

**DIVISION 10
DEVELOPMENT REGULATIONS**

CHAPTER 9-1000

DEVELOPMENT REGULATIONS: INTENT AND ORGANIZATION

Sections:

- 9-1000.1 Title and Intent.**
- 9-1000.2 Organization.**

9-1000.1 TITLE AND INTENT.

Division 10 constitutes the Development Regulations. The intent of this Division is to specify the nature, components, and use of development regulations and to establish regulations regarding physical character, intensity and other impacts of development.
(Ord. 3675)

9-1000.2 ORGANIZATION.

Division 10 consists of the following chapters:

9-1000	Development Regulations: Intent and Organization
9-1005	Heights
9-1010	Yards
9-1015	Parking and Loading
9-1020	Landscaping Regulations
9-1022	Fencing and Screening
9-1025	Performance Standards
9-1030	Social Care Facilities
9-1035	Mobile Home Parks
9-1040	Recreational Vehicle Parks
9-1045	Animals
9-1050	Hazardous Waste Facilities
9-1053	Historic Resource Preservation
9-1055	Mitigation Monitoring and Reporting

(Ord. 3675; Ord. 3843 § 8, 1995)

**CHAPTER 9-1005
HEIGHTS**

Sections:

- 9-1005.1 Intent.**
- 9-1005.2 Height Limits.**
- 9-1005.3 Special Provisions.**
- 9-1005.4 Applicability.**

9-1005.1 INTENT.

The intent of this Chapter is to control the maximum height of buildings and other structures within all zoning districts.
(Ord. 3675)

9-1005.2 HEIGHT LIMITS.

The maximum heights of buildings and structures are set forth in the regulations for each zone.
(Ord. 3675)

9-1005.3 SPECIAL PROVISIONS.

(a) **Additional Height Allowed for Public and Quasi-Public Buildings.** Public and quasi-public buildings, when authorized in a zone, may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each otherwise established setback line at least one (1) foot for each additional foot of building height above the maximum height limit for the zone in which the building is erected;

(b) **Additional Height Allowed for Other Buildings and Structures.** Provided no space above the height limit is allowed for the purpose of providing additional floor space and no heights are permitted above the maximum allowed under any County Ordinance relating to airports, the following structures may be erected above the height limits prescribed in this Title:

- (1) Penthouse or roof structures for the housing of:
 - (A) Elevators,
 - (B) Stairways,
 - (C) Tanks,
 - (D) Ventilating fans, or
 - (E) Similar equipment required to operate and maintain the building,
- (2) Fire or parapet walls,
- (3) Skylights,
- (4) Towers,
- (5) Steeples,
- (6) Flagpoles,
- (7) Chimneys,

- (8) Smokestacks,
- (9) Watertanks,
- (10) Wireless or television masts,
- (11) Theatre lofts,
- (12) Silos,
- (13) Windmills,
- (14) Wind turbine generators, or
- (15) Similar structures.

(c) **Height Permitted for Accessory Buildings.** All buildings that are accessory to dwelling units in the AG, AL, ARM, RR and RVL zones shall meet the following criteria:

- (1) The accessory building shall be considered as an accessory use to the residence for the owner's use. Rental of the facility shall be prohibited,
 - (2) The accessory building shall be equal to or smaller in floor area than the principal dwelling unit,
 - (3) The accessory building setbacks shall be the same as the main building when the accessory building exceeds eighteen (18) feet in height, and
 - (4) The height of the accessory building shall be equal to or less than that of the principal building.
- (Ord. 3675; Ord. 4119 § 3(part), 2001)

9-1005.4 APPLICABILITY.

The provisions of this Chapter shall apply whenever:

- (a) A new building is constructed;
 - (b) An existing building, including a nonconforming structure is enlarged; or
 - (c) The use of the site or the use of the building is changed.
- (Ord. 4119 §3(part), 2001)

CHAPTER 9-1010

YARDS

Sections:

- 9-1010.1 Intent.**
- 9-1010.2 Yard Standards.**
- 9-1010.3 Special Provisions.**

9-1010.1 INTENT.

The intent of this Chapter is to establish special requirements for yards within San Joaquin County, in order to assure light, air, privacy, and open areas appropriate to the use, location, and impact of structures.
(Ord. 3675)

9-1010.2 YARD STANDARDS.

The yard standards are set forth in the regulations for each zone.
(Ord. 3675)

9-1010.3 SPECIAL PROVISIONS.

(a) Architectural Features.

All yards shall comply with the following requirements:

- (1) Fire Escapes. Fire escapes shall not extend or project into any front, side, or rear yard more than four (4) feet.
- (2) Stairways and Balconies. Open, unenclosed stairways, or balconies not covered by a roof or canopy, shall not extend or project into a required rear yard more than four (4) feet, and such balconies and stairways shall not extend into a required front yard more than thirty (30) inches.
- (3) Porches. Uncovered and unenclosed porches, platforms, or landing places which do not extend above the level of the first floor of the building shall not extend into any required front, side, or rear yard more than six (6) feet; however, any open work railing, not more than thirty (30) inches in height, may be installed or constructed on any such porch, platform, or landing place.
- (4) Patio Covers. Patio covers, as defined by the California Building Code, may be located in the required rear yard, provided that no portion of said patio cover shall be within three (3) feet of the rear or side property lines.
- (5) Eaves, Roof Overhangs, and Similar Features. Eaves, roof overhangs, and other similar architectural features may extend into any required front, rear, or side yard up to:

(A) Thirty (30) inches maximum, but in no case closer than thirty (30) inches to the property line, for side, front, or rear yards of ten (10) feet or less;

(B) Four (4) feet maximum for a side, front, or rear yard over ten (10) feet; except that such features may extend up to ten (10) feet into a side, front, or rear yard in areas zoned commercial.

(6) Fireplaces, Air Conditioning Units, Water Softening Units. Fireplace structures, air conditioning units, and water softening units may extend into the required yard areas to a maximum distance of thirty (30) inches, but in no case closer than thirty (30) inches to the property line.

(b) **Pools and Spas.** Pools and spas shall not be located closer than three (3) feet from any side or rear property line. On corner lots, no pool or spa shall be located closer than the minimum depth required for the street side yard.

(c) **Carports and Garages.** Where a lesser setback would be permitted by other Sections of this Title, carports and garages, or vehicular entrances to structures, shall be set back at least fifteen (15) feet from any public roadway.

(d) **Accessory Buildings in Rear Yard.** Single-story accessory buildings, except second unit dwellings, located in the rear one-third (1/3) of a parcel may be located within three (3) feet of the rear or side property line, provided such single-story accessory building is at least ten (10) feet from any dwelling on an adjacent lot.

(Ord. 3675, 3697, 3715; Ord. 4226 § 1 (part), 2004; Ord. 4368 §§ 26, 27, 2009)

CHAPTER 9-1015

PARKING AND LOADING

Sections:

9-1015.1	Intent.
9-1015.2	General Requirements.
9-1015.3	Required Parking Spaces.
9-1015.4	Location of Required Parking Spaces.
9-1015.5	Design of Parking Areas.
9-1015.6	Truck Parking and Loading.
9-1015.7	Bicycle Parking.
9-1015.8	Timing of Installation.
9-1015.9	Modification of Requirements.
9-1015.10	Handicapped Parking.

Tables:

9-1015.3(a)	Parking Space Requirements, Residential.
9-1015.3(b)	Parking Space Requirements, Nonresidential.

Figures:

9-1015.5	Standard Design for Off-Street Parking.
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9-1015.1 INTENT.

The intent of this Chapter is to regulate parking and loading in order to lessen traffic congestion and contribute to public safety by providing sufficient on-site areas for the maneuvering and parking of motor vehicles that are attracted to, and generated by, land uses within San Joaquin County.
(Ord. 3675)

9-1015.2 GENERAL REQUIREMENTS.

The provisions of this Section shall apply throughout this Chapter.

(a) **Applicability of Chapter.** The provisions of this Chapter shall apply whenever:

- (1) A new building is constructed;
- (2) An existing building, including a legal non-conforming structure, is enlarged for any purpose; or
- (3) The use of any building is changed.

(b) **Computation of Required Parking.** Whenever the computation of the number of off-street parking spaces required by this Chapter results in a fractional parking space, one (1) additional parking space shall be required for a fractional space of one-half (1/2) or more. A frac-

tional space of less than one-half (1/2) shall not be counted.

(c) **Parking Not Required.** Floor area devoted exclusively to parking shall have no off-street parking requirements.

(d) **Motorcycle and Bicycle Spaces.** For every four (4) motorcycle or six (6) bicycle parking spaces provided, a credit of one (1) parking space shall be given toward the requirements of this Chapter, provided, however, that the credit for each shall not exceed one-fortieth (1/40) of the total number of automobile spaces required.

(e) **Front Yard Parking.** Parking spaces necessary to meet off-street parking requirements shall not be permitted within the required front yard setback of a residential unit, except as approved by a discretionary permit. (Ord. 3675, 3703)

9-1015.3 REQUIRED PARKING SPACES.

All site plans for development must include a table showing that off-street parking spaces will be provided in the quantities set forth in Tables 9-1015.3(a) and 9-1015.3(b).

(a) **Description of Use Types.** Use types are defined or described in Chapter 9-115.

(b) **Requirements Cumulative.** Where Tables 9-1015.3(a) and 9-1015.3(b) set forth more than one (1) requirement for a given use type, those requirements shall be cumulative.

(c) **Spaces Based on Square Footage.** The square footage requirements used in Table 9-1015.3(b) to calculate parking spaces refer to the total enclosed areas of all buildings on the lot, but excludes the area of spaces having a height of less than seven (7) feet and the area used exclusively for parking and loading.

(d) **Spaces Based on Employees.** The employee requirements used in Table 9-1015.3(b) to calculate parking spaces refer to the maximum number of employees who could be working at one time when the facility is operating at full capacity. (Ord. 3675)

9-1015.4 LOCATION OF REQUIRED PARKING SPACES.

Required parking spaces shall be located as follows:

(a) **On Same or Adjacent Lot.** For dwellings, motels, automobile-oriented services, schools, and all uses in the I-T, I-P, and I-L Zones, required parking spaces shall be provided on the same lot as the main building(s) or on an adjoining lot or lots zoned for the main use of the property.

(b) **Other Uses.** For uses not listed in Subsection (a), required parking spaces shall be located within three hundred (300) feet of the lot on which the main building is located.

(c) **Not Within Specified Yards.** Parking spaces required for dwellings shall not be located within any required front or side yard. (Ord. 3675; Ord. 3832 § 28, 1995)

9-1015.5 DESIGN OF PARKING AREAS.

The following design standards are prescribed for the development of off-street parking facilities:

(a) **Parking Lot Design.** Parking lot design and dimensions shall be in accordance with Figure 9-1015.5.

(b) **Parking Spaces: Size.** Parking spaces shall have the following dimensions:

(1) **Stalls.** Each parking stall shall be an unobstructed rectangle, minimum nine (9) feet wide and twenty (20) feet long except for parallel stalls, which must be nine (9) feet wide by twenty-six (26) feet long.

(2) **Reduction of Required Length.** Where a concrete curb around a planter in a parking lot functions as a wheel stop, the required length of a parking space abutting such curb may be reduced by a maximum of two (2) feet, provided that the planter is at least five (5) feet wide.

(c) **Compact Spaces.** Compact parking spaces shall comply with the following provisions:

(1) **Stalls shall be a minimum seven and one-half (7 1/2) feet wide and sixteen (16) feet long;**

(2) **Parallel parking stalls must be a minimum nineteen (19) feet long;**

(3) **Each approved space shall be individually designated as a compact space;**

(4) **Signs shall be provided to indicate the location of compact parking spaces, as required by the County Engineer;**

(5) **For multiple-family projects containing five (5) or more dwelling units, no more than twenty-five (25) percent of required parking spaces shall be compact stalls; and**

(6) **For nonresidential uses requiring twenty (20) or more spaces, no more than twenty-five (25) percent of required parking spaces shall be compact stalls.**

(d) **Striping.** All parking stalls and directional arrows shall be delineated with paint.

(e) **Surfacing.** Except as provided in subsection (e)(1) of this section all permanent parking lots (which include parking spaces, driveways, and maneuvering areas) in all zoning districts shall be surfaced and permanently maintained with asphalt concrete or portland cement concrete to provide a durable dust free surface. In-

gress and egress areas that connect to a paved road or highway shall also be surfaced and permanently maintained with asphalt concrete or portland cement concrete to provide a durable dust free surface. Bumper guards and/or wheel stops shall be provided when necessary to protect adjacent structures or properties.

(1) Exemptions. The following sections shall identify surfacing requirements for the following uses:

- a. Special use regulations for truck terminal projects pursuant to Section 9-505.7 of this Title;
- b. Produce stands pursuant to Section 9-1070.3(h);
- c. Small agricultural stores pursuant to Section 9-1070.4(h); and
- d. Large agricultural stores pursuant to Section 9-1070.5(h).

(2) **Alternative Surfacing Materials.** At the discretion of the Review Authority, alternative surfacing materials may be used in combination with an asphalt concrete or portland cement concrete driveway for the following uses:

- a. Truck parking in agricultural zones as permitted in Table 9-605.3;
- b. Seasonal businesses in agricultural zones as permitted in Table 9-605.4;
- c. Recreational vehicle storage as permitted under the Automotive Sales and Services use type;
- d. Operable vehicle storage as specified in Table 9-405.2 or Table 9-505.2 or Table 9-705.2;
- e. Storage yards as permitted under the Personal Storage use type specified in Table 9-405.2 or Table 9-505.2 or Table 9-705.2; and
- f. Parking spaces for single-family residences only, as specified in Table 9-1015.3(a).

(f) **Landscaping and Screening.** All open parking areas shall be landscaped and/or screened according to the standards set forth in Chapter 9-1020.

(g) **Lighting.** All off-street parking areas within commercially-zoned projects, and projects where the parking area is used at night, shall be provided with exterior lighting which meets the following minimum standards:

- (1) The equivalent of one (1) foot candle of illumination shall be provided throughout the parking area;
- (2) All lighting shall be on a time clock or photo-sensor system;
- (3) Parking lot luminaries shall be high pressure sodium vapor with ninety (90) degree cut-off and flat lenses; and
- (4) All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property line shall be permitted, except onto public thorough-

fares, provided, however, that such light shall not cause a hazard to motorists.

(h) **Access.** Access to parking areas shall be provided as follows:

(1) Access driveways shall have a width of no less than twenty-five (25) feet for two-way aisles and sixteen (16) feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than twenty (20) feet wide.

(2) The parking area shall be designed so that a vehicle within the parking area will not have to enter a public street to move from one location to any other location within the parking area.

(3) Vehicular access to arterial streets and highways will be permitted only in accordance with driveway locations and access design to be approved by the Department of Public Works (see Section 9-1150.5(e)). Access to State Routes shall be approved by Caltrans.

(4) All access from a public street or alley must be designed so that motor vehicles leaving the parking area will enter the street traveling in a forward direction. This requirement does not apply to single-family subdivisions or multiple-family residential properties serving four units or less, unless on a minor arterial or higher classification way.

(i) **Parking Aisles.** The minimum dimensions for parking aisles (the space required for maneuvering vehicles within a parking lot) shall be as set forth in Figure 9-1015.5.

(Ord. 3675, 3715, 3756; Ord. 4101 § 3, 2001)

9-1015.6 TRUCK PARKING AND LOADING.

Parking and loading space for trucks shall be provided as set forth in this Section.

(a) **Commercial Uses.** For commercial uses, one (1) space shall be provided for every use with three thousand (3,000) square feet of gross floor area or more.

(b) **Industrial Uses.** For industrial uses, spaces shall be provided as follows:

(1) One (1) space shall be required for each use having three thousand (3,000) to twenty thousand (20,000) square feet of gross floor area;

(2) Two (2) loading spaces shall be required for each use having twenty thousand (20,000) to forty thousand (40,000) square feet of gross floor area; and

(3) For each twenty thousand (20,000) square feet of gross floor area, or major fraction thereof, over forty thousand (40,000) square feet of gross floor area, one (1) loading space shall be required.

(c) **Design Standards.** Design of required spaces shall be as follows:

(1) Spaces shall be a minimum twenty-five (25) feet in length and fifteen (15) feet in width, and shall have minimum height clearance of fourteen (14) feet;

(2) Spaces shall be provided and maintained on the same lot as the commercial or industrial use creating the need therefor;

(3) Spaces shall not interfere with vehicular circulation or parking, or with pedestrian circulation; and

(4) On-site driveways and maneuvering areas may be used in lieu of one (1) of the off-street loading spaces required by this Section, as long as maneuvering areas for delivery vehicles are provided.

