						
Preparation Services	-	-	-	-	-	-
Food Manufacturing	-	-	-	-	-	-
Agricultural Sales						
Feed and Grain	-	-	-	-	-	-
Agricultural Chemicals	-	-	-	-	-	-
Agricultural Warehousing	-	-	-	-	-	-



TABLE 9-305.2: USES IN RESIDENTIAL ZONES						
<b>Legend:</b> <b>P Permitted Use, Except as Specified by Note</b> <b>PI Permitted Use With Improvement Plan, Except as Specified by Note</b> <b>QX Use Permitted Subject to Quarry Excavation Permit</b> <b>S Use Permitted Subject to Site Approval</b> <b>SP Use Permitted Subject to Special Purpose Plan</b> <b>U Use Permitted Subject to Use Permit</b> <b>- Use Not Permitted</b>						
Use Types	Residential Zones					
	R-R	R-VL	R-L	R-M	R-MH	R-H
Agricultural Wastes	-	-	-	-	-	-
Animal Feeding and Sales	-	-	-	-	-	-
Animal Raising						
Exotic Animals	-	-	-	-	-	-
General	-	-	-	-	-	-
Hogs	-	-	-	-	-	-
Small Animals	-	-	-	-	-	-
Family Food Production	P	P	-	-	-	-
Educational Animal Project	P	P	-	-	-	-
Zoo	-	-	-	-	-	-
Petting Zoo	-	-	-	-	-	-
Animal Specialty Services						
Farm	-	-	-	-	-	-
Pet	-	-	-	-	-	-
Kennels	-	-	-	-	-	-
Kennels, Small Breeding	-	-	-	-	-	-
Auction Sales						
Indoor	-	-	-	-	-	-
Outdoor	-	-	-	-	-	-
Automotive Sales and Services						
Automotive Rentals	-	-	-	-	-	-
Automotive Repairs, Light	-	-	-	-	-	-
Automotive Repairs, Heavy	-	-	-	-	-	-
Automotive Sales	-	-	-	-	-	-
Cleaning	-	-	-	-	-	-
Inoperable Vehicle Storage	-	-	-	-	-	-
Operable Vehicle Storage	-	-	-	-	-	-
Parking	-	-	U	U	U	U
Building Maintenance Services	-	-	-	-	-	-
Child Care Services						
Family Day Care Homes	P	P	P	P	P	P
Child Care Centers	U	U	U	U	U	U
Communication Services						
Type I	PI	PI	PI	PI	PI	PI
Type II	U	U	U	U	U	U
Type III	-	-	-	-	-	-

Table 9-305.2

TABLE 9-305.2: USES IN RESIDENTIAL ZONES						
<b>Legend:</b> P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted						
Use Types	Residential Zones					
	R-R	R-VL	R-L	R-M	R-MH	R-H
Type IV	-	-	-	-	-	-
Community Assembly	-	-	U	U	U	S
Construction Sales	-	-	-	-	-	-
Construction Services						
Light	-	-	-	-	-	-
Heavy	-	-	-	-	-	-
Crop Production	P	P	P	P	P	P
Cultural & Library Services	-	-	-	U	S	S
Custom Agricultural Manufacturing	-	-	-	-	-	-
Custom Manufacturing	-	-	-	-	-	-
Dairies	-	-	-	-	-	-
Eating Establishments						
Convenience	-	-	-	-	-	-
Full Service	-	-	-	-	-	-
Educational Services						
Commercial	-	-	-	-	-	-
General	U	U	U	U	U	U
Equipment Sales & Repair						
Farm Machinery, Sales	-	-	-	-	-	-
Farm Machinery, Repair	-	-	-	-	-	-
Heavy Equipment, Sales	-	-	-	-	-	-
Heavy Equipment, Repair	-	-	-	-	-	-
Leisure	-	-	-	-	-	-
Aircraft	-	-	-	-	-	-
Explosives Handling	-	-	-	-	-	-
Farm Services	-	-	-	-	-	-
Funeral & Interment Services						
Cemeteries	-	-	U	-	-	-
Interring & Cremating	-	-	-	-	-	-
Undertaking	-	-	-	-	-	-
Gasoline Sales						
Service	-	-	-	-	-	-
Combination	-	-	-	-	-	-
General Industrial						
Limited	-	-	-	-	-	-
Intermediate	-	-	-	-	-	-