(d) **Truck Terminals Uses.**

(1) In addition to Industrial Use requirements, one (1) loading space shall be required in a truck terminal for each bay.

(2) Aisles between truck parking areas shall be a minimum of fifty-five (55) feet wide.

(3) No parking shall be permitted in the drive-ways, parking aisles, or maneuvering areas.

(Ord. 3675)

9-1015.7 BICYCLE PARKING.

In commercial and industrial projects with twenty (20) or more required parking spaces, a rack or other secure device for the purpose of storing and protecting bicycles from theft shall be installed. Such devices shall be provided with a minimum capacity of one bicycle per twenty (20) required parking spaces and shall be located so as not to interfere with pedestrian or vehicular traffic.

(Ord. 3675)

9-1015.8 TIMING OF INSTALLATION.

All parking areas and driveways must be completely installed prior to issuance of a Certificate of Occupancy or initiation of use.

(Ord. 3675; 3715)

9-1015.9 MODIFICATION OF REQUIREMENTS.

The requirements of this Chapter may be modified by the Director in cases in which, due to the unusual nature of the establishment proposed or the development proposal submitted for it, the requirements set forth herein may be considered insufficient or excessive. In making the decision, the Director may consider the existence of special transit incentives and services, car pooling programs, and significant use of pedestrian and bicycle access. Decisions of the Director

pursuant to this Section may be appealed using the Staff Review with Notice Procedure set forth in Chapter 9-215. (Ord. 3675)

9-1015.10 HANDICAPPED PARKING.

(a) **Accessible Parking.** Accessible parking shall comply with the California Building Code and the following provisions:

(1) The following shall be used to determine the number of accessible parking spaces required:

Total Number of Parking Spaces	Number of Accessible Parking Spaces Required
1-25	1 van accessible space
26-50	2, including 1 van accessible space
51-75	3, including 1 van accessible space
76-100	4, including 1 van accessible space
101-150	5, including 1 van accessible space
151-200	6, including 1 van accessible space
201-300	7, including 1 van accessible space
301-400	8, including 1 van accessible space
401-500	9, including 2 van accessible spaces
501-1000	2%, including 3 van accessible spaces
1001 or more	20 plus 1 per 100 or fraction, including minimum 1 van accessible space per 8 accessible spaces or fraction thereof

(2) The accessible space shall be as near as possible to the primary entrance of the building.

(3) The accessible space must permit use of either of the vehicle's doors.

(4) Bumpers are required when no curb barrier is provided to prevent encroachment of cars over walkways.

(5) Wheelchair users must not be forced to go behind parked cars other than their own.

(6) When only one space is provided, it shall be a van space, seventeen (17) feet wide, outlined to provide a nine (9) foot wide parking area and an eight (8) foot

wide loading and unloading area on the passenger side of the vehicle.

(7) When more than one (1) space is required, two (2) spaces may be provided within a twenty-three (23) foot wide area, or twenty-six (26) foot wide area including a van space.

(8) Each parking space is required to be at least eighteen (18) feet long.

(9) Surface slopes of parking areas for the disabled should be minimal but are required not to exceed one-quarter (1/4) inch per foot in any direction.

(10) Ramps shall not encroach into any parking space.

(11) When less than five (5) parking spaces are provided at a building or facility, one (1) shall be sized in accordance with item six above but need not be identified for handicapped/disabled use only.

(12) Each accessible stall must have a permanent DISABLED ACCESS PARKING sign with a minimum size of seventy (70) square inches.

(13) Free-standing DISABLED ACCESS PARKING signs shall be located at the interior end of the stall and be mounted a minimum of eighty (80) inches above the finished grade.

(14) Wall-mounted DISABLED ACCESS PARKING signs shall be located at the interior end of the stall and be mounted a minimum of thirty-six (36) inches above the finished grade.

(15) A sign, not less than seventeen (17) inches by twenty-two (22) inches, shall be located at each entrance to the parking lot, or immediately adjacent to and visible from each stall or space, and state the following:

"Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at the owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____."

(16) The surface of each accessible parking space or stall shall have a surface identification which duplicates either of the following schemes:

(A) By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white, or suitable contrasting color, a profile view depicting a wheelchair with occupant; or

(B) By outlining a profile view of a wheelchair with occupant in white or blue background. The profile view shall be located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space and shall be thirty-six (36) inches high by thirty-six (36) inches wide.

(Ord. 3675; Ord. 3843, § 9, 1995; Ord. 4368, § 30, 2009)

TABLE 9-1015.3(a) PARKING SPACE REQUIREMENTS, RESIDENTIAL

(See Section 9-1015.3 for explanation)	
Residential Use Types	Spaces Required
Family Residential	
Single-family	2 spaces/dwelling unit
Two-family	2 spaces/dwelling unit
Small multi-family	1.5 spaces/dwelling unit
Large multi-family	1.5 spaces/dwelling unit
Farm Labor Camps	.33 space/bed
Group Care	
Large	.33 space/bed
Small	.33 space/bed
Adult day care	.33 space/adult client
Farm related	.33 space/bed

TABLE 9-1015.3(a)

(See Section 9-1015.3 for explanation)	
Residential Use Types	Spaces Required
Groups Residential	.33 space/bed
Mobile Home Park	1.50 spaces/dwelling unit
Emergency Shelters	
Small	.67 space/employee; 1 space/8 beds
Large	.67 space/employee; 1 space/8 beds
Single-Room Occupancy	.67 space/employee; 1 space/8 beds

(Ord. 3675; Ord. No. 4471, § 19, 12-15-2015)

TABLE 9-1015.3(b)			
PARKING SPACES REQUIREMENTS, NONRESIDENTIAL			
(See Section 9-1015.3 for explanation)			
Nonresidential Use Types	Spaces Required		
	Per 1000 Square Feet of Building	Per Employee	Other
Administrative Offices	4		
Administrative Support Services	4		
Adult Entertainment	5	.67	
Aerial Services			
Farm	1.5		
Heliport	1.5		
Agricultural Organizations	5	.67	
Agricultural Processing			
Preparation services	1		
Food Manufacturing	2.5		
Agricultural Sales			
Feed and grain sales	2	.67	
Agricultural Chemical Sales	2		
Agricultural Warehousing	1		
Agricultural Wastes	2.5		
Animal Feeding and Sales	.2		
Animal Raising			
Exotic Animals	.67		
General	.67		
Hogs	.67		
Small Animals	.67		
Family Food Production	.67		
Educational animal projects	.67		
Zoo	.67	.67	9/acre
Petting Zoo	.67	.67	9/acre

Table 9-1015.3(b)

TABLE 9-1015.3(b)			
PARKING SPACES REQUIREMENTS, NONRESIDENTIAL			
<i>(See Section 9-1015.3 for explanation)</i>			
Nonresidential Use Types	Spaces Required		
	Per 1000 Square Feet of Building	Per Employee	Other
Animal Specialty Services			
Farm	2	.67	
Pet	4	.67	
Kennels	.67		
Kennels, Small Breeding	.67		
Auction Sales			
Indoor	5		
Outdoor			.33/Seat
Automotive Services			
Automotive rentals	3.3	.67	1/rental vehicle
Automotive repairs, light	2	.67	1/stored vehicle
Automotive repairs, heavy	2	.67	1/stored vehicle
Automotive sales	2	.67	1/sale vehicle
Cleaning	2	.67	1/stored vehicle
Inoperable vehicle storage	1	.3	1/stored vehicle
Operable vehicle storage	1	.3	1/stored vehicle
Parking			1/parked vehicle
Building Maintenance Services	.67		
Child Care Services			
Child Care Center		.67	.2/Child
Family Day Care Home		.67	.15/Child
Communication Services	1		
Community Assembly	.67		.33/Seat
Construction Sales	4	.67	

TABLE 9-1015.3(b)
PARKING SPACES REQUIREMENTS, NONRESIDENTIAL
 (See Section 9-1015.3 for explanation)

Nonresidential Use Types	Spaces Required Per 1000 Square Feet of Building	Spaces Required Per Employee	Spaces Required Other
Construction Services			
Light	1		
Heavy	1		
Crop Production	.2		
Cultural and Library Services	3.3	.67	
Custom Manufacturing	2		
Dairies		1	
Eating Establishments			
Convenience	5	.67	
Full service	10	.67	
Educational Services			
Commercial	1		.25/Student
General	1		.20/Student
Equipment Sales and Repair			
Farm machinery, sale/rental	2	.67	
Farm machinery, repair	1	.67	
Heavy equipment	1	.67	
Leisure	3	.67	
Aircraft	1	.67	
Explosives Handling	2		
Farm Services	2	.67	
Funeral and Interment Services			
Cemeteries	.2	.67	
Interring and cremating	4	.67	
Undertaking	4	.67	.33/Seat
Gasoline Sales			
Service	3.3	.67	
Combination	4	.67	
General Industrial			
Limited	2	.5	
Intermediate	2	.5	
Heavy	2	.5	
Hazardous Industrial	2	.5	
High Technology Industry	4		
Laundry Services	5		
Liquor Sales			
On-premises	5	.67	
Lodging Services			
Bed and Breakfast		.67	1 space/room
Motels		.67	1 space/room
Major Impact Services	2		
Medical Services	5		

TABLE 9-1015.3(b)
PARKING SPACES REQUIREMENTS, NONRESIDENTIAL
(See Section 9-1015.3 for explanation)

Nonresidential Use Types	Spaces Required Per 1000 Square Feet of Building	Spaces Required Per Employee	Spaces Required Other
Nursery Sales			
Wholesale	3.3	.67	
Retail	4	.67	
Landscaping Services		.67	2
Personal Storage	1		
Petroleum and Gas Extraction	1		
Produce Sales	3.3		
Professional Services	3.3		
Public Services			
Administrative	4	.67	
Essential	4	.67	
Quarry Operations	1		
Recreation			
Campgrounds			1/site
Indoor participant	5		.33/seat
Indoor spectator	.67		.33/seat
Marinas			*
Outdoor sports clubs	2		4/acre
Outdoor entertainment			175/acre
Parks			9/acre
Resorts	2		4/acre
Recycling Services			
Consumer	4	.67	
Scrap operations	2		
Religious Assembly			
Neighborhood			.33/seat
Community			.33/seat
Regional			.33/seat
Research and Laboratory Services	4	.67	
Retail Sales and Services			
Primary	3.3	.67	
Intermediate	4	.67	
General	5	.67	
Stables			
Neighborhood	.67		
Commercial	.67	.67	
Transportation Services	1		
Truck Services			
Parking	1		
Cleaning	1		
Stops	4	.67	
Repairs	1		

Table 9-1015.3(b)

TABLE 9-1015.3(b) PARKING SPACES REQUIREMENTS, NONRESIDENTIAL (See Section 9-1015.3 for explanation)			
Nonresidential Use Types	Spaces Required Per 1000 Square Feet of Building	Spaces Required Per Employee	Spaces Required Other
Sales	2	.67	1/sale vehicle
Terminals	2	1	
LNG truck fueling stations	1	.67	
Utility Services			
Major	1		
Minor	1		
Cellular Facilities	1		
Wholesaling and Distribution			
Heavy	.5	.5	
Light	.5	.5	
Wineries and Wine Cellars	2.5		

* 1/docking space or launching ramp, plus 4 per 1,000 square feet of accessory commercial uses.

(Ord. 3675; 3715; Ord. 3843, § 10, 1995; Ord. 3872, § 10, 1996; Ord. 4368, §§ 28, 29, 2009; Ord. No. 4440, § 8, 8-13-2013)

Figure 9-1015.5. Standard Design for Off-Street Parking

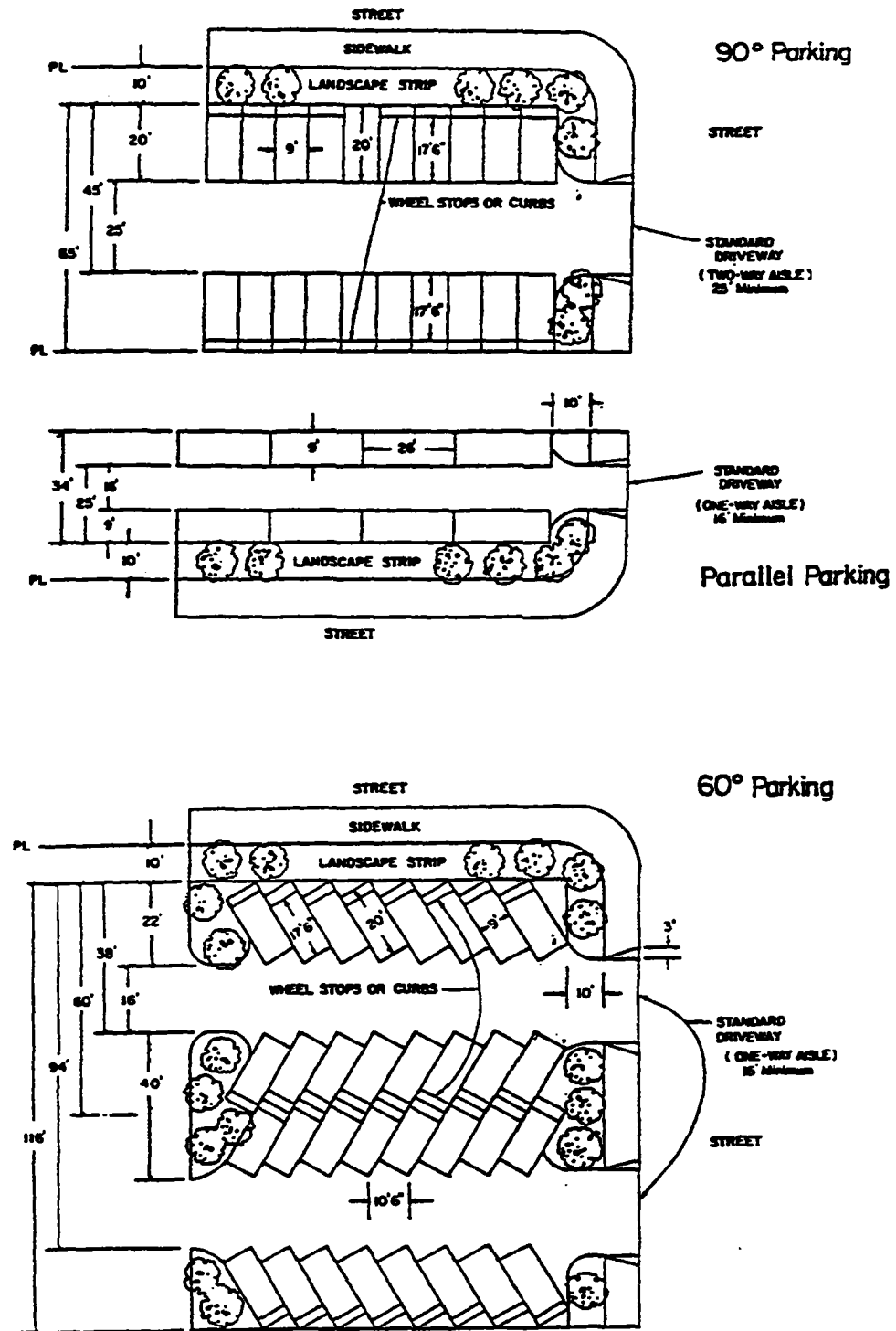


Figure 9-1015.5. Standard Design for Off-Street Parking (Continued)

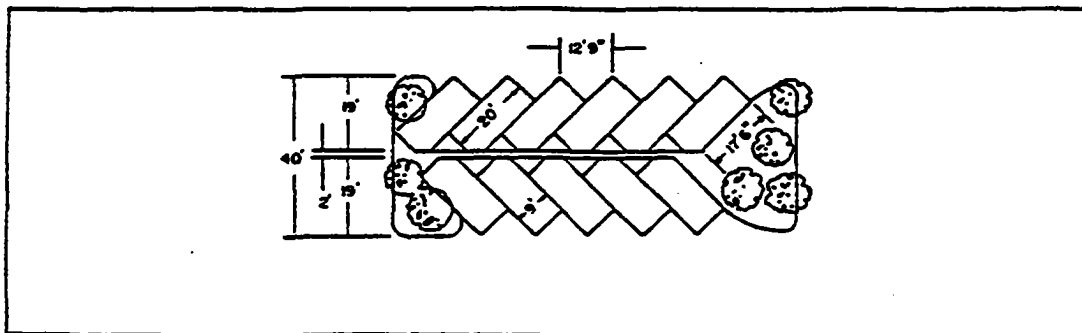
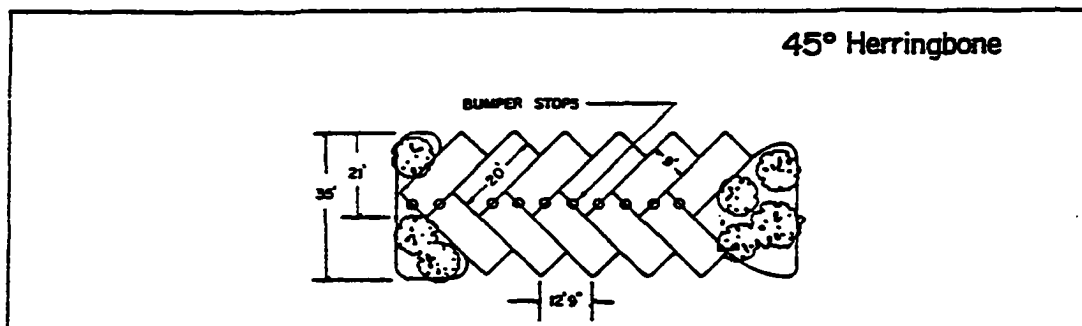
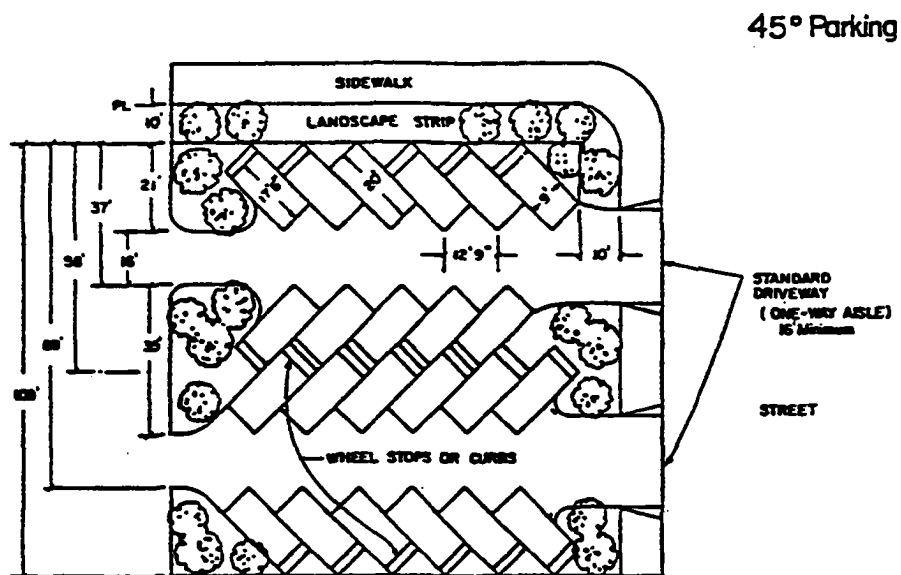
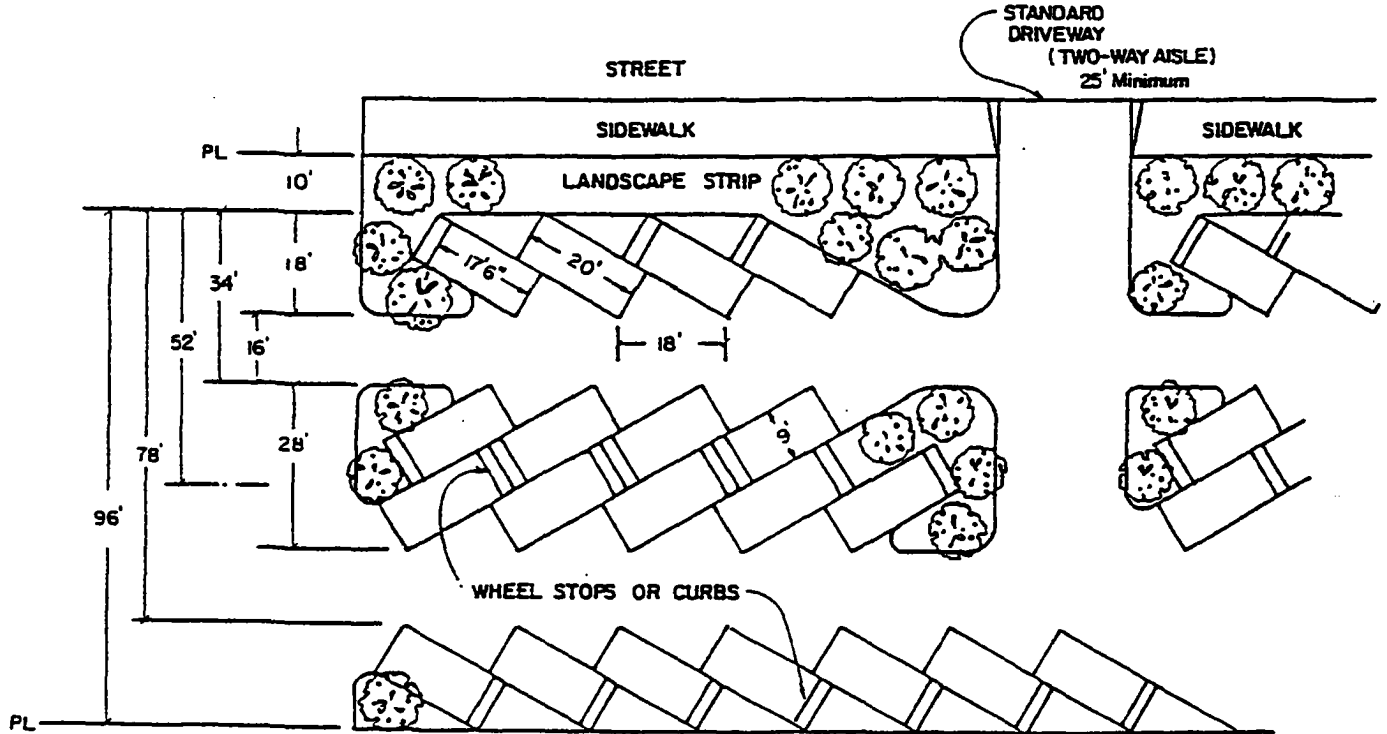


Figure 9-1015.5. Standard Design for Off-Street Parking (Continued)

30° Parking



(Ord. 3675)

CHAPTER 9-1020

LANDSCAPING REGULATIONS*

Sections:

- 9-1020.1 Intent.**
- 9-1020.2 Applicability.**
- 9-1020.3 Landscaping Standards.**
- 9-1020.4 Street Trees.**
- 9-1020.5 Requirements for Parking Areas.**
- 9-1020.6 Requirements for Residential Zones.**
- 9-1020.7 Requirements for Commercial Projects.**
- 9-1020.8 Requirements for Industrial Projects.**
- 9-1020.9 Requirements for Freeways and Scenic Routes.**
- 9-1020.10 Modification of Requirements.**

* Editor's Note: During 1995 revision, § 9-1020.5 (formerly repealed) was removed and §§ 9-1020.6 through 9-1020.10 were amended to be §§ 9-1020.5 through 9-1020.9.

9-1020.1 INTENT.

The intent of this Chapter is to prescribe standards for landscaping to protect public security and safety, conserve and protect property, and improve the general appearance of San Joaquin County.
(Ord. 3675)

9-1020.2 APPLICABILITY.

The requirements of this Chapter shall apply to all new commercial and industrial projects, multifamily developments, mobile home parks, planned developments, and model homes. Section 9-1020.6 contains specific requirements for residential zones.
(Ord. 3675; 3703; 3715; 3756; amended during 1995 revision.)

9-1020.3 LANDSCAPING STANDARDS.

All landscaping required by this Chapter shall comply with the following provisions:

(a) **General Planting Requirements.** Unless otherwise specified, all plantings required by this Chapter shall comply with the following:

(1) **Composition.** Landscaping may include natural features such as rock and stone, as well as structural features including, but not limited to, fountains, reflecting pools, and sculptures. Only recirculating water shall be used for decorative water features. Where re-

quired, planting shall include the installation and maintenance of no less than one (1) item from each of the following groups:

- (A) Group One: Trees;
- (B) Group Two: Shrubs or Vines; or
- (C) Group Three: Ground Cover, Flowers

or Turf.

(2) **Water Efficient Landscape.** All new landscaping shall be planned to create a water efficient landscape.

(A) The planted area shall balance the water demands of different plant species to create an overall landscape which requires a moderate amount of water. For design purposes, planting areas shall be defined as low use, medium use, or high use areas. The water value designations of low use, medium use, or high use, shall be determined from a plant list approved by the Director. Water use values reflect the relative water use of each type of planting area. To check a landscape design for compliance, multiply the water use value in the list by its respective planting area; if the sum of the water use factors is less than the design area, the design is acceptable.

(B) Exceptions may be granted for the following areas:

- (i) Homeowner-provided landscaping for single-family and multifamily projects;
- (ii) Cemeteries, schools, and parks;
- (iii) Registered historical sites;
- (iv) Ecological restoration projects, mined-land reclamation projects, and other projects that do not require a permanent irrigation system;
- (v) Areas in need of fire-resistant sections of vegetation; or
- (vi) Any area for which the Review Authority authorizes conditional exceptions, unless the standard specifically states that an exception cannot be granted; such exceptions may be granted if the Review Authority finds in writing that the proposed design is in substantial compliance with the purpose and intent of this chapter.

(3) **Plant Selection.**

(A) **Stock Quality.** Plants shall be healthy and meet minimum industry standards.

(B) **Selection.** Native plants, particularly native trees and shrubs, shall be considered as the first alternative when selecting plants.

(C) **Height Limitations.** Plantings, excluding trees, shall extend no more than three (3) feet above any street curb in the following locations:

- (i) Within a thirty (30) foot snipe of a street intersection without a stop sign or stop light;

(ii) Within a fifty (50) foot snipe of a street intersection containing a stop sign or stop light;

(iii) Within a fifteen (15) foot snipe of a commercial driveway or alleyway; or

(iv) Within a ten (10) foot snipe of a residential driveway.

(D) **Trees.** When planted, the trees shall be five (5) gallons in size.

(E) **Turf Areas.** Areas of turf shall be planted to meet the following requirements:

(i) Turf shall not be permitted in planted areas ten (10) feet or less in width, or in median strips.

(ii) Under no circumstances shall turf be installed on slopes greater than twenty percent (20%).

(iii) Turf shall not be installed within ten (10) feet of the dripline of native oak trees, except for young trees with driplines of less than ten (10) feet.

(iv) Turf shall be of a variety well suited to the local climate, such as tall fescue.

(F) **Mulch.** A minimum of three (3) inches of an organic mulch shall be placed in shrub areas on the soil surface after planting. Nonporous materials shall not be placed under the mulch.

(b) **Earth Berms.** Earth berms shall comply with the following provisions:

(1) An earth berm may contribute toward the prescribed height of any planting, fencing, or wall; and

(2) Mounds of earth which are used to screen or for planting shall not maintain a slope greater than two to one (2:1).

(c) **Irrigation.** Irrigation systems shall be installed for all landscaped areas as follows:

(1) Soil types and infiltration rates shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures.

(2) No overhead sprinkler irrigations systems (pop-up, impulse sprinklers, rotors) shall be installed in median strips less than ten (10) feet wide.

(3) Any landscaping is required to use rain switches as part of any automatic irrigation system.

(d) **Erosion Control.** Erosion shall be controlled as follows:

(1) Slopes created through grading during construction shall be (re)planted with groundcover at a

maximum of eighteen (18) inches on center or (re)planted with shrubs;

(2) Slopes shall be restricted to a maximum 2:1 slope ratio;

(3) Slopes greater than six (6) feet in vertical height shall be planted with groundcover a maximum of eighteen (18) inches on center;

(4) Erosion shall be controlled on all graded sites which remain vacant prior to building construction; and

(5) Protective netting may be required on an interim basis to ensure bank stability.

(e) **Protective Curbing.** Protective six (6) inch concrete curbs or standard concrete wheel stops shall be required where planting or screening abuts parking stalls or driveways.

(f) **Timing of Installation.** Required landscaping and screening, including irrigation systems, shall be completely installed prior to the use of the property and the issuance of the Certificate of Occupancy for the new structures. All landscaping and screening shall be in place prior to the use or occupancy of new structures.

(g) **Safety.** Landscaping and screening shall meet the following safety requirements:

(1) Landscape or screening elements which pose an unusual public health or safety threat shall not be permitted;

(2) The height, spread, and growth habit of all plantings shall not interfere with or obstruct ease of movement; and

(3) Street trees, shall be pruned so that no branch shall extend over the sidewalk lower than six (6) feet above curb level.

(h) **Maintenance.** Landscaping and screening shall be maintained as follows:

(1) Plantings shall be maintained in good growing conditions and, whenever necessary, replaced with new plant materials;

(2) Lawn and ground cover shall be trimmed and mowed regularly and planting areas shall be kept free of weeds and debris;

(3) Plantings shall be fertilized, cultivated, and pruned on a regular basis, and good horticultural principles shall be practiced;

(4) When necessary, plantings shall be appropriately staked, tied, or otherwise supported. Supports shall be regularly monitored to avoid damage to plants;

(5) All landscaping and related equipment, including but not limited to plant material, screening devices, walkways, benches, fountains, and irrigation systems, shall be maintained by the property owner; and

(6) All required screening materials shall be maintained in good condition and, whenever necessary, repaired or replaced.

(i) **Replacements.** When replacing vegetation, native plants, particularly native trees and shrubs, shall be considered as the first alternative.

(j) **Landscape Plans.** Landscape Plans, including location, variety, irrigation, and other information necessary to determine compliance with these requirements must be submitted and approved by the Director whenever landscaping is required. For large scale projects, the Director may require these plans to be prepared by a Landscape Architect.

(Ord. 3675; 3703; 3715; 3756)

9-1020.4 STREET TREES.

The planting of trees along streets is required for all new residential developments as follows:

(a) **Spacing.** Trees shall be spaced at a maximum of sixty (60) foot intervals or a minimum of one tree per lot frontage, except in the Rural Residential Zone, in which case a minimum of three (3) trees are required for each lot frontage.

(b) **Corner Lots.** For corner lots, street trees shall be required on both street frontages. The trees cannot interfere with sight distances and setbacks.

(c) **Size.** Trees shall be five (5) gallons in size.

(d) **Location.** Trees shall be located such that at fifteen (15) years of age the crown will not encroach across side property lines.

(e) **Location from Driveways.** Trees shall be located a minimum of ten (10) feet from driveways.

(f) **Location from Rights-of-Way.** Trees shall be located a minimum of four (4) feet and a maximum of ten (10) feet outside of the road right-of-way.

(g) **Street Frontages.** Street trees shall be required along street frontages where noise attenuation walls are required. They shall be placed in the yard or integrated with a serpentine wall.

(h) **County Tree List.** Trees shall be chosen from the County Tree List.

(i) **Exceptions.** Exceptions to street tree planting may be permitted on those lots where proper spacing is not possible provided the exceptions are granted by the Director of the Community Development Department.

(j) **Maintenance.** Street trees shall be maintained by a public or private entity as follows:

(1) Plantings shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials;

(2) Planting areas shall be kept free of weeds and debris;

(3) Plantings shall be fertilized, cultivated, and pruned on a regular bases, and good horticultural principles shall be practiced; and

(4) When necessary, plantings shall be appropriately staked, tied, or otherwise supported. Supports shall be regularly monitored to avoid damage to plants.

(k) **Timing of Installation.** Required street trees, including irrigation systems, shall be completely installed prior to the final inspection of the building.

(Ord. 3675; 3715)

9-1020.5 REQUIREMENTS FOR PARKING AREAS.

The following requirements shall apply to all open, off-street parking areas and off-street loading areas, including nonresidential driveways:

(a) Parking areas with more than twenty (20) stalls shall provide a minimum of five percent (5%) of landscaping within the perimeter of the parking area, not including landscaping along the street frontage.

(b) One tree shall be required for each five (5) parking stalls, or portion thereof, and shall be evenly spaced throughout the parking lot.

(c) A ten (10) foot wide landscaped strip shall be installed between parking areas and adjacent public streets.

(d) Planters which abut parking stalls shall be a minimum of five (5) feet wide. A minimum eighteen (18) inch wide paved strip shall be added to the adjacent parking stall to allow access to and from vehicles.

(e) Unless otherwise specified, parking areas abutting a residential zone, an area shown on the General Plan for residential use, or an existing residential use, shall be screened with a solid masonry wall six (6) to seven (7) feet in height along the abutting property line, and a five (5) foot planting strip shall be installed adjacent to the wall and the parking area.

(Ord. 3675; 3697; 3703; 3739)

9-1020.6 REQUIREMENTS FOR RESIDENTIAL ZONES.