TABLE 9-305.2: USES IN RESIDENTIAL ZONES						
<b>Legend:</b> <b>P Permitted Use, Except as Specified by Note</b> <b>PI Permitted Use With Improvement Plan, Except as Specified by Note</b> <b>QX Use Permitted Subject to Quarry Excavation Permit</b> <b>S Use Permitted Subject to Site Approval</b> <b>SP Use Permitted Subject to Special Purpose Plan</b> <b>U Use Permitted Subject to Use Permit</b> <b>- Use Not Permitted</b>						
Use Types	Residential Zones					
	R-R	R-VL	R-L	R-M	R-MH	R-H
Heavy	-	-	-	-	-	-
Hazardous Industrial	-	-	-	-	-	-
High Technology Industry	-	-	-	-	-	-
Laundry Services	-	-	-	-	-	-
Liquor Sales						
On-Premises	-	-	-	-	-	-
Off-Premises	-	-	-	-	-	-
Lodging Services						
Bed & Breakfast	U	U	U	S	S	S
Motel	-	-	-	-	-	-
Major Impact Services	-	-	-	-	-	-
Medical Services	-	-	-	-	U	U
Nursery Sales & Services						
Wholesale	-	-	-	-	-	-
Retail	-	-	-	-	-	-
Landscaping Services	-	-	-	-	-	-
Personal Storage	-	-	-	-	-	-
Petroleum & Gas Extraction	U	U	U	U	U	U
Produce Sales						
Produce Stand	-	-	-	-	-	-
Agricultural Store, Small	-	-	-	-	-	-
Agricultural Store, Large	-	-	-	-	-	-
Professional Services	-	-	-	-	U	U
Public Services						
Administrative	-	-	-	-	-	U
Essential	U	U	U	U	U	U
Quarry Operations	-	-	-	-	-	-
Recreation						
Campgrounds	-	-	-	-	-	-
Indoor Participant	-	-	-	-	-	-
Indoor Spectator	-	-	-	-	-	-
Marinas	-	-	-	-	-	-
Outdoor Entertainment	-	-	-	-	-	-
Outdoor Sports Clubs	-	-	-	-	-	-
Parks	S	S	S	S	S	S
Resorts	-	-	-	-	-	-

Table 9-305.2

TABLE 9-305.2: USES IN RESIDENTIAL ZONES						
<b>Legend:</b> P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted						
Use Types	Residential Zones					
	R-R	R-VL	R-L	R-M	R-MH	R-H
Recycling Services						
Consumer	-	-	-	-	-	-
Scrap Operations	-	-	-	-	-	-
Limited Agricultural Recycling	-	-	-	-	-	-
Religious Assembly						
Neighborhood	S	S	S	S	S	S
Community	U	U	U	U	U	U
Regional	U	U	U	U	U	U
Research & Laboratory Services	-	-	-	-	-	-
Retail Sales & Services						
Primary	-	-	-	-	-	-
Intermediate	-	-	-	-	-	-
General	-	-	-	-	-	-
Signs, Off-Premises	-	-	-	-	-	-
Stables						
Neighborhood	U	U	-	-	-	-
Commercial	-	-	-	-	-	-
Transportation Services	-	-	-	-	-	-
Truck Sales and Services						
Parking	-	-	-	-	-	-
Cleaning	-	-	-	-	-	-
Stops	-	-	-	-	-	-
Repairs	-	-	-	-	-	-
Sales	-	-	-	-	-	-
Terminals	-	-	-	-	-	-
LNG Truck Fueling Stations	-	-	-	-	-	-
Utility Services						
Minor	P	P	P	P	P	P
Major	-	-	-	-	-	-
Veterans Organizations	-	-	U	U	U	S
Water Storage	-	-	-	-	-	-
Wholesaling & Distribution						
Light	-	-	-	-	-	-
Heavy	-	-	-	-	-	-
Wineries and Wine Cellars						
Wine Cellar, Off-Site	-	-	-	-	-	-