The following requirements shall apply in the residential zones.

(a) **Multifamily Developments.** The following requirements shall apply to developments which result in five (5) or more multifamily dwelling units:

(1) All areas not used for buildings, parking, driveways, walkways, recreational facilities, or other permanent facilities shall be landscaped; and

(2) Site development shall incorporate the surrounding topography and provide for the preservation

of natural features such as water courses, native oaks, heritage trees, wooded areas, and rough terrain.

(b) **Mobile Home Parks.** The following requirements shall apply to mobile home parks:

(1) All areas not used for buildings, parking, driveways, walkways, recreational facilities, or other permanent facilities shall be landscaped; and

(2) Site development shall relate harmoniously to the surrounding topography and provide for the preservation of natural features such as water courses, native oaks, heritage trees, wooded areas, and rough terrain.

(c) **Planned Developments.** The following requirements shall apply to planned developments:

(1) The number of trees for the site shall equal at least twice the number of dwelling units, excluding street and erosion control trees;

(2) Additional plantings shall be provided, particularly in open space areas, to accent buildings, screen parking areas, and provide variety; and

(3) A landscaping plan prepared by a licensed landscape architect shall be required. The landscaping plan shall include the following:

(A) A site plan and sections illustrating the proposed location and size of landscape elements such as plantings, structures, walkways, fencing, and screening;

(B) Scale drawings and specifications depicting the design, colors, materials, dimensions, structural supports, and electrical components of the proposed plan; and

(C) Planting, irrigation, lighting, and grading specifications.

(d) **Model Homes.** One (1) model home shall demonstrate via signs and information the principles of water efficient landscapes described in this Title.

(1) Signs shall be used to identify the model as an example of a water efficient landscape which features elements such as hydrozones, irrigation equipment, and others which contribute to the overall water efficient theme.

(2) Information and handouts shall be provided about designing, installing, and maintaining water efficient landscapes.

(Ord. 3675; 3703; 3739; 3756)

9-1020.7 REQUIREMENTS FOR COMMERCIAL PROJECTS.

The following requirements shall apply to all commercial projects.

(a) **Landscaping Requirements.** All areas not used for buildings, parking, driveways, walkways, or other permanent facilities shall be landscaped. A minimum ten (10)

foot wide planting strip shall be required along adjacent streets. The strip shall be continuous except where crossed by driveways and walkways.

(Ord. 3675; 3739)

9-1020.8 REQUIREMENTS FOR INDUSTRIAL PROJECTS.

The following requirements shall apply to all industrial projects.

(a) **Landscaping Requirements.** All areas not used for buildings, parking, driveways, walkways, approved outdoor storage areas, or other permanent facilities shall be landscaped. At a minimum, a ten (10) foot wide planting strip is required along adjacent streets. The strip shall be continuous except where crossed by driveways and walkways.

(Ord. 3675; 3739)

9-1020.9 REQUIREMENTS FOR FREEWAYS AND SCENIC ROUTES.

For commercial and industrial projects, a minimum ten (10) foot wide planting strip shall be required along all Interstate highways, State Route 99, all on- and off-ramps thereof, and all scenic routes that are defined in the General Plan.

(Ord. 3675; Ord. 3832 § 30, 1995)

9-1020.10 MODIFICATION OF REQUIREMENTS.

The requirements of this Chapter may be modified by the Director in cases where it is demonstrated that an alternative to said requirements would meet the intent of this Chapter and result in an equal or greater amount of landscaping. Decisions of the Director pursuant to this Section may be appealed using the Staff Review with Notice Procedure set forth in Chapter 9-215.

(Ord. 4035 § 10, 1999)

CHAPTER 9-1022

FENCING AND SCREENING

Sections:

- 9-1022.1 Intent.**
- 9-1022.2 General Standards.**
- 9-1022.3 Fencing Standards.**
- 9-1022.4 Screening Standards.**
- 9-1022.5 Noise Attenuation Walls.**
- 9-1022.6 Modification of Requirements.**

9-1022.1 INTENT.

The intent of this Chapter is to prescribe standards for fencing and screening to protect public security and safety, conserve and protect property, and improve the general appearance of San Joaquin County.
(Ord. 3739)

9-1022.2 GENERAL STANDARDS.

All fencing and screening shall comply with the provisions of this Section, unless otherwise specified.

(a) **Materials.** Fencing and screening shall meet any criteria for sturdiness and construction established by other County regulations.

(b) **Placement.** Fences and screens may be constructed along the property line or within the required yard.

(c) **Height Limits in Required Yards.** Fencing and screening shall not exceed the height limits in required yards specified below:

(1) In any required front or street side yards, fencing and screening shall not exceed three (3) feet in height.

(2) In any required rear or nonstreet side yard, fencing and screening shall not exceed seven (7) feet in height.

(d) **Height Limits Outside Required Yards.** The height of fencing and screening outside required yards shall not exceed the maximum height limit for structures in the zone in which the fence is constructed.

(e) **Height Measurements.** Unless otherwise specified, heights of fences and screens shall be measured as follows:

(1) Prescribed heights shall be measured above the actual adjoining level of finished grade. If a fence is proposed to be built on top of an earthen berm or other landscape feature, the maximum fence height shall include the height of the berm or landscape feature.

(2) When there is a difference in the ground level between two (2) adjoining lots, the height of any

fence or screen installed or constructed along any property line shall be determined by using the higher ground elevation.

(3) Any baffle, louver, or wind deflector incorporated into a fence or wall construction shall be included within the measurement of its total height.

(f) **Gates.** Any gate, other than gates for pedestrian use only, shall be set back or recessed a minimum of ten (10) feet from the property line unless there are at least sixteen (16) feet between the property line and the edge of the travelled roadway, in which case the setback requirement is waived. For distances less than sixteen (16) feet, a proportionate reduction may be granted upon review and approval by the Director of the Community Development Department.

(g) **Reduction in Setback for Fences in Developed Areas.** The minimum required setback to locate a fence over three (3) feet high in a front or exterior side yard may be reduced to the average setback of the applicable yard where more than fifty percent (50%) of the block is developed with fences and upon review and approval of the Director; all fences used in computing the average existing setback shall be legal, or legal nonconforming, established fences.

(h) **Fences Adjacent to "Restricted" or "Nonaccess" Property.** A fence up to eight (8) feet in height may be constructed at the property line when that line is shown as "restricted" or "nonaccess" on a recorded map, subject to the review and approval of the Director.
(Ord. 3739; Ord. 4368 § 31, 2009)

9-1022.3 FENCING STANDARDS.

Unless otherwise specified, fencing shall be permitted, but not required, and shall comply with the provisions of this Section.

(a) **Fencing Materials.** Fencing materials of corrugated plastic, corrugated iron, steel, aluminum, or asbestos, excluding chain link fencing, are specifically prohibited. Unless otherwise specified, barbed wire fence is prohibited.

(b) **Special Fencing Requirements.** Notwithstanding any other provision of this Chapter the following special requirements shall apply to the types of fencing listed below:

(1) **Playing Courts.** The seven (7) foot fence height limit may be waived for playing courts, if the playing court is located in a side or rear yard and open type fencing material is used.

(2) **Swimming Pools.** All pools shall be enclosed per the requirements of the California Building Code.

(3) Levees.

(A) Any fence next to a levee shall conform to the requirements of Section 9-1605.18 of this Title.

(B) The height of any fence or wall located at the toe of a levee may be increased to eight (8) feet subject to the review and approval of the Director.

(c) **Special Fencing Requirements for Residential Zones.** The following requirements shall apply to fences in the residential zones.

(1) Fences in Rural Residential and Very Low Density Zones. An open fence up to seven (7) feet in height may be permitted in any required yard in areas carrying a Rural Residential or Very Low Density Residential Zoning designation.

(2) Fences in Other Residential Zones. A fence up to seven (7) feet in height may be permitted in the front yard or street side yard of Low Density, Medium Density, Medium-High Density, and High Density Residential Zones, provided said fence is located a minimum of ten (10) feet from the property line.

(d) **Special Fencing Requirements for Commercial Projects.** The following requirements shall apply to fencing for commercial projects.

(1) Fencing of Front Yards. A fence up to seven (7) feet in height may be permitted in the required front yard, provided such fencing is constructed of woven wire, wrought iron, or similar open material and does not obstruct vehicular site distance.

(2) Security Fencing. Except for fencing adjacent to planned or existing residential areas, barbed wire security fencing, not to exceed two (2) feet in height, may be erected on top of required or permitted fencing at the discretion of the Director.

(e) **Special Fencing Requirements for Industrial Projects.** The following requirements shall apply to fencing for all industrial projects.

(1) Fencing of Front Yards. A fence up to seven (7) feet in height may be permitted in the required front yard, provided such fencing is constructed of woven wire, wrought iron, or similar transparent material and does not obstruct vehicular site distance.

(2) Security Fencing. Barbed wire security fencing, not to exceed two (2) feet in height, may be erected on top of required or permitted fencing, except for fencing adjacent to planned or existing residential areas. Electrical fencing adjacent to planned or existing residential areas is prohibited.

(f) **Special Fencing Requirements for Agricultural Zones.** The following provisions shall apply to fences in agricultural zones:

(1) An open fence up to seven (7) feet in height may be permitted in any required yard in areas carrying an agricultural zoning designation.

(2) An open fence eight (8) feet in height may be permitted in any side yard or rear yard for parcels twenty (20) acres or greater in size in areas zoned for agriculture.

(3) Barbed wire fencing, not to exceed two (2) feet in height, may be erected on top of permitted fencing. (Ord. 3739; Ord. 3832 § 31, 1995; Ord. 4368 § 32, 2009)

9-1022.4 SCREENING STANDARDS.

Screening may be used in any zone, provided a safe sight distance is maintained. All screening required by this Chapter shall comply with the provisions of this Section.

(a) **Materials.** Screening shall include the installation and maintenance of one (1), or a combination, of the following elements:

- (1) Plant materials;
- (2) Fencing;
- (3) Walls; or
- (4) Berms.

(b) **Screening Materials.** Screening materials of corrugated plastic or iron, steel, aluminum, asbestos, wood (excluding wood in combination with masonry), or security chain-link fencing are specifically prohibited. Security chain-link fencing may be permitted for commercial and industrial projects if combined with landscaping acceptable to the Review Authority. Unless otherwise specified, barbed wire and slats are not permitted.

(c) **Density.** When plant materials are used for screening, they shall be planted in such quantity and location as to achieve an effective visual screen within three (3) years of installation. If a hedge fails to retain such density any time after this three (3) year period, it shall be supplemented or replaced with other dense landscaping or an appropriate fence or wall.

(d) **Special Screening Requirements for Commercial Projects.** The following requirements shall apply to all commercial projects.

(1) Screening Adjoining Residential Areas. If a commercial project abuts a residential zone, an area shown on the General Plan for residential use, or a conforming residential use, a solid masonry wall six (6) to seven (7) feet in height shall be erected along the abutting property line.

(2) Screening of Storage Area. All storage materials and related activities, including storage areas for trash, shall be screened so as not to be visible from adjacent properties and public rights-of-way. Screening shall be six (6) to seven (7) feet in height. Outside storage is not

permitted in front yards, street side yards, or in front of main buildings.

(3) **Screening of Roof Equipment.** All roof-mounted mechanical equipment, tanks, ventilating fans, or similar equipment shall be visually screened from view from adjacent properties and public rights-of-way at grade. Required screens shall be architecturally compatible with the building or structure on which they occur.

(e) **Special Screening Requirements for Industrial Projects.** The following requirements shall apply to all commercial projects.

(1) **Screening Adjoining Residential Areas.** If an industrial project abuts a residential zone, an area shown on the General Plan for residential use, or a conforming residential use, a solid masonry wall six (6) to seven (7) feet in height shall be erected along the abutting property line.

(2) **Screening of Storage Areas.** Storage areas shall be screened as follows:

(A) Unless otherwise specified, all storage materials and related activities, including storage areas for trash, shall be screened so as not to be visible from adjacent properties and public rights-of-way. Said screening shall be six (6) to eight (8) feet in height. Items stored within one hundred (100) feet of a dedicated street or residential zone shall not be stacked higher than two (2) feet above the adjacent screen;

(B) Screening shall not be required for a storage area that abuts an existing industrial use or property designated on the General Plan Map for industrial use, provided the storage area is not adjacent to an existing residential use or property designated on the General Plan Map for residential use or a public street.

(C) All exterior electrical cage enclosures and storage tanks shall be screened from view from access or adjacent streets and residential neighborhoods.

(3) **Screening of Roof Equipment.** Except in the General Industrial Zone (I-G), all roof-mounted mechanical equipment, tanks, ventilating fans, or similar equipment shall be visually screened from view from adjacent properties and public rights-of-way. Screening shall not exceed a height of six (6) feet from roof level. Required screens shall be architecturally compatible with the building or structure on which they occur.

(4) **Exceptions to Height Requirements.** The requirements of this Chapter shall not apply to uses permitted in any industrial zone which are required to maintain visual screens to a height greater than specified in this Title.

(f) **Maintenance.** All required screening materials shall be maintained in good condition by the property owner and, whenever necessary, repaired or replaced.

(Ord. 3739; Ord. 3832 § 32, 1995; Ord. 4368 §§ 33, 34, 2009)

9-1022.5 NOISE ATTENUATION WALLS.

Walls, fences, berms, and/or landscaping for the purpose of noise attenuation may be required in any zone when adjacent to a high noise generator such as a major roadway or railroad. Noise attenuation requirements shall be developed in response to the noise level and source affecting specific property. Where noise attenuation walls are required, height and yard restrictions for walls may be waived by the Director as required for effective noise reduction.

(Ord. 3739)

9-1022.6 MODIFICATION OF REQUIREMENTS.

The requirements of this Chapter may be modified by the Director in cases where it is demonstrated that an alternative to said requirements would meet the intent of this Chapter and result in an equal amount of fencing and screening. Decisions of the Director pursuant to this Section may be appealed using the Staff Review with Notice Procedure set forth in Chapter 9-215.

(Ord. 4035 § 11, 1999)

CHAPTER 9-1025
PERFORMANCE STANDARDS

Sections:

9-1025.1	Intent.
9-1025.2	Applicability of Performance Standards.
9-1025.3	Air Quality.
9-1025.4	Odor.
9-1025.5	Vibration.
9-1025.6	Light and Glare.
9-1025.7	Heat, Humidity, and Cold.
9-1025.8	Electrical Disturbance.
9-1025.9	Noise.
9-1025.10	Evaluation of Proposed Projects.

Tables:

9-1025.5	Maximum Displacement Levels at Any Lot Line.
9-1025.9	Noise and Land Use Compatibility Standards for Industrial and Commercial Noise Sources.

9-1025.1 INTENT.

The intent of this Chapter is to provide standards to mitigate dangerous or objectionable environmental impacts of commercial and industrial uses, pursuant to the health and safety policies of the General Plan.
(Ord. 3675)

9-1025.2 APPLICABILITY OF PERFORMANCE STANDARDS.

The provisions of this chapter shall apply to all commercial and industrial uses in San Joaquin County, except as otherwise provided herein.
(Ord. 3675)

9-1025.3 AIR QUALITY.

All emissions shall be subject to the rules and regulations of the San Joaquin Valley Unified Air Pollution Control District.
(Ord. 3675)

9-1025.4 ODOR.

All uses shall be so operated as not to cause odors which are perceptible and offensive to the average person at any residential lot line. Primary and secondary safeguard systems shall be provided to control odors.
(Ord. 3675)

9-1025.5 VIBRATION.

(a) **Perceptible Displacement.** No use shall cause any perceptible displacement at any lot line abutting any zone except an I-G Zone.

(b) **Displacement Within the General Industrial Zone.** Vibration displacement along any lot line within an I-G Zone shall not exceed the levels set forth in Table 9-1025.5. Vibration displacement shall be measured by a seismograph or other instrument capable of measuring and recording displacement and frequency, particle velocity, or acceleration. Readings shall be made at points of maximum vibration along any lot line within an I-G Zone.

(c) **Exceptions.** The limits of this Section shall not apply to operations involved in the construction or demolition of structures or infrastructure or to vibration caused by motor vehicles or trains.
(Ord. 3675)

Table 9-1025.5

TABLE 9-1025.5: MAXIMUM DISPLACEMENT LEVELS AT ANY LOT LINE (IN INCHES)		
FREQUENCY (CYCLES PER SECOND)	STEADY STATE	IMPACT
10 and below	.0010	.0020
10-20	.0008	.0016
20-30	.0007	.0014
30-40	.0003	.0006
40-50	.0002	.0004
50-60	.0001	.0002
60 and over	.0001	.0002

(Ord. 3675)

9-1025.6 LIGHT AND GLARE.