<b>Legend:</b> <b>P Permitted Use, Except as Specified by Note</b> <b>PI Permitted Use With Improvement Plan, Except as Specified by Note</b> <b>QX Use Permitted Subject to Quarry Excavation Permit</b> <b>S Use Permitted Subject to Site Approval</b> <b>SP Use Permitted Subject to Special Purpose Plan</b> <b>U Use Permitted Subject to Use Permit</b> <b>- Use Not Permitted</b>						
<b>Use Types</b>	<b>Residential Zones</b>					
	<b>R-R</b>	<b>R-VL</b>	<b>R-L</b>	<b>R-M</b>	<b>R-MH</b>	<b>R-H</b>
<b>Residential Use Types</b>						
Wineries, All Sizes	-	-	-	-	-	-

(Ord. 3675; 3697; 3756; Ord. 3843, § 2, 1995; Ord. 3891, § 1 (part), 1996; Ord. 3911, § 2, 1997; Ord. 3931, § 4, 1997; Ord. 3399, § 2, 1998; Ord. 4013, § 3, 1999; Ord. 4059, § 4, 2000; Ord. 4115, § 3, 2001; Ord. 4127, § 2, 2001; Ord. 4134, § 2, 2002; Ord. 4155, § 2, 2002; Ord. 4181, § 3, 2002; Ord. 4247, § 1 (part), 2005; Ord. 4368, § 5, 2009; Ord. No. 4385, § 3, 1-12-2010; Ord. No. 4420, § 1, 12-13-2011; Ord. No. 4440, § 2, 8-13-2013; Ord. No. 4471, § 9, 12-15-2015)

**TABLE 9-305.3 ACCESSORY USES AND STRUCTURES IN RESIDENTIAL ZONES**

<b>Legend:</b> <b>HO Use Permitted Subject to Home Occupation Permit</b> <b>P Permitted Use</b> <b>PI Permitted Use With Improvement Plan</b> <b>S Use Permitted Subject to Site Approval</b> <b>SD Use Permitted Subject to Second Unit Dwelling Permit</b> <b>U Use Permitted Subject to Use Permit</b> <b>- Use Not Permitted</b>						
Accessory Use or Structure	Residential Zones					
	R-R	R-VL	R-L	R-M	R-MH	R-H
Antennae, Radio/TV Dish	P	P	P	P	P	P
Barn	P	P	-	-	-	-
Biomass Energy Production For Use On Premises	-	-	-	-	-	-
Boathouse, Private: One per Lot	P	P	P	P	P	P
Coop	P	P	-	-	-	-
Dock, Private: One per Lot	P	P	P	P	P	P
Firewood Sales, Grown On site or Within a Five (5) Mile Radius of the Premises	-	-	-	-	-	-
Garage, Private (Up to 3 vehicles)	P	P	P	P	P	P
Greenhouse, Private	P	P	P	-	-	-
Guesthouse	P	P	P	-	-	-
Home Occupation	HO	HO	HO	HO	HO	HO
Horse Raising	P	P	-	-	-	-
Packing Shed, Private	-	-	-	-	-	-
Playhouse, children's	P	P	P	P	P	P
Pump/Pumphouse	P	P	-	-	-	-
Second Unit Dwellings	SD	SD	SD	SD	SD	SD
Silo	-	-	-	-	-	-
Stable, Private	P	P	-	-	-	-
Storage Building, Private	P	P	P	P	S	S
Swimming Pool & Equipment	P	P	P	P	P	P
Truck Parking, Agricultural	-	-	-	-	-	-
Water Storage Facility	P	-	-	-	-	-
Wind Machine, Private	P	S	-	-	-	-
Workshop/Hobby Shop	P	P	P	P	-	-

(Ord. 3675; 3697; Ord. No. 3999, § 2, 10-27-1998; Ord. No. 4385, § 4, 1-12-2010)