The provisions of this Section shall apply to all outdoor lighting with the exception of public street lighting.

(a) **Measurement.** Illumination levels shall be measured with a photoelectric photometer following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination. The photoelectric photometer shall be located inside the property line nearest the luminaire, at a distance from the property line equal to the required yard depth or width at that point.

(b) **Protection of Uses on Adjacent Lots.** No use shall cause glare above 1.0 footcandles on an adjacent lot developed residentially, zoned for residential use, or shown as residential on the General Plan Map, or cause glare on a street or alley.

(c) **Nuisances.** Flickering or intrinsically bright sources of illumination shall be controlled so as not to be a nuisance to uses on adjacent lots in residential or commercial zones.

(Ord. 3675)

9-1025.7 HEAT, HUMIDITY, AND COLD.

Heat, humidity, or cold emanating from any use shall not be discernible at any lot line of the lot containing such use.

(Ord. 3675)

9-1025.8 ELECTRICAL DISTURBANCES.

All uses and property are subject to the following provisions:

(a) Uses involving electromagnetic forces shall not cause electrical disturbances which adversely affect individuals or the operation of any equipment beyond any lot line of the lot containing such uses.

(b) The disclosure of potential health effects associated with electromagnetic fields and PCB-contaminated electrical equipment shall be required with residential development proposals.

(Ord. 3675, 3715)

9-1025.9 NOISE.

All uses and property shall be subject to the following provisions concerning noise levels:

(a) Transportation Noise Sources.

(1) Excluding proposed noise sensitive land uses on infill lots, proposed noise sensitive land uses that will be impacted by existing or planned transportation noise sources shall be required to mitigate the noise levels from these transportation noise sources so that the resulting noise levels on said proposed noise sensitive land uses do not exceed the standards specified in Table 9-1025.9, Part I. Proposed noise sensitive land uses on infill lots that will be impacted by existing or planned transportation noise sources shall be required to mitigate the noise levels from these transportation noise sources so that the resulting noise levels on said proposed noise sensitive land uses on such infill lots do not exceed the standards specified in Table 9-1025.9, Part I for interior spaces only.

(2) Private development projects that include the development of new transportation facilities or the expansion of existing transportation facilities shall be required to mitigate the noise levels from these transportation facilities so that the resulting noise levels on noise sensitive land uses within and adjacent to said development projects do not exceed the standards specified in Table 9-1025.9, Part I.

(b) Stationary Noise Sources.

(1) Excluding proposed noise sensitive land uses on infill lots, proposed noise sensitive land uses that will be impacted by stationary noise sources shall be required to mitigate the noise levels from these stationary noise sources so that the resulting noise levels on said proposed noise sensitive land uses do not exceed the standards specified in Table 9-1025.9, Part II.

(2) Proposed projects that will create new stationary noise sources or expand existing stationary noise sources shall be required to mitigate the noise levels from these stationary noise sources so as not to exceed the noise level standards specified in Table 9-1025.9, Part II.

(c) Exemptions. The following shall be exempt from the provisions of this Chapter:

(1) Activities conducted in public parks, public playgrounds and public or private school grounds, including but not limited to school athletic and school entertainment events;

(2) Any mechanical device, apparatus or equipment used, related to, or connected with, emergency activities or emergency work;

(3) Noise sources associated with construction, provided such activities do not take place before 6:00 a.m. or after 9:00 p.m. on any day;

(4) Noise sources associated with the maintenance of residential property located in a residential zone, provided such activities shall take place between the hours of 8:00 a.m. and 9:00 p.m. on any day;

(5) Noise sources emanating from any agricultural operation, including activities associated with the processing or transportation of crops when such activities are conducted on agriculturally zoned lands;

(6) Noise sources associated with residential air conditioning equipment, provided such equipment is in good repair;

(7) Noise sources associated with work performed by private or public utilities in the maintenance or modification of its facilities;

(8) Noise sources associated with the collection of waste or garbage;

(9) Any activity whose regulation has been preempted by State or Federal law.

(d) Acoustical Study. The Review Authority shall require the preparation of an acoustical study in instances where it has determined that a project may expose existing or proposed noise sensitive land uses to noise levels exceeding the noise standards specified in Table 9-1025.9. This determination shall be based on the existing or future sixty-five (65) dB Ldn noise contour in the General Plan, the proximity of new noise sensitive land uses to known noise sources, or the knowledge that a potential for adverse noise impacts exists. The study shall be paid for by the applicant and shall be prepared by a person or persons selected by the Director. The Director shall select the consultant from the County's consultant list. The acoustical study shall include the following information:

(1) A general description of the project, with appropriate maps, and the noise sources of concern;

(2) A description of the methodology that will be used to assess noise impacts, including a listing of all assumptions and data used in any computer models.

(A) Computer models that will be used for noise predictions shall be standard versions approved by the FHWA, FAA, Caltrans, or other government agencies.

(B) For traffic noise studies, the computer models, SOUND32 or other proprietary models based on the 1978 "FHWA Highway Traffic Noise Prediction Model (FHWA-RD-77-108)" shall be used. The FHWA's new "Traffic Noise Model" (TNM) shall be used after its phase in date. For aircraft noise studies, the latest

version of the FAA's "Integrated Noise Model" (INM) shall be used.

(C) If standard government approved models do not exist (e.g., railroad and industrial noise sources), a description of the model shall be provided.

(3) A description of existing and future noise levels together with a comparison of these noise levels to the noise level standards specified in Table 9-1025.9.

(4) Recommended mitigation measures to achieve compliance with the standards specified by Table 9-1025.9 (i.e., noise barriers, site design, setbacks, equipment modification, structure sound proofing), or a detailed explanation stating why mitigation is infeasible.

(e) **Measurement.** When noise level measurements are conducted, sound level meters meeting Type 1 (precision) or Type 2 (general purpose) sound level meter/microphone combinations shall be used.

(1) Sound level meters shall be properly calibrated before use and used according to the manufacturer's instructions;

(2) All measurements shall be in terms of A-weighted decibels using slow meter response, except for impulsive noise which shall be measured using fast meter response.

(3) Measurements shall include sufficient sampling periods and locations to adequately describe local conditions and significant noise sources.

(f) **Prohibited Activities.** The outdoor operation of any industrial, commercial, or residential property maintenance tool or equipment powered by an internal combustion engine or electric motor including, but not limited to, leaf blower, chainsaw, lawn mower, hedger, and vacuum cleaner is prohibited within 500 feet of a residence located in a residential zone between the hours of 9:00 p.m. and 8:00 a.m.

(Ord. 3675; 3715; 3756; Ord. 4036 § 2 (part), 1999; Ord. 4141 § 2, 2002)

**TABLE 9-1025.9
MAXIMUM ALLOWABLE NOISE EXPOSURE**

PART I: TRANSPORTATION NOISE SOURCES

Noise Sensitive Land Use (Use Types)	Outdoor Activity Areas¹ dB Ldn	Interior Spaces dB Ldn
Residential	65	45
Administrative Office	---	45
Child Care Services--Child Care Centers	---	45
Community Assembly	65	45
Cultural & Library Services	---	45
Educational Services: General	---	45
Funeral & Interment Services-- Undertaking	65	45
Lodging Services	65	45
Medical Services	65	45
Professional Services	---	45
Public Services (excluding Hospitals)	---	45
Public Services (hospitals only)	65	45
Recreation--Indoor Spectator	---	45
Religious Assembly	65	45

PART II: STATIONARY NOISE SOURCES

	Outdoor Activity Areas¹	
	Daytime² (7 a.m. to 10 p.m.)	Nighttime² (10 p.m. to 7 a.m.)
Hourly Equivalent Sound Level (Leq), dB	50	45
Maximum Sound Level (Lmax), dB	70	65

¹Where the location of outdoor activity areas is unknown or is not applicable, the noise standard shall be applied at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards shall be applied on the receiving side of noise barriers or other property line noise mitigation measures.

²Each of the noise level standards specified shall be reduced by 5 dB for impulsive noise, single tone noise, or noise consisting primarily of speech or music.

(Ord. 3675; Ord. 4036 § 2(part), 1999)

9-1025.10 EVALUATION OF PROPOSED PROJECTS.

Applicants for industrial or commercial projects requiring discretionary approval may be required by the Review Authority to submit such evidence as is necessary to determine whether the project complies or will comply with the provisions of this Chapter. Failure to submit the information requested within a specified time period shall render the application incomplete. Required information may include, but is not limited to, the following:

- (a) **Construction Plans.** Plans of construction and development;
 - (b) **Production Plans.** A description of the machinery, processes, or products to be used or produced on the premises;
 - (c) **Emission Levels.** Measurement of the expected amount or rate of emission of any dangerous or objectionable elements from the premises; and
 - (d) **Emission Mitigation.** Specifications for the mechanisms and techniques used or proposed to be used in restricting the emission of any dangerous or objectionable elements from the premises.
- (Ord. 3675)

CHAPTER 9-1030

SOCIAL CARE FACILITIES

Sections:

- 9-1030.1 Intent.**
- 9-1030.2 Applicability.**
- 9-1030.3 Review Standards and Guidelines.**

9-1030.1 INTENT.

The intent of this Chapter is to provide special regulations pertaining to social care facilities in order to preserve the quality of care provided to people using the facilities.
(Ord. 3675)

9-1030.2 APPLICABILITY.

The provisions of this chapter shall apply to the use types listed below. These use types are described in Chapter 9-115.

- (a) Child Care Services: Child Care Centers
- (b) Group Care: Large.
- (c) Group Care: Adult Day Care.

(Ord. 3675; 3756)

9-1030.3 REVIEW STANDARDS AND GUIDELINES.

The following shall be the standards and guidelines for the review and approval of social care facilities:

- (a) **Exterior Yard Area.** A site plan, to scale, of the exterior yard area that will be used for social care purposes shall be submitted containing information as required by the Director of the Community Development Department.
- (b) **Outdoor Recreation Area.** A minimum of thirty-five (35) square feet of outdoor recreation area shall be provided per facility user under two (2) years of age and a minimum of seventy-five (75) square feet must be provided per user over two (2) years of age.
 - (1) Areas which may not be included in calculating outdoor recreation area include side yards less than ten (10) feet in width and areas containing swimming pools, spas, or other water bodies unless covered and deemed safe pursuant to state regulations.
 - (2) Neighborhood greenbelt and park space may be used to satisfy the outdoor recreation area requirement if these alternative areas are located in immediate proximity to the facility, are appropriate for recreation, and proper insurance coverage has been obtained for them.

(c) **Fencing.** All outdoor recreation areas shall be enclosed by walls or fences not less than six (6) feet in height. Should existing fencing be less than six (6) feet in height, the Review Authority may approve such alternative fencing if, upon review of adjacent uses, supervision ratios, and facility floor plans, it is determined that the existing fence height will not be detrimental to the health, safety, or welfare of facility users.

(d) **Garages.** Garages shall be prohibited as a social care facility recreation area unless:

(1) Alternative on-site parking is available to meet minimum residential parking requirements; and

(2) The garage is improved to meet building and fire code regulations as a habitable space.

(e) **Outdoor Activities.** Outdoor activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.

(f) **Public Service Access.** The applicant has developed and will implement a public service access plan providing or arranging for transportation, as necessary, for group care residents or children. The plan shall specifically describe the means by which residents will gain access to bus and other public transportation routes, shopping locations, medical, dental, or other health care facilities, and government offices.

(g) **Maintenance.** The applicant will provide adequate exterior maintenance to the facility and surrounding yard and setback areas. This shall include a plan demonstrating provisions for regular yard and landscape irrigation and maintenance and other items of routine maintenance.

(h) **Siting Criteria.** Site approval applicants should clearly identify industrial operations within 1,000 feet of any social care services they propose to establish.
(Ord. 3675)

CHAPTER 9-1035

MOBILE HOME PARKS

Sections:

9-1035.1	Intent.
9-1035.2	Mobile Home Standards.
9-1035.3	Mobile Home Density.
9-1035.4	Site Specifications.
9-1035.5	Access and Circulation.
9-1035.6	Walkways and Bikeways.
9-1035.7	Parking.
9-1035.8	Screening and Landscaping.
9-1035.9	Recreation and Open Space.
9-1035.10	Common Storage Areas.
9-1035.11	Sewer and Water.
9-1035.12	Conventional Buildings.

9-1035.1 INTENT.

The intent of this Chapter is to establish minimum standards for the location and development of mobile home parks. The criteria and standards set forth herein are intended to supplement applicable zone regulations and provisions of state law.

(Ord. 3675)

9-1035.2 MOBILE HOME STANDARDS.

No new mobile home park approved pursuant to this Title shall accommodate any mobile home which does not comply with current state standards for such homes.

(Ord. 3675)

9-1035.3 MOBILE HOME DENSITY.

The density of mobile homes in any mobile home park shall comply with the density set forth in the General Plan for the area in which the mobile home park is located, but shall not exceed ten (10) mobile homes per net acre.

(Ord. 3675)

9-1035.4 SITE SPECIFICATIONS.

Mobile home sites shall comply with the provisions of this Section.

(a) **Area.** Each site shall contain two thousand five hundred (2,500) square feet. However, an individual site may contain less area provided the average area of all sites in the mobilehome park is at least two thousand five hundred (2,500) square feet.

(b) **Width.** Sites shall average no less than forty (40) feet in width.

(c) **Frontage.** Sites shall have at least twenty-five (25) feet of frontage on a road servicing the interior of the mobile home park.

(d) **Yards and Setbacks.** Yards and setbacks for each mobilehome park shall be those required for main buildings by the zone in which the mobilehome park is located.

(Ord. 3675)

9-1035.5 ACCESS AND CIRCULATION.

Roads servicing mobile home parks shall comply with the provisions of this Section.

(a) **Entrance Roads.** Roads which service entrances to mobile home parks shall provide two-way access and shall be located no less than one hundred fifty (150) feet from any intersection of public streets. The minimum number of entrances and exits to and from mobile home parks shall be determined by the Director.

(b) **Internal Roads.**

(1) All mobilehome parks shall be serviced by at least one (1) interior road of continuous two-way circulation.

(2) No road which does not provide for continuous circulation shall exceed six hundred (600) feet in length. Such roads shall be terminated by cul-de-sacs of no less than fifty (50) feet in radius.

(c) **Road Widths.** Minimum road widths shall be as follows:

(1) Twenty-four (24) feet for roads on which parking is prohibited;

(2) Thirty-two (32) feet for roads on which parking is allowed on one side only; and

(3) Forty (40) feet for roads on which parking is permitted on both sides.

(Ord. 3675)

9-1035.6 WALKWAYS AND BIKEWAYS.

Walkways and bikeways shall be provided as required by this Section.

(a) **General Requirement.** All mobile home parks shall provide internal walkways which connect each mobile home site and provide access to all common areas and a public street.

(b) **Driveway Crossings.** Driveway crossings shall be held to a minimum on walkways, shall be located and designed to provide safety, and shall be appropriately marked and otherwise safeguarded.

(c) **Walkways Used by Children.** Walkways to be used by children as routes to school, bus stops, or other destinations shall be located and safeguarded to minimize contacts with automobile traffic.

(d) **Bikeways.** Bikeways shall be incorporated into the walkway system if there are more than two hundred (200) spaces proposed.

(e) **Combined with Easements.** Walkways and bikeways may be combined with other easements and used by emergency, maintenance, or service vehicles, but shall not be used by other vehicle traffic.

(Ord. 3675)

9-1035.7 PARKING.

Off-street parking shall be provided as set forth in this Section.

(a) **On-site Parking.** There shall be a minimum of one (1) parking space provided at each mobilehome site.

(b) **Guest Parking.** Additional parking areas shall be established and maintained for the use of guests and shall conform to the following standards:

(1) Guest parking areas shall be provided at the rate of one-half (1/2) space per unit.

(2) Guest parking areas shall be located within three hundred (300) feet of the mobilehome site.

(Ord. 3675)

9-1035.8 SCREENING AND LANDSCAPING.

Screening and landscaping for mobilehome parks shall comply with the provisions of this Section.

(a) **Screening.**

(1) A six (6) foot high masonry wall shall be provided along all mobilehome park rear and side property lines.

(2) All common storage areas and common areas for garbage or rubbish shall be screened from mobilehome park residents by a screen not less than seven (7) feet in height.

(3) All required screening shall conform to the standards set forth in Section 9-1020.3 (Screening Standards) of this Title.

(b) **Landscaping.**

(1) A ten (10) foot wide landscaped strip shall be provided along all mobilehome park property lines abutting roads.

(2) All landscaping and fencing required for approval of the Use Permit for the mobilehome park shall conform to the standards set forth in Section 9-1020.2 (Planting Standards) and Section 9-1020.3 (Screening Standards) of this Title.

(3) All required plantings shall conform to the standards set forth in Section 9-1020.2 (Planting Standards) of this Title. All areas not used for buildings, mobile homes, parking, driveways, walkways, recreational facilities, or other permanent facilities shall be landscaped.

(Ord. 3675)

9-1035.9 RECREATION AND OPEN SPACE.

All mobile home parks with more than ten (10) mobile home sites shall provide recreation and open space areas as set forth in this Section.

(a) **Minimum Area.** Required recreation and open space areas shall contain a minimum of five thousand (5,000) square feet.

(1) An additional one hundred (100) square feet shall be provided for each mobilehome site over fifty (50) sites.

(2) Not more than thirty (30) percent of said areas shall be paved.

(3) The required recreation and open space area shall be landscaped.

(b) **Locational Criteria.** Recreation and open space areas shall be centrally located, free of traffic hazards, accessible to all park residents, and available on a year-round basis.

(Ord. 3675)

9-1035.10 COMMON STORAGE AREAS.

Common storage areas shall be provided for the residents of the mobilehome park for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall total not less than fifty (50) square feet for each mobilehome site.

(Ord. 3675)

9-1035.11 SEWER AND WATER.

Each mobilehome park shall comply with the same requirements for sewage disposal and water facilities as is applied to a standard residential development project.

(Ord. 3675)

9-1035.12 CONVENTIONAL BUILDINGS.

A mobile home park shall have no conventionally constructed buildings other than the following:

- (a) Recreational buildings;
- (b) Accessory structures, as specified in Title 25 of the California Administrative Code; and
- (c) One (1) dwelling unit for the use of a caretaker or manager.

(Ord. 3675)

CHAPTER 9-1040

RECREATIONAL VEHICLE PARKS

Sections:

- 9-1040.1 Intent.**
- 9-1040.2 Applicability.**
- 9-1040.3 Site Specifications.**
- 9-1040.4 Access and Circulation.**
- 9-1040.5 Park Design.**
- 9-1040.6 Accessory Commercial Services.**
- 9-1040.7 Prohibitions.**

9-1040.1 INTENT.

The intent of this Chapter is to establish minimum standards for the location and development of recreational vehicle parks. The criteria and provisions set forth herein are intended to supplement any applicable zone regulations and provisions of state law.

(Ord. 3675)

9-1040.2 APPLICABILITY.

No new recreational vehicle park shall be developed except in conformity with the provisions of this Chapter and any other applicable provisions of this Title.

(Ord. 3675)

9-1040.3 SITE SPECIFICATIONS.

Recreational vehicle sites shall conform to the following:

(a) **Area.** Sites shall contain a minimum of one thousand five hundred (1,500) square feet with the following exceptions:

(1) Individual sites in Freeway Service (C-FS) zones may contain a minimum of one thousand (1,000) square feet provided the average area of all recreational vehicle sites in the recreational vehicle park is at least one thousand two hundred (1,200) square feet.

(2) Up to thirty percent (30%) of individual sites in Commercial Recreational (C-R) Zone or agricultural (AL, AG, or AU) zones may contain a minimum of one thousand (1,000) square feet, provided the average of all recreational vehicle sites in the recreational vehicle park is at least one thousand five hundred (1,500) square feet.

(b) **Setbacks.** Recreational vehicle sites and off-street parking spaces shall not be located within the setback areas required for main buildings in the zone in which the recreational vehicle park is located, except where otherwise authorized by the Title.

(c) **Hookup Facilities.** All sites shall provide full power, water, and sewage hookup facilities.

(d) **Pull-Through Spaces.** No less than twenty percent (20%) of all spaces provided for recreational vehicles shall be "pull-through" spaces which allow forward entry into and exit from the space.

(e) **Site Layout.** All individual sites shall be designed to accommodate at least one (1) automobile in addition to the recreational vehicle.
(Ord. 3675; Ord. 3862 § 2, 1996)

9-1040.4 ACCESS AND CIRCULATION.

Roads servicing recreational vehicle parks shall comply with the following provisions:

(a) **Entrance Roads.** Roads which service entrances to recreational vehicle parks shall provide two (2) way access and shall be provided as required by the Director of the Community Development Department.

(b) **Internal Roads.**

(1) All recreational vehicle parks shall be serviced by at least one (1) interior road of continuous two (2) way circulation.

(2) The use of nonthrough interior roads shall be minimized. Such roads shall not exceed six hundred (600) feet in length and shall end in cul-de-sacs providing fifty (50) feet in radius for the turnaround of recreational vehicles.

(3) Each recreational vehicle site shall have frontage on the interior road servicing it.

(c) **Road Widths.** Road widths for interior roads shall be as follows:

(1) Twenty-four (24) feet in clear width where two (2) way traffic is required for ingress and egress.

(2) Sixteen (16) feet in clear width for one (1) way traffic provided the one (1) way road originates from and terminates in a two (2) way road.
(Ord. 3675)

9-1040.5 PARK DESIGN.

Recreational park design shall comply with the standards set forth below:

(a) **Sewage Facilities.** All recreational vehicle parks shall be serviced by a sewage disposal system that includes a sewage disposal plant. The use of septic tanks shall not be permitted.

(b) **Noise Mitigation.** Recreational vehicle parks shall provide measures to mitigate noise to sixty-five (65) Db Ldn for individual sites.

(c) **Lighting.** Lighting of park interiors shall be provided as necessary for the safety or security of park users. Lighting shall be installed so as not to cast glare onto adjoining roads, waterways, or properties.

(d) **Off-Street Parking.** Off-street parking shall be provided as set forth in this Section.

(1) There shall be one (1) parking space provided for each recreational vehicle site.

(2) In all recreational vehicle parks containing fifty (50) or more recreational vehicle spaces, conveniently located parking bays for additional car parking shall be provided within three hundred (300) feet of any recreational vehicle space.

(e) **Perimeter Treatment.** Recreational vehicle park perimeters shall be treated as follows:

(1) **Screening.** Screening shall conform to the standards set forth in Section 9-1022.4 (Screening Standards) of this Title.

(2) **Landscaping.** A ten (10) foot wide landscaped strip shall be installed and maintained along perimeters of abutting streets. Landscaping shall conform to the standards set forth in Section 9-1020.3 (Landscaping Standards) of this Title.

(f) **Open Space.** All recreational vehicle parks with more than ten (10) sites shall provide recreation and open space areas as set forth herein.

(1) **Minimum Area.** Required recreation and open space areas shall contain a minimum of five thousand (5,000) square feet, with an additional one hundred (100) square feet for each recreational vehicle site in excess of fifty (50). No more than thirty percent (30%) of said areas shall be paved.

(2) **Locational Criteria.** Recreation and open space areas shall be centrally located, free of traffic hazards, accessible to all park residents, and available on a year-round basis.

(Ord. 3675; Ord. 3872 § 9, 1996)

9-1040.6 ACCESSORY COMMERCIAL SERVICES.

Limited commercial services catering exclusively to park users may be permitted, provided such services are necessary for the benefit of park users and will not duplicate services available in adjoining areas. Typical services may include snack shops, laundries, and mini-markets. All such accessory commercial services shall be approved by the Review Authority.
(Ord. 3675)

9-1040.7 PROHIBITIONS.

Prohibitions set forth in this Section shall apply within recreational vehicle parks.

(a) **Permanent Residency.** No permanent residency shall be permitted except for a caretaker or manager.

(b) **Conventional Buildings.** A recreational vehicle park shall have no conventionally constructed buildings, other than the following:

(1) Recreational buildings;

(2) Accessory commercial buildings, as specified in Section 9-1040.6;

(3) One (1) dwelling unit for the use of a caretaker or manager.

(c) **Mobile Homes.** A recreational vehicle park shall have no mobilehomes other than one (1) for the use of a caretaker or manager.

(1) The site for the mobilehome shall comply with the provisions of Section 9-1040.4 (Mobilehome Sites) of this Title.

(2) If a mobilehome is used to provide housing for a caretaker or manager, a conventional single-family dwelling for the use of a caretaker or manager shall not be permitted.

(d) **Commercial Uses.** There shall be no commercial uses or activities within a park except for those authorized by Section 9-1040.6. (Ord. 3675)

CHAPTER 9-1045

ANIMALS

Sections:

9-1045.1	Intent.
9-1045.2	Household Pets.
9-1045.3	Specific Standards.
9-1045.4	General Standards.

Tables:

9-1045.3	Animal Standards.
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9-1045.1 INTENT.

The intent of this Chapter is to regulate the keeping of animals, the density of animals, and setbacks of animal enclosures. (Ord. 3675)

9-1045.2 HOUSEHOLD PETS.

In addition to the animals permitted under Sections 9-1045.3 through 9-1045.5, the keeping of household pets shall be permitted in all zones, subject to the following:

(a) For single-family dwelling units, up to three (3) dogs and three (3) cats shall be allowed. Additional household pets may be allowed, provided the total combined number of household pets in one place of residence shall not exceed ten (10).

(b) For dwelling units in multiple-family structures and for mobile-homes in mobilehome parks, the total number of dogs cats and other household pets combined shall not exceed three (3).

(c) The decision as to whether a specific animal is a household pet under this Title shall be made by the Director. (Ord. 3675, 3756)

9-1045.3 SPECIFIC STANDARDS.

The keeping or raising of animals shall be subject to the requirements set forth in Table 9-1045.3. The keeping of animals under the Family Food Production use type shall be subject to the requirement that there shall be no sale of meat, milk, or other products from animals kept for family food production. Animals are to be sold live and are not to be processed on the property. (Ord. 3832 § 34, 1995)

9-1045.4 GENERAL STANDARDS.

The following general standards shall apply to the keeping of animals:

(a) **Offspring.** Unless otherwise specified, the offspring of animals are allowed and shall not be counted

until they are of weanable or self-sufficient age. Dogs and cats shall be counted at four (4) months of age. Swine shall be counted at eight (8) weeks of age.

(b) **Maintenance.** All animal enclosures, including but not limited to pens, cages, and feed areas, shall be maintained free from litter, garbage, and excessive accumulation of manure, so as to discourage the proliferation of flies, other disease vectors, and offensive odors. Premises shall be maintained in a neat and sanitary manner.

(c) **Swine.** Swine shall not be fed market refuse, garbage, or offal.

(d) **Number of Animals Permitted.** Excluding pets, the combined total number of animals permitted by this Chapter shall not exceed the number specified by Table 9-1045.3.

(e) **Health and Safety Regulations.** The keeping or raising of animals shall be subject to all health and safety regulations.

(Ord. 3675; Ord. 3832 § 35, 1995)

Table 9-1045.3

TABLE 9-1045.3: ANIMAL STANDARDS			
Use Type, Animal or Use	Parcel Size	Number of Animals Permitted Per Parcel	Enclosure/Distance Separation Requirements
Animal Feeding and Sales			
Feedlot	Less than 5 acres	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
	5 acres and over	As specified by discretionary permit	
Animal Raising: Educational Animal Project			
Chickens, ducks, geese, turkeys, or similar fowl; rabbits or other fur bearing animal of similar size at maturity.	Less than ¼ acre	None	Except for movement on and off the property, animals shall not be kept or maintained closer than 40 feet from any rear or side property line.
	¼ acre to less than 1½ acres	Not more than 15 of any combination of animals, of which no more than 1 may be a rooster	
	1½ to less than 3 acres	Not more than 25 of any combination of animals, of which no more than 2 may be roosters	
	3 acres to less than 5 acres	Not more than 35 of any combination of animals, of which no more than 3 may be roosters	
	5 acres and over	No limit	
Cattle, horses, and other ruminants; sheep, goats, and similar livestock, except swine.	Less than 5 acres	1 animal for 1 acre; 1 additional animal for each 10,000 square feet over 1 acre	Except for movement on and off the property, animals shall not be kept or maintained closer than 40 feet from any rear or side property line.
	5 acres and over	Maximum of 4 animals of any combination per acre	
Swine	Less than 1 acre	None	Except for movement on and off the property, animals shall not be kept or maintained closer than 40 feet from any rear or side property line.
	1 acre or more	12 swine per acre, including not more than 2 of 8 months of age or older; limit of 30 swine per parcel, including not more than 6 of 8 months of age or older	

TABLE 9-1045.3: ANIMAL STANDARDS			
Use Type, Animal or Use	Parcel Size	Number of Animals Permitted Per Parcel	Enclosure/Distance Separation Requirements
Animal Raising: Exotic Animals			
Exotic Animals	As allowed by zoning district.	As specified by discretionary permit	Except for movement on and off the property, animals shall not be kept or maintained in coops, pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
Animal Raising: General			
Aviary, apiary, worm farms	Less than 1 acre	None	Animals shall not be kept or maintained closer than 40 feet from any rear or side property lines.
	1 acre and over	No limit	
Chickens, ducks, geese, turkeys, or similar fowl; rabbits or other fur bearing animal of similar size at maturity.	Less than ¼ acre	None	Except for movement on and off the property, animals shall not be kept or maintained in coops, pens, corrals, barns, or similar structures closer than 40 feet from any rear or side property line.
	¼ acre to less than 1½ acres	Not more than 15 of any combination of animals, of which not more than 1 may be a rooster	
	1½ acres to less than 3 acres	Not more than 25 of any combination of animals, of which not more than 2 may be roosters	
	3 acres and over	Not more than 35 of any combination of animals, of which not more than 3 may be roosters	
Cattle, horses, and other ruminants; sheep, goats, and similar livestock, except swine.	Less than 5 acres	1 animal for the first acre; 1 additional animal for each 10,000 square feet over 1 acre	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
	5 acres to less than 10 acres	Up to 4 animals of any combination per acre	
	10 acres and over	No limit	
Swine	Less than 1 acre	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
	1 acre or more	Up to 5 swine	

Table 9-1045.3

TABLE 9-1045.3: ANIMAL STANDARDS			
Use Type, Animal or Use	Parcel Size	Number of Animals Permitted Per Parcel	Enclosure/Distance Separation Requirements
Animal Raising: Family Food Production			
Chickens, ducks, geese, turkeys, or similar fowl; rabbits or other fur bearing animal of similar size at maturity.	Less than 1/3 acre	None	Except for movement on and off the property, animals shall not be kept or maintained in coops, pens, corals, barns, or similar structures closer than 40 feet from any rear or side property line.
	1/3 acre to less than 1 1/2 acres	Not more than 15 of any combination of animals, of which no more than 1 may be a rooster	
	1 1/2 acres to less than 3 acres	Not more than 25 of any combination of animals, of which no more than 2 may be roosters	
	3 acres and over	Not more than 35 of any combination of animals, of which no more than 3 may be roosters	
Cattle and other ruminants except horses and other equine; sheep, goats, and similar livestock, except swine.	Less than 1 acre	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corals, barns, or similar structures closer than 40 feet from any rear or side property line.
	1 acre and over	1 animal plus 1 additional animal for each 10,000 square feet over 1 acre; maximum of 5 animals per parcel	
Animal Raising: Hogs			
Hog farm	Less than 1 acre	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than 1/2 acre, closer than 40 feet from any rear or side property line.
	1 acre and over	As specified by discretionary permit	
Animal Raising: Small Animals			
Fish or frog farm	Less than 1 acre	None	The toe of the slope of the pond shall be maintained a distance of 10 feet from the nearest property line or such greater distance as the Director deems necessary.
	1 acre and over	No limit	

TABLE 9-1045.3: ANIMAL STANDARDS			
Use Type, Animal or Use	Parcel Size	Number of Animals Permitted Per Parcel	Enclosure/Distance Separation Requirements
Poultry ranch, excluding ostriches and other ratites	Less than 10 acres	None	Animals shall be kept or maintained a minimum distance of 100 feet from the nearest property line.
	10 acres and over	No limit	
Poultry ranch, for ostriches and other ratites	Less than 2 acres	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, closer than 40 feet from any rear or side property line.
	2 acres and over	As specified by discretionary permit	
Animal Specialty Services: Kennels; Kennels, Small Breeding			
Kennels of any size	As allowed by zoning district	As specified by discretionary permit	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
Dairies			
Cow or goat dairy	Less than 20 acres	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
	20 acres and over	As specified by discretionary permit	

(Ord. 3832 § 36, 1995)

CHAPTER 9-1050**HAZARDOUS WASTE FACILITIES****Sections:**

9-1050.1	Intent.
9-1050.2	Applicability.
9-1050.3	Risk Assessment.
9-1050.4	Unreasonable Risk.
9-1050.5	Siting Criteria.
9-1050.6	Demonstrations.

9-1050.1 INTENT.