**TABLE 9-305.4 TEMPORARY USES & STRUCTURES IN RESIDENTIAL ZONES**

<b>Legend:</b> AX Permitted Subject to Agricultural Excavation Permit P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted MP Permitted Subject to Mobile Home Permit (M) Permit Type Unique to Mountain House Community						
Temporary Use or Structure	Residential Zone R-R	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Agricultural Excavation	-	-	-	-	-	-
Auction, Agricultural Machinery	-	-	-	-	-	-
Auction, Livestock	-	-	-	-	-	-
Batch Plant	-	-	-	-	-	-
Boutique Sales (Limit: 2 consecutive days, twice per year)	P	P	P	P	P	P
Carnival/Circus	-	-	-	-	-	-
Caretaker Mobile Home	-	-	-	-	-	-
Christmas Tree Sales	-	-	S(M)	S(M)	S(M)	S(M)
Commercial Coach	-	-	-	-	-	-
Corporation Yard	PI	PI -(M)	PI S(M)	PI S(M)	PI S(M)	PI S(M)
Farmer's Market	-	-	-	-	-	-
Garage Sale (Limit: 2 consecutive days, twice per year)	P	P	P	P	P	P
Halloween Pumpkin Sales	-	-	-	-	-	-
Motion Picture Filming	P	P	P	P	P	P
Produce Stand	-	-	-	-	-	-
Public Display of Fireworks*	IP	IP	IP	IP	IP	IP
Special Outdoor Event, see special use regulations*	-	-	S*	S*	S	S
Special Indoor Event	PI	PI	PI	PI	PI	PI
Subdivision Sales Office	PI	PI	PI	PI	PI	PI
Temporary Building Incidental to Construction Works	P	P	P	P	P	P
Temporary Mobile Home	MP	MP	MP	MP	MP	MP
Tent Revival	-	-	-	-	-	-

(Ord. 3675; 3697; Ord. 3832, § 7, 1995; Ord. 3843, § 12, 1995; Ord. 4059, § 5, 2000; Ord. 4225, § 1 (part), 2004; Ord. No. 4385, § 5, 1-12-2010; Ord. No. 4508, § 2, 6-6-2018)

**CHAPTER 9-310**

**RESIDENTIAL ZONES: LOT AND STRUCTURE REGULATIONS**

**Sections:**

- 9-310.1 Intent.**
- 9-310.2 Planned Developments.**
- 9-310.3 Lot Size.**
- 9-310.4 Lot Width.**
- 9-310.5 Yard Dimensions.**
- 9-310.6 Height.**
- 9-310.7 Building Coverage.**
- 9-310.8 Minimum Dimensions of Corner Lots.**

**Tables:**

- 9-310.3 Standards for Minimum Lot Size, Lot Width, Yard Dimensions, Height, Building Coverage, and Depth: Width Ratio.**

**9-310.1 INTENT.**

The intent of this Chapter is to regulate the size and width of lots, the location and height of structures on lots, and the physical character and intensity of lot usage within the residential zones, consistent with the policies and principles of the General Plan. (Ord. 3675)

**9-310.2 PLANNED DEVELOPMENTS.**

The provisions of this Chapter may be modified pursuant to Chapter 9-833, Planned Development Zone. (Ord. 3675)

**9-310.3 LOT SIZE.**

(a) **Standards.** Unless otherwise specified, minimum lot sizes within the residential zones shall be as set forth in Table 9-310.3. Lot sizes shall meet General Plan densities.

(b) **Major or Minor Subdivisions.** For Major or Minor Subdivision applications, the size of individual lots may be reduced to seventy-five percent (75%) of the minimum lot size required by Table 9-310.3, provided the following conditions are met:

(1) The average lot size for all lots in the proposed subdivision shall be equal to or greater than the minimum lot size required; and

(2) Individual lots shall not be less than five thousand (5000) square feet in area.

(c) **Affordable Housing.** Lot sizes for developments providing housing affordable to persons of low and very low income may receive a bonus incentive which provides a reduction in lot size pursuant to the requirements and provisions of Chapter 9-315, Residential Zones: Density Bonus. (Ord. 3675, 3703)

**9-310.4 LOT WIDTH.**

Unless otherwise specified, lots within the residential zones shall not have a width less than set forth in Table 9-310.3.