The intent of this Chapter is to establish standards and criteria for the siting, construction, or operation of facilities used for the treatment, storage, or disposal of hazardous waste in San Joaquin County.
(Ord. 3675)

9-1050.2 APPLICABILITY.

The provisions of this Chapter shall apply to the establishment of any new facility or expansion of any existing facility in San Joaquin County which proposes to treat, store, dispose of, recycle, or recover a resource from hazardous waste brought to the facility from off-site. The treatment, storage, or disposition of a "hazardous material," "designated waste," or a "special waste" (as the terms are defined in Title 22 of the California Code of Regulations) are not subject to the provisions of this Chapter.
(Ord. 3675)

9-1050.3 RISK ASSESSMENT.

As part of the Use Permit application, the Director may require a Risk Assessment to evaluate the public health risk associated with the proposed facility. The cost of this assessment shall be paid for by the applicant and shall meet the requirements of the San Joaquin County Air Pollution Control District.
(Ord. 3675)

9-1050.4 UNREASONABLE RISK.

A Use Permit for a Hazardous Waste facility shall not be approved if the proposed facility poses an unreasonable risk to public health because of the physical and chemical characteristics of the specific types of materials or wastes to be handled, the design features or location of the facility, or the probability of harm to an individual exposed to emissions from the facility.
(Ord. 3675)

9-1050.5 SITING CRITERIA.

The following siting criteria shall apply to the granting of a Use Permit for a Hazardous Waste Facility:

(a) **Seismic Hazards.** Hazardous waste facilities shall not be located within two hundred (200) feet of an active or recently active earthquake fault.

(b) **Flood Hazards.** Hazardous waste facilities shall not be located within floodways. Land disposal facilities and residual repositories shall not be located within flood fringe areas. All other facilities may be located in flood fringe areas if all structures are elevated so that the lowest floor is at least one (1) foot above the one hundred (100) year flood elevation.

(c) **Wetlands.** Hazardous waste facilities shall not be located in wetlands.

(d) **Unstable Soils.** Hazardous waste facilities shall not be located in areas subject to subsidence, liquefaction, landslide, soil creep, earth flow, or other potential rapid geologic change.

(e) **Aquifer Recharge Areas.** Hazardous waste facilities shall not be located in areas identified as substantial aquifer recharge areas by the State Department of Water Resources. In addition, land disposal facilities and residual repositories shall not be located in areas identified as slight-to-moderate aquifer recharge areas by the State Department of Water Resources.

(f) **Critical Habitat of Endangered Species.** Hazardous waste facilities shall not be located within endangered species habitat areas as identified by the Natural Diversity Data Base of the State Department of Fish and Game.

(g) **Distance from Residences.** Residential dwellings shall not be located within a two thousand (2,000) foot buffer zone for any residual repository, and within a five hundred (500) foot buffer zone for all other hazardous waste facilities.

(h) **Distances from Immobile Populations.** Immobile populations (including schools, hospitals, convalescent homes, and prisons) shall not be located within a one thousand (1,000) foot buffer zone for all hazardous waste facilities.

(i) **Distances from Public Assembly Areas.** Public assembly areas (including parks, recreation facilities, churches, meeting halls, or other facilities where large numbers of people congregate) shall not be located within a one thousand foot (1,000') buffer zone for all hazardous waste facilities.

(j) **Proximity to Major Transportation Routes.** Hazardous waste facilities shall be located as close as possible to major transportation routes that are designed to accommodate heavy vehicles and that are regarded as

safe with respect to road design and construction, accident rates, and traffic congestion.

(k) **Proximity to Waste Stream.** Hazardous waste facilities shall be located as close as possible to waste generators in order to minimize the risks of transporting hazardous wastes.

(l) **Availability of Public Services.** Preference shall be given to siting all hazardous waste facilities in areas where public water, sewer, storm drainage, and emergency services are readily available. However, residual repositories, transfer stations, and storage facilities may be allowed to develop with self-sufficient (on-site) services. (Ord. 3675)

9-1050.6 DEMONSTRATIONS.

When required, the applicant for a Use Permit for a Hazardous Waste Facility shall provide the following demonstrations:

(a) **Prime Agricultural Land.** For hazardous waste facilities proposed on prime agricultural land, the applicant shall demonstrate an overriding public need for such facilities.

(b) **High Ground Water.** For hazardous waste facilities proposed in areas of high ground water, the applicant shall demonstrate that the design and construction of the proposed facility will avoid the release of hazardous wastes to the water table.

(c) **Permeable Strata and Soils.** For hazardous waste facilities proposed in areas of permeable strata and soils, the applicant shall demonstrate spill containment, monitoring devices, or other engineered design features.

(d) **Air Quality.** For any hazardous waste facility, the applicant shall demonstrate that the proposed facility will comply with local, state, and federal air quality regulations for all criteria, noncriteria, and toxic air contaminants.

(e) **Recreational, Cultural Resource, or Aesthetic Areas.** For hazardous waste facilities proposed in areas with identified recreational, cultural resource, or aesthetic values, the applicant shall demonstrate appropriate avoidance or mitigation measures taken to protect such resources.

(f) **Mineral Resource Areas.** For hazardous waste facilities proposed within or in close proximity to identified mineral resource areas, the applicant shall demonstrate appropriate mitigation measures that will assure the conservation and development of such mineral resources.

(Ord. 3675)

CHAPTER 9-1053

HISTORIC RESOURCE PRESERVATION

Sections:

9-1053.1	Intent.
9-1053.2	Applicability.
9-1053.3	Designation of a Historic Resource (Reserved).
9-1053.4	Change in Designation (Reserved).
9-1053.5	Change in Use.
9-1053.6	Creation of Parcels for Historical Resource.
9-1053.7	Structural Alterations (Reserved).

9-1053.1 INTENT.

The intent of this Chapter is to establish regulations for the preservation of historic resources, such as cultural, archaeological, architectural, aesthetic, and environmental resources, within San Joaquin County. Accordingly, these regulations have the following specific objectives:

(a) To preserve, maintain, and improve structures, sites, and districts of historical significance;

(b) To ensure that modifications to historic resources within the County is consistent with the historic character to be preserved or enhanced; and

(c) To enrich the educational, cultural, and aesthetic interests of the County through the preservation of the county's historical resources.

(Ord. 3675)

9-1053.2 APPLICABILITY.

The provisions of this Chapter shall apply to all zones in San Joaquin County.

(Ord. 3675)

9-1053.3 DESIGNATION OF A HISTORIC RESOURCE.

(Reserved).

9-1053.4 CHANGE IN DESIGNATION.

(Reserved).

9-1053.5 CHANGE IN USE.

A Use Permit in accordance with Chapter 9-821 shall be required prior to any change in the use of an historical resource with the following modifications to the Use Permit process:

(a) **Additional Requirements for Application.** The request for such Use Permit shall include the following additional information:

- (1) Evidence that the proposed change in use is consistent with the intent of this Chapter;
- (2) A list of alterations required for the change of use; and
- (3) A site plan which clearly delineates the location and characteristics of the proposed use.

(b) **Additional Findings.** In addition to the findings specified for the Use Permit, the Review Authority shall find that all of the following are true:

- (1) Such historical resource has been identified as being significant by a recognized historical or architectural organization, or the historical value of the resource can be established by historical or architectural literature, publications, or official documents which discuss the resource and its place in history; and
 - (2) The proposed use of such historical resource shall not detract from, or otherwise impair, it as an historical resource, but instead, the proposed use shall complement, enhance, and be compatible with the historical resource.
- (Ord. 3675)

9-1053.6 CREATION OF PARCELS FOR HISTORICAL RESOURCES.

Parcels may be created which are less than the minimum area required by the zone in which the historical resource is located, if the purpose of the smaller parcel is to permit the retention, sale, or transfer of the site on which the historical resource is located in order to attain the intent of this section. The minimum area of parcels created under the provisions of this section shall be determined by the Review Authority.

(Ord. 3675)

9-1053.7 STRUCTURAL ALTERATIONS.
(Reserved)

CHAPTER 9-1054

MILLS ACT CONTRACT

Sections:

- 9-1054.1 Intent.**
- 9-1054.2 Mills Act Contract Contents.**
- 9-1054.3 Nonrenewal of Mills Act Contracts.**
- 9-1054.4 Cancellation of Mills Act Contracts.**
- 9-1054.5 Fees.**
- 9-1054.6 Enforcement.**

9-1054.1 INTENT.

The intent of this Chapter is to create an incentive program and establish regulations for the preservation of qualified historic property, in San Joaquin County. This Chapter will provide a method for establishing, terminating, and canceling, qualified historic properties pursuant to California Government Code Sections 50280 through 50290 and California Revenue and Taxation Code Article 1.9, Sections 439 through 439.4. The goal of preservation is supported by the following specific objectives:

- (a) To preserve, maintain, and improve structures and sites, of historic significance;
 - (b) To ensure that rehabilitation and modifications of qualified historic properties are accurate and in keeping with their historic context; and
 - (c) To provide educational and cultural opportunities for the residents of the County.
- (Ord. 4133 § 2, 2001)

9-1054.2 MILLS ACT CONTRACT CONTENTS.

The purpose of this section is to provide a method for executing a contract pursuant to the Mills Act.

(a) Application Requirements.

A "Mills Act contract" application shall include all documentation, maps or other information required by the Director. Applications shall be filed with the Community Development Department. Contract applications may be initiated by a private property owner or his designated agent and shall meet the following criterion:

- (1) **Historic Listing.** The qualified historic property must be registered with either the federal National Register of Historic Places or the State's Register of Historical Resources. A qualified historic property may also qualify for Mills Act contract status by being a property that is

designated by the State of California as a Historic Landmark or as a Point of Historic interest.

(b) Contract Terms.

Any contract that is entered into shall comply with the following provisions:

(1) **Minimum Term.** The minimum term of a Mills Act contract shall be ten (10) years. Each year, on the date specified in the contract, the contract is automatically renewed for an additional year unless a Notice of Nonrenewal is given or the contract is cancelled;

(2) **Preservation, restoration, and rehabilitation.** Property owners under contract shall provide for the necessary preservation, restoration, and rehabilitation of the property so that it conforms with the rules and regulations of the United States Secretary of the Interior's Standards for Rehabilitation and the California State Historical Building Code;

(3) **Inspections.** The contract shall provide for the periodic examination of the interior and exterior of the premises by the Community Development Department, Assessor, the Department of Parks and Recreation, and the State Board of Equalization to determine the owner's compliance with the contract;

(4) **Successors.** The contract shall be binding upon any successor to the original property owner, i.e. the contract shall "run with the land." The successor in interest shall have the same rights and obligations as the original owner who entered into the contract.

(5) **Annexation.** If a City annexes a historic resource with an established Mills Act contract, the City shall succeed to all rights, duties and powers formerly held by the County.

(6) **Recordation.** The establishment or cancellation of a contract shall not be final until the contract or notice of cancellation is recorded with the County Recorder by the Community Development Department.

(7) **Notification.** The owner or agent of an owner shall provide written notice of the contract to the state Office of Historic Preservation within six (6) months of entering into the contract.

(c) Review Procedure.

Contract applications shall be reviewed by the Community Development Department and by County Counsel before submittal to the Board of Supervisors who shall take final action on the contract application.

(Ord. 4133 § 2, 2001)

9-1054.3 NONRENEWAL OF MILLS ACT CONTRACTS.

This Section provides a method for nonrenewal of a Mills Act contract. Either party to the contract may submit

a Notice of Nonrenewal. Failure to serve a written Notice of Nonrenewal to the other party within the times listed below shall result in an additional year being added to the annual renewal date of the contract.

(a) **Application Requirements.** A "Notice of Nonrenewal" application to terminate a Mills Act contract shall include all documentation, maps or other information required by the Director. Applications shall be filed with the Community Development Department. The contract shall continue until the term of the contract has expired.

(b) **County Initiated.** A Notice of Nonrenewal initiated by the County shall be given to the owner or the owners designated agent at least sixty (60) days before the anniversary date of the contract.

(c) **Owner Initiated.** A Notice of Nonrenewal initiated by the owner shall be given to the County at least ninety (90) days before the anniversary date of the contract.

(Ord. 4133 § 2, 2001)

9-1054.4 CANCELLATION OF MILLS ACT CONTRACTS.

This Section provides a method for canceling a Mills Act contract. For the reasons listed below, the County or the owner may initiate a Mills Act Cancellation application. The application fee and any applicable penalty fee shall be paid at the time the request for cancellation is made. The penalty fee is twelve and one-half (12.5) percent of the current fair market value of the property.

Cancellation of a Mills Act contract requires notification to the property owner, public notice in a newspaper of general circulation and a public hearing by the Board of Supervisors. Immediately following approval by the Board of Supervisors, the cancellation process shall begin.

Contract cancellation shall be permitted for the following reasons:

(a) **Eminent Domain.** If the historic resource is acquired in whole or in part by eminent domain the contract shall be deemed null and void. No penalty fee shall be imposed on the property owner;

(b) **Breach of Contract.** If it is determined that the property owner has breached any of the conditions of the Mill Act contract, the contract shall be cancelled and a penalty fee shall be imposed on the property owner;

(c) **Inadequate Restoration.** If the owner has not rehabilitated the property in the manner specified in the Mills Act contract, the contract shall be cancelled and a penalty fee shall be imposed on the property owner; or;

(d) **Deterioration.** If the property has deteriorated and no longer meets the federal standards for a qualified

historic resource referred to in the Mills Act contract, the contract shall be cancelled and a penalty fee shall be imposed on the property owner.
(Ord. 4133 § 2, 2001)

9-1054.5 FEES.

A fee for the “Mills Act Contract”, “Mills Act Notice of Nonrenewal” and the “Mills Act Cancellation” application shall be required. These fees are established by the Board of Supervisors pursuant to Development Title section 9-240.2.
(Ord. 4133 § 2, 2001)

9-1054.6 ENFORCEMENT.

Violations of this Chapter shall be enforced pursuant to Chapter 9-1905 of the San Joaquin County Development Title.
(Ord. 4133 § 2, 2001)

CHAPTER 9-1055

MITIGATION MONITORING AND REPORTING

Sections:

- 9-1055.1 Intent.**
- 9-1055.2 Monitoring and Reporting Plan.**
- 9-1055.3 Responsibilities of Director.**
- 9-1055.4 Progress Reports.**
- 9-1055.5 Fees.**
- 9-1055.6 Amendments.**
- 9-1055.7 Enforcement.**

9-1055.1 INTENT.

The intent of this Chapter is to provide a process to assure adequate monitoring and reporting of all measures required to mitigate potential impacts from discretionary projects, as required by Section 21081.6 of the California Public Resources Code.
(Ord. 3675)

9-1055.2 MONITORING AND REPORTING PLAN.

The Review Authority shall adopt a Monitoring and Reporting Plan for discretionary projects that are approved subject to conditions or changes which are deemed necessary by the Review Authority to reduce potentially significant environmental impacts below a level of significance. The Plan shall be adopted prior to project approval and, at a minimum, shall include the following elements:

- (a) A description of the proposed project.
- (b) A listing of each mitigation measure required by the Review Authority to reduce potentially significant environmental impacts below a level of significance.
- (c) The method of monitoring and reporting on the required mitigation measures include:
 - (1) The department, division, agency, firm, or individuals responsible for conducting or overseeing the monitoring and reporting function;
 - (2) An identification of the date or other appropriate time period for implementing each mitigation measure;
 - (3) An identification of the frequency of inspections and the duration of the required monitoring and reporting;
 - (4) A detailed work program and task assignment worksheet for monitoring and reporting, when deemed appropriate by the Review Authority.

(d) An identification of the anticipated cost to be paid by the applicant and the timing and method of payments.
(Ord. 3675)

9-1055.3 RESPONSIBILITIES OF DIRECTOR.

The Director shall be responsible for assuring the preparation and implementation of the Monitoring and Reporting Plan.

(a) The Director may request, and shall receive, assistance from other County departments in implementing the Monitoring and Reporting Plan.

(b) The Director may delegate specific responsibilities for monitoring or reporting to project applicants or qualified consultants.
(Ord. 3675)

9-1055.4 PROGRESS REPORTS.

Progress reports summarizing the progress made toward achieving required mitigation measures shall be made at intervals prescribed by the Director.

(a) All progress reports shall be made available for public inspection.

(b) A copy of each progress report shall be mailed by the Director to the project applicant or the project applicant's designated representative or his successors within five (5) working days after receipt of such report.
(Ord. 3675)

9-1055.5 FEES.

A fee, as specified by resolution of the Board of Supervisors, shall be paid by the project applicant to cover the County's cost of preparing, administering and implementing the Monitoring and Report Plan, with the following modifications:

(a) Unless otherwise required by the Director, the fee shall be paid prior to the acceptance of any plans for review by the Building Official.