(a) **Major or Minor Subdivision.** The lot width of individual lots in a Major or Minor Subdivision may be reduced to seventy percent (70%) of the minimum lot width required by Table 9-310.3, provided the following conditions are met:

(1) The average lot width for all lots in the proposed subdivision shall be equal to or greater than the minimum lot width required; and

(2) Individual corner lots shall not have a lot width of less than fifty (50) feet.

(b) **Affordable Housing.** The lot width for developments providing housing affordable for persons of low and very low incomes may receive a density bonus which provides a reduction in lot width pursuant to the requirements and provisions of Chapter 9-315, Residential Zones: Density Bonus. (Ord. 3675, 3715)

**9-310.5 YARD DIMENSIONS.**

Yards on lots within the residential zones shall have the minimum dimensions set forth in Table 9-310.3, except as modified below:

(a) **Reduction of Required Yards, Developed Areas.** Required yards may be reduced in developed areas as follows:

(1) If more than fifty percent (50%) of the block on which the lot sits is developed, the required yard may be reduced to the average of the existing yard dimensions of the block. In no case, however, shall a street side yard be less than ten (10) feet in width.

(2) If the subject lot has less width than the required width specified in Table 310.4, the side yard or street side yard may be reduced to ten

percent (10%) of the width of the lot, provided the side yard is not less than four (4) feet in width and the street side yard is not less than ten (10) feet in width.

(3) If the subject lot is less than sixty-five (65) feet in width, the street side yard may be reduced to ten (10) feet in width.



(b) **Reduction of Required Yards, Major or Minor Subdivisions.** For Major or Minor Subdivision applications, one or more required yards may be reduced or waived for individual lots, provided the following conditions are met:

(1) The maximum building intensity requirements specified in Table 9-310.3 are not exceeded;

(2) The minimum exterior wall separation of buildings, including those on adjacent lots, is not less than ten (10) feet, except where buildings on adjacent lots have a shared common wall or abut each other in a zero lot line project;

(3) The street side yard is not less than ten (10) feet in width;

(4) The sum of the dimensions of the side yards (or the side yard and street side yard) shall be equal to or greater than the sum of the dimensions of the side yards (or the side yard and street side yard) required by Table 9-310.3; and

(5) The sum of the dimensions of the front yard and rear yard shall be equal to or greater than the respective sum of the dimensions of the front yard and rear yard required by Table 9-310.3.

(c) **Affordable Housing.** The required yards for developments providing housing affordable for persons of low and very low incomes may receive a density bonus which provides for reductions in the yard dimensions pursuant to the requirements and provisions of Chapter 9-315, Residential Zones: Density Bonus.

(d) **Structures Within Required Yards.** The following structures may be located in or extend within required yards, subject to the provisions specified:

(1) Architectural features, subject to the provisions of Chapter 9-1010.

(2) Screening, including fences and gates, subject to the provisions of Chapter 9-1022 (Fencing and Screening) of this Title.

(3) Additions to nonconforming single family dwellings, subject to the provisions of Chapter 9-235.

(Ord. 3675; Ord. 3872 § 4, 1996; Ord. 4368 § 6, 2009)

#### **9-310.6 HEIGHT.**

Buildings and structures in the residential zones shall not exceed the heights set forth in Table 9-310.3, except as provided by Chapter 9-1005; screening de-

VICES, including fences, gates, and gate posts, shall comply with the height requirements specified in Chapter 9-1020.

(Ord. 3675)

#### **9-310.7 BUILDING COVERAGE.**

The percentage of the total area of any lot which may be occupied by buildings in the residential zones shall not exceed that set forth in Table 9-310.3, except developments providing housing affordable to persons of low and very low incomes may be permitted to increase building coverage as one of the possible bonus incentives under Chapter 9-315.

(Ord. 3675, 3739)

#### **9-310.8 MINIMUM DIMENSIONS OF CORNER LOTS.**

For corner lots proposed after the adoption of this Title:

(a) The minimum width shall be sixty (60) feet; and

(b) The minimum depth shall be sixty-five (65) feet.