(b) For projects which require monitoring longer than twelve (12) months, such as projects approved with a development agreement, the applicant will be required to demonstrate that long-term funding of the Monitoring and Reporting Plan will be assured.
(Ord. 3675)

9-1055.6 AMENDMENTS.

A Monitoring and Reporting Plan may be amended in whole or in part, subject to the following provisions:

(a) For major changes, as determined by the Director, the Monitoring and Reporting Plan shall be amended by the Review Authority which adopted the Plan, subject to the same review procedure as that required for the discretionary application to which the Plan originally applied.

(b) For minor changes, the Monitoring and Reporting Plan shall be amended as specified by the Director.
(Ord. 3675)

9-1055.7 ENFORCEMENT.

In addition to the enforcement mechanisms specified in Chapter 9-230, Chapter 9-1310, and Chapter 9-1905, violation of an approved Monitoring and Reporting Plan may result in one (1) or more of the following actions:

(a) Forfeiture of any bond trust account, or other financial assurance;

(b) Action to recover funds assured under a letter of credit; or

(c) A lien against the real property subject to the violation in the amount necessary to correct the violation.
(Ord. 3675)

CHAPTER 9-1060
ADULT ENTERTAINMENT

Sections:

- 9-1060.1 Intent.**
- 9-1060.2 Applicability.**
- 9-1060.3 Review standards and guidelines.**

9-1060.1 INTENT.

The intent of this chapter is to provide reasonable and uniform regulations to prevent the concentration of adult businesses or their close proximity to incompatible uses, while permitting the location of adult businesses in certain areas.

(Ord. 3877 § 4 (part), 1996; Ord. 3878 § 4 (part), 1996)

9-1060.2 APPLICABILITY.

The provisions of this chapter shall apply to the Adult Entertainment use type, as described in Section 9-115.315.

(Ord. 3877 § 4 (part), 1996; Ord. 3878 § 4 (part), 1996)

9-1060.3 REVIEW STANDARDS AND GUIDELINES.

The following shall be the standards and guidelines for the review and approval of Adult Entertainment businesses:

(a) **Application Type.** A major improvement plan shall be submitted containing information as required by the Director of the Community Development Department. The application shall include a vicinity map showing specific land uses within one thousand (1,000) feet of the proposed site.

(b) **Location Requirements.** Adult businesses shall not be located within five hundred (500) feet of the following whether or not located within the County:

- (1) Property zoned for residential use, or shown as a Residential designation on the General Plan map;
- (2) Family Residential;
- (3) Mobile Home Park;
- (4) Religious Assembly;
- (5) Educational Services—General (including public schools);
- (6) A park; or

(7) Liquor Sales On-Premises General; Liquor Sales On-Premises Limited; and Liquor Sales Off-Premises.

The five hundred (500) foot setback shall be measured from property line to property line, except for nonconforming Family Residential uses, which shall be measured from building to building.

(c) **Concentration Requirement.** Adult business shall not be located within one thousand (1,000) feet of any other legally established Adult Entertainment business.

(d) **Temporary Structures.** No Adult Entertainment business shall be located in any temporary or portable structure.

(e) **Outdoor Lighting.** The entire exterior ground, including the parking lot and landscaped areas shall be lighted in such a manner that all areas are clearly illuminated at all times.

(f) **Signs.** Signs shall conform to the requirements of Chapter 9-1710, and shall not contain sexually oriented photographs, silhouettes, or other pictorial representations.

(g) **Special Events.** No special event, promotion, festivity, concert, or similar activity which will create demand for parking spaces beyond the number of spaces required for the business is allowed.

(h) **Hours of Operation.** The business shall be open to the public only from 6:00 a.m. to 2:00 a.m.

(i) **Noise.** No loudspeakers or sound equipment shall be used for the amplification of sound to a level audible beyond the walls of the building in which the business is located.

(j) **Maintenance.** All exterior areas, including buildings, landscaping, and parking areas shall be kept free of trash and debris and maintained in a clean and orderly manner.

(k) **Business License.** Each Adult Entertainment business shall comply with all applicable laws and regulations, including obtaining a County business license.

(l) **Activities.** Entrance doors and windows shall be arranged and screened so that activities conducted within the building are not visible outside of the building.

(m) **Employees.** Employees are not allowed outside, except for security personnel and employees using any provided outside smoking and break area which shall be screened from the public.

(n) **Lap Dance.** Lap Dance means for any person whether clothed, partially nude or nude, in exchange for any compensation or gratuity to cause any part of his or her body, directly or through a medium, to touch, rub, caress, or fondle the genital or pubic region of any member of the public or allow, suffer or tolerate himself or herself to be caressed or fondled by any person.

Lap Dances are not allowed in any establishment that does not have a permit issued pursuant to Section 9-1060.

(Ord. 3877 § 4 (part), 1996; Ord. 3878 § 4 (part), 1996; Ord. 4355 § 2, 2008)

(Ord. No. 4389, § 2, 3-30-2010)

CHAPTER 9-1065

WIRELESS TELECOMMUNICATION FACILITIES

Sections:

9-1065.1	Intent.
9-1065.2	Applicability.
9-1065.3	Use of Existing Structures.
9-1065.4	Construction of Freestanding Support Structures.
9-1065.5	Collocation/Siting on Publicly Owned/Controlled Property.
9-1065.6	Use of Specialists.
9-1065.7	Maintenance of Facilities.
9-1065.8	Removal of Facilities.
9-1065.9	Exemption.

9-1065.1 INTENT.

The intent of this Chapter is to provide design, siting, and locational requirements for support structures for wireless telecommunication antennas and supporting equipment in order to encourage their collocation in the County and to minimize the potential adverse impacts of said structures on public safety and aesthetics. (Ord. 3931 § 9 (part), 1997)

9-1065.2 APPLICABILITY.

This Chapter shall be applicable to all wireless telecommunication facilities that require the granting of commercial licenses from the Federal Communications Commission and/or the California Public Utilities Commission. (Ord. 3931 § 9 (part), 1997)

9-1065.3 USE OF EXISTING STRUCTURES.

Wireless telecommunication antennas and supporting equipment proposed to be attached to existing structures and buildings shall be subject to the following development standards:

(a) In commercial and industrial zones, and in areas with an M-X, P-F, or A-G zoning designation, wireless telecommunication antennas may project up to ten (10) feet above the height of the structure, or up to ten (10) feet above the roof line of the building plus an additional one (1) foot for each ten (10) feet of horizontal distance the antenna is set back from the edge of the building, provided all of the following requirements are satisfied:

(1) The applicant has shown that the subject antenna is not sufficient for wireless telecommunication in its intended coverage area if it is mounted at or below the height of the structure or the roof line of the building.

(2) The antenna and supporting equipment to be mounted or located above the height of the structure or the roof line of the building shall be painted or otherwise treated to match the exterior of the structure or building, or when feasible hidden behind existing or added screening which is architecturally compatible with said structure or building.

(3) The existing structure or building is not an historic resource.

(b) Excluding wireless telecommunication antennas and supporting equipment located on structures and buildings on publicly owned or controlled property, wireless telecommunication antennas and supporting equipment shall not project above the height of the structure or the roof line of the building in residential zones, and in areas with an A-U or A-L zoning designation.

(c) Wireless telecommunication antennas and supporting equipment not projecting above the height of the structure or the roof line of the building shall be architecturally and visually integrated with said structure or building so as not to be generally perceptible. Architectural and visual integration shall include, but shall not be limited to:

(1) Locating said antennas and supporting equipment within buildings, attics, steeples, towers, and new additions that are architecturally compatible with the subject structure or building;

(2) Concealing said antennas and supporting equipment behind and below parapets; and

(3) Encasing said antennas and supporting equipment in fiberglass, stucco, brick, or other medium, which appear integral to the structure or building. (Ord. 3931 § 9 (part), 1997)

9-1065.4 CONSTRUCTION OF FREESTANDING SUPPORT STRUCTURES.

Construction of new freestanding support structures for antennas and supporting equipment for wireless telecommunication, including the replacement of existing freestanding support structures for wireless telecommunication, shall be subject to the following development standards:

(a) Unless shown not to be feasible by the applicant, any new freestanding support structure for wireless telecommunication shall be a monopole. The applicant shall provide information and any other documentation required by the Review Authority to explain why a ground-built support structure other than a monopole is being proposed as the new freestanding support structure.

(b) New freestanding support structures shall be the minimum height required for wireless telecommunication.

(c) New freestanding support structures, including associated antennas and supporting equipment, shall be sited, painted, or otherwise treated to the extent feasible (and permitted by State and Federal law) to minimize visual impacts. Methods to minimize visual impacts shall include, but shall not be limited to:

(1) Using vegetation, fencing, existing development, and topography to screen freestanding support structures, including associated antennas and supporting equipment, from public view; and

(2) Using appropriate paint color, finish, texture, and materials to match nearby structures.

(d) New freestanding support structures shall be located a distance equal to at least the height of the said structure from residential structures on adjoining properties.

(e) New freestanding support structures and associated antennas shall not significantly displace or impair agricultural operations, if any, on the subject parcel or surrounding parcels.

(Ord. 3931 § 9 (part), 1997)

9-1065.5 COLLOCATION/SITING ON PUBLICLY OWNED/CONTROLLED PROPERTY.

Unless shown not to be feasible by the applicant or considered not to be desirable by the Review Authority, a new wireless telecommunication facility shall collocate on an existing wireless telecommunication facility or, if an existing wireless telecommunication facility is not present within the coverage area of the proposed facility, on an existing structure or building on publicly owned or controlled property.

(a) If use of an existing structure or building on publicly owned or controlled property, or if collocation on an existing wireless telecommunication facility, is not being proposed, the applicant shall provide information and any other documentation required by the Review Authority explaining why use of such existing structures or buildings is not feasible or desirable.

(b) If a new freestanding structure for wireless telecommunication is proposed, the applicant shall agree to allow future applicants to collocate at the site of the proposed facility. The Review Authority may waive this requirement if it determines that such collocation is not desirable or technologically feasible, or would adversely affect the operation of the applicant.

(Ord. 3931 § 9 (part), 1997)

9-1065.6 USE OF SPECIALISTS.

The Review Authority may retain the services of a

communications consultant in order to understand, analyze, and evaluate the request for the proposed wireless telecommunication facility. The consultant shall be selected by the Director. The applicant shall be responsible for the cost of the consultant's services plus an administrative fee as set by resolution of the Board of Supervisors.

(Ord. 3931 § 9 (part), 1997)

9-1065.7 MAINTENANCE OF FACILITIES.

All freestanding structures, antennas, and supporting equipment associated with wireless telecommunication shall be maintained in good condition by the provider of the telecommunication facility and, whenever necessary, repaired or replaced.

(Ord. 3931 § 9 (part), 1997)

9-1065.8 REMOVAL OF FACILITIES.

Freestanding structures, antennas, and supporting equipment associated with wireless telecommunication shall be removed by the provider of such facilities and the site restored to its preconstruction state if said facilities have not been operational or used for a period of six (6) consecutive months. Removal and site restoration shall be completed within ninety (90) days of the end of said six (6) month period. To guarantee removal of unused or abandoned facilities, the Review Authority may require the applicant to post a bond or other suitable security instrument.

(Ord. 3931 § 9 (part), 1997)

9-1065.9 EXEMPTION.

This Chapter shall not be applicable to public entities that provide emergency communication services for the Sheriff's Office or the Office of Emergency Services, in order to provide coordination with cities, counties, and State agencies.

(Ord. 3931 § 9 (part), 1997)

CHAPTER 9-1070**PRODUCE STANDS AND AGRICULTURAL STORES****Sections:**

9-1070.1	Intent.
9-1070.2	Applicability.
9-1070.3	Produce Stand.
9-1070.4	Agricultural Store, Small.
9-1070.5	Agricultural Store, Large.
9-1070.6	Enforcement.

9-1070.1 INTENT.

The purpose of this Chapter is to establish regulations that will allow farmers in San Joaquin County to market produce and agricultural products directly to local consumers and to tourists. The intent is to allow limited retail trade as a supplement to agriculturally based economic activities throughout the County. Produce stands and agricultural stores are intended to be a less intense use than convenience markets. Traditional urban retail stores, supermarkets and grocery stores, convenience or mini-markets, full-service eating establishments, bakeries, flea markets, farmer's markets and mobile facilities, are to be discouraged. It is also the intent of this Chapter to coordinate and strive for consistency between local development standards and existing State law concerning retail food sales regulated under the California Uniform Retail Food Facility Law (CURFFL).

(Ord. 4059 § 14 (part), 2000)

9-1070.2 APPLICABILITY.

The provisions of this Chapter shall apply whenever:

- (a) A new building is constructed;
- (b) An existing building, including a legal nonconforming structure is enlarged; or
- (c) The use of the site or the use of the building is changed.

(Ord. 4059 § 14 (part), 2000)

9-1070.3 PRODUCE STAND.

Produce stands shall be subject to the following development standards:

- (a) **Area.** The maximum area to be used for a produce stand is seven hundred (700) square feet.
- (b) **Structures.** Tables and/or membrane structures, i.e. tents and canopies, are permitted. All tables and membrane structures must be removed when operations cease for the year. Only a permanent built structure of less than one hundred twenty (120) square feet is permitted. Such structures shall remain vacant for six (6)

months of the year. All built structures will require a Building permit.

(c) **Retail Sales Activities.** Only the sale of produce, cut flowers, and/or shell eggs grown or raised in San Joaquin County is permitted. All other type of merchandising is prohibited.

(d) **Location and Number.** One produce stand shall be permitted per parcel in Agricultural zones.

(e) **Length of Operation.** Produce stands shall be temporary. Temporary means any activity, structure, tent or canopy that is used for a period of not more than one hundred eighty (180) days within a twelve (12) month period on a single property.

(f) **Signs.** The signage requirements for the Produce Sales use type shall apply pursuant to Section 9-1710.4(i).

(g) **Landscaping.** No landscaping improvements shall be required.

(h) **Parking.** An earthen or gravel parking area capable of accommodating a minimum of two (2) vehicles shall be required for produce stands. Ingress and egress directly onto a State Route shall be prohibited unless it is the only access to the site or unless an access agreement has been obtained from Caltrans.

(i) **Other Permits.** Produce stands shall comply with all regulations administered by the Building Department and the Fire Department. Produce stands shall not be required to obtain a permit to operate from the Environmental Health Division. A Business License shall not be required for a produce stand when the farmer sells her/his own produce pursuant to Title 7, Section 7-1002(b). No other entitlements from the Community Development Department are needed. Produce stands shall not be subject to the Public Works Department Traffic Impact Mitigation fee.

(Ord. 4059 § 14 (part), 2000; Ord. 4101 § 4, 2001)

9-1070.4 AGRICULTURAL STORE, SMALL.

Small agricultural store operations shall be subject to the following development standards:

(a) **Floor Area for Retail Sales.** A maximum of one hundred fifty (150) square feet of floor area may be used for limited retail sales.

(b) **Structures.** Only permanent built structures are permitted. The maximum size of the structure shall be one thousand five hundred (1,500) square feet.

(c) **Retail Sales Activities.** The sale of agricultural products, sundries, prepackaged food and bottled or canned beverages is allowed only in conjunction with the sale of produce, and/or shell eggs. The sale of cut flowers shall be permitted only within the retail sales area.

(d) **Location and Number.** One (1) small agricultural store shall be permitted per parcel in the Agricultural,

Industrial and Commercial zones pursuant to Sections 9-605.2 or 9-505.2 or 9-405.2.

(e) **Length of Operation.** Small agricultural stores may operate three hundred sixty-five (365) days a year.

(f) **Signs.** The signage requirements for the Produce Sales use type shall apply pursuant to Sections 9-1710.4(h) or 9-1710.4(f) or 9-1710.4(d) or 9-1710.4(e).

(g) **Landscaping.** Landscaping requirements for the small agricultural store shall apply pursuant to Sections 9-1020.1, 9-1020.2, 9-1020.3 and 9-1020.7.

(h) **Parking.** The parking surfacing requirement for small agricultural stores shall be chip seal. Ingress and egress directly onto a State Route shall be prohibited unless it is the only access to the site or unless an access agreement has been obtained from Caltrans.

(i) **Other Permits.** Small agricultural stores shall comply with all regulations administered by the Building Department, Public Works Department and the Fire Department. Small agricultural stores shall be required to obtain an annual permit to operate from the Environmental Health Division, including a plan review for all proposed or remodeled food facilities. The sale of any food items except owner grown produce and shell eggs triggers this requirement. Small agricultural stores shall also be required to obtain a Business License and Site Approval from the Community Development Department.

(j) **