(Ord. 3675; Ord. 4323 § 1, 2006)

TABLE 9-310.3

**STANDARDS FOR MINIMUM LOT SIZE, LOT WIDTH, YARD DIMENSIONS,  
HEIGHT, BUILDING COVERAGE, AND DEPTH:WIDTH RATIO <sup>1</sup>**

	<b>R-R</b>	<b>R-VL</b>	<b>R-L</b>	<b>R-M</b>	<b>R-MH</b>	<b>R-H</b>
Minimum Lot Size	1 acre	17,500 sq ft	5,000 sq ft	6,000 sq ft	6,000 sq ft	6,000 sq ft
Lot Width (feet)	150	100	50	60	75	75
Yard Dimensions (feet)						
Front & Street Side - Regular	30	30	20	20	15	15
Front & Street Side - Right-of-Way less than 50' <sup>2</sup>	55	55	45	45	40	40
Side - Appurtenant to main buildings	15	15	5	5	5	5
Side - Appurtenant to accessory buildings	10	10	5	5	5	5
Rear - Appurtenant to main buildings	30; 15 <sup>3</sup>	30; 15 <sup>3</sup>	10; 5 <sup>3</sup>	20; 5 <sup>3</sup>	15; 5 <sup>3</sup>	15; 5 <sup>3</sup>
Rear - Appurtenant to accessory buildings	15	15	10	15	15	15
Height (feet)						
Dwellings	35	35	35	35	35	35
Buildings Accessory to Dwellings	35 <sup>5</sup>	35 <sup>5</sup>	18	18	18	18
Building Coverage (%)	35	40	50	50	60	60
Depth: Width Ratio <sup>4</sup>	3:1	3:1	3:1	3:1	3:1	3:1

1 See Sections 9-310.2 through 9-310.8 for exceptions and modifications.

2 Distances are from centerline of right-of-way.

3 For reverse corner lots.

4 See Section 9-905.9 for exceptions.

5 See Section 9-1005.3 for height criteria.

Setbacks for yards shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the General Plan or applicable Specific Plan or Special Purpose Plan.

Minimum widths for yards shall be measured at a distance twenty (20) feet back from the front lot line.

(Ord. 3675; 3703; 3715; 3739; Ord. 3872 § 22, 1996; Ord. 4119 § 1, 2001; Ord. 4323 § 2, 2006; Ord. No. 4399, § 2, 9-14-2010)

## CHAPTER 9-315

### RESIDENTIAL ZONES: DENSITY BONUS

#### Sections:

<b>9-315.1</b>	<b>Intent.</b>
<b>9-315.2</b>	<b>Eligibility.</b>
<b>9-315.3</b>	<b>Additional Density Bonus.</b>
<b>9-315.4</b>	<b>Incentives.</b>
<b>9-315.5</b>	<b>Written Finding That Incentive Not Needed.</b>
<b>9-315.6</b>	<b>Request for Density Bonus.</b>
<b>9-315.7</b>	<b>Guarantees for Continued Affordability.</b>

#### Tables:

<b>9-315.3</b>	<b>Density Bonus Summary.</b>
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#### **9-315.1 INTENT.**

The intent of this Chapter is to provide a method by which residential developments which provide affordable housing shall receive a density bonus and incentive pursuant to Section 65915 of the Government Code. (Ord. 3675, 3756)

#### **9-315.2 ELIGIBILITY.**

A residential development is eligible for a density bonus as follows:

(a) Very Low and Low Income Housing and Senior Housing. A residential development is eligible for a twenty (20) percent density bonus if the builder seeks and agrees to construct at least one (1) of the following:

- (1) Ten (10) percent of the total units are affordable to low income households at an affordable rent or affordable ownership cost; or
- (2) Five (5) percent of the total units are affordable to very low income households at an affordable rent or affordable ownership cost; or
- (3) A senior citizen housing development, or mobile home park that limits residency based on age requirements for housing for older persons.

(b) Moderate Income Housing. A residential development is eligible for a five (5) percent density bonus if the builder seeks and agrees to construct ten (10) percent of the total units as for sale affordable to

moderate income households, if the residential development also meets all of the following additional criteria:

- (1) The residential development is a common interest development;
  - (2) All the dwelling units in the residential development are offered to the public for purchase; and
  - (3) The density bonus units are offered for sale at affordable ownership cost.
- (c) Density Bonus for Land Donation, Child Care Facility, or Condominium Conversion.

(1) A residential development may be eligible for a density bonus for land donation pursuant to the requirements set forth in Government Code Section 65915(g).

(2) A residential development that contains a child care facility as defined in Government Code Section 65915(h) may be eligible for an additional density bonus or incentive pursuant to the requirements set forth in Section 65915(h).

(3) Condominium conversions may be eligible for a density bonus or incentive pursuant to the requirements set forth in Government Code Section 65915.5.

(Ord. 3675, 3788; Ord. No. 4471, §§ 10, 11, 12-15-2015)

**Editor's note**—Ord. No. 4471, §§ 10, 11, adopted Dec. 15, 2015, changed the title of § 9-315.2 from requirements to read as herein set out.

#### **9-315.3 ADDITIONAL DENSITY BONUS.**

The density bonus for which the residential development is eligible shall increase if the percentage of very low, low, and moderate income units exceeds the base percentage established in Sections 9-315.2 (a) and (b), as follows:

(a) Very Low Income Units. For each one (1) percent increase above five (5) percent in the percentage of density bonus units affordable to very low income households, the density bonus shall be increased by two and one-half (2.5) percent up to a maximum of thirty-five (35) percent.

(b) Low Income Units. For each one (1) percent increase above ten (10) percent in the percentage of density bonus units affordable to low income households, the density bonus shall be increased by one and one-half (1.5) percent up to a maximum of thirty-five (35) percent.

(c) Moderate Income For Sale Units. For each one (1) percent increase above ten (10) percent in the percentage for sale density bonus units affordable to moderate income households, the density bonus shall be increased by one (1) percent up to a maximum of thirty-five (35) percent.

(Ord. 3675; Ord. No. 4471, §§ 10, 12, 12-15-2015)

**Editor's note**—Ord. No. 4471, §§ 10, 12, adopted Dec. 15, 2015, changed the title of § 9-315.3 from maximum allowable densities to read as herein set out.

**TABLE 9-315.3 DENSITY BONUS SUMMARY**

<b>Income Category</b>	<b>Min. % Density Bonus Units</b>	<b>Bonus Granted</b>	<b>Add'l Bonus for Each 1% Inc. in Density Bonus Units</b>	<b>% Density Bonus Units Required for Max. 35% Bonus</b>
Very Low Income	5%	20%	2.5%	11%
Low Income	10%	20%	1.5%	20%
Moderate Income (for sale common interest development only)	10%	5%	1%	40%

(Ord. 3675; Ord. No. 4471, §§ 10, 12, 12-15-2015)

**9-315.4 INCENTIVES.**

(a) A builder may request incentives pursuant to this section only when the builder is eligible for and receives a density bonus pursuant to Section 9-315.2. A residential development may receive the following number of incentives:

(1) One (1) incentive for a project that includes:

- (A) At least five (5) percent of the total units for very low income households;
- (B) At least ten (10) percent of the total units for low income households; or
- (C) At least ten (10) percent for persons or families of moderate income in a common interest development.

(2) Two (2) incentives for a project that includes:

- (A) At least ten (10) percent of the total units for very low income households;
- (B) At least twenty (20) percent of the total units for low income households; or
- (C) At least twenty (20) percent for persons and families of moderate income in a common interest development.

(3) Three (3) incentives for a project that includes:

- (A) At least fifteen (15) percent of the total units for very low income households;
- (B) At least thirty (30) percent of the total units for low income households; or
- (C) At least thirty (30) percent for persons or families of moderate income in a common interest development.

(b) One (1) or more of the following incentives shall be made available to a builder eligible for incentives, per the requirements in Section 9-315.4(a) above, except as provided in Section 9-315.5:

- (1) Reduction in setback;
  - (2) Reduction in lot width;
  - (3) Reduction in square footage requirements of the lot;
  - (4) Reduction in yard dimensions;
  - (5) Increase in building height;
  - (6) Increase in building intensity;
  - (7) Reduction of ratio of vehicular parking spaces per unit;
  - (8) Reduction in open space requirements;
- or
- (9) Reduction in fees.



(c) In addition to the incentives described above, an applicant for a development that meets the requirements of Section 9-315.2 may request parking standards consistent with Government Code Section 65915. (Ord. 3675; Ord. No. 4471, §§ 10, 13, 12-15-2015)

**9-315.5 WRITTEN FINDING THAT INCENTIVE NOT NECESSARY.**

If the Director concludes that an incentive as specified in 9-315.4 is not necessary for affordability of the target units, a written finding stating such shall be made.

(Ord. 3675)

**9-315.6 REQUEST FOR DENSITY BONUS.**

(a) If a density bonus is desired by the applicant, the applicant shall submit a written request for a density bonus with the application for residential development, or with a Planned Development Zone application if the affordability bonus is in conjunction with the bonus for planned development. (Section 9-833.11(h)).

(b) A developer may submit a preliminary written proposal pursuant to this section prior to the submittal of any application for residential development. Within 90 days the County shall notify the developer in writing of any additional procedures necessary to comply with this section and Section 65915 of the Government Code.

(Ord. 3675; Ord. 3843, § 23, 1995)

**9-315.7 GUARANTEES FOR CONTINUED AFFORDABILITY.**

(a) The developer shall agree to ensure continued affordability of all lower income density bonus units for:

(1) 30 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; or

(2) 10 years if the county does not grant at least one of the additional incentives and government financing with a longer designated preservation period is not used for the project.

(b) The developer shall enter into an Agreement with San Joaquin County to ensure compliance with the provisions of this section.

(Ord. 3675, 3703)

**CHAPTER 9-320**

**RESIDENTIAL ZONES: SINGLE-ROOM OCCUPANCY**

**Sections:**

<b>9-320.1</b>	<b>Intent.</b>
<b>9-320.2</b>	<b>Definitions.</b>
<b>9-320.3</b>	<b>Standards.</b>

**9-320.1 INTENT.**

The intent of this Chapter is to regulate the development and operation of single-room occupancy (SRO) land uses. SRO facilities provide housing opportunities for lower-income individuals, persons with disabilities, seniors, and formerly homeless individuals.

(Ord. No. 4471, § 14, 12-15-2015)

**9-320.2 DEFINITIONS.**

The following definitions apply to this chapter:

**Single-Room Occupancy Facility.** "Single-room occupancy facility" means any building containing five (5) or more guest rooms or units intended or designed to be used or occupied for sleeping purposes by residents, which is also the primary residence of those residents. The individual units may or may not lack either cooking facilities or individual sanitary facilities, or both. However, for purposes of this definition, an SRO facility does not include residential care homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging, extended care facilities, or hospitals.

**Single-Room Occupancy Unit.** "Single-room occupancy unit" means the guest rooms or units within the single-room occupancy facility intended or designed to be used or occupied for sleeping purposes by residents. (Ord. No. 4471, § 14, 12-15-2015)

**9-320.3 STANDARDS.**

(a) Single-Room Occupancy Units. The following standards shall apply to SRO units:

(1) Unit Size. The minimum size of an SRO unit shall be one hundred fifty (150) square feet and the maximum size shall be four hundred (400) square feet.

(2) Occupancy. Each SRO unit may house no more than two (2) persons.

(3) Bathroom Facilities. An SRO unit is not required to but may contain partial or full bathroom

facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination.

(4) Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator, and a stove, range top, or oven. A partial kitchen is missing at least one (1) of these appliances.

(5) Closet. Each SRO unit shall have a separate closet.

(b) Single-Room Occupancy Facilities. The following standards shall apply to SRO facilities:

(1) Common Area. Ten (10) square feet of interior common space per unit shall be provided, with at least two hundred (200) square feet in area of interior common space, excluding janitorial storage, laundry facilities, and common hallways.

(2) Bathroom Facilities. If a full bathroom facility is not provided within each SRO unit, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one (1) full bathroom per floor. The shared bathroom facility shall be accessible from a common area or hallway.

(3) Kitchen Facilities. If a full kitchen is not provided within each SRO unit, common kitchen facilities shall be provided with at least one (1) full kitchen per floor.

(4) Laundry Facilities. Laundry facilities shall be provided in a separate room with at least one (1) washer and dryer per floor.

(5) Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.

(Ord. No. 4471, § 14, 12-15-2015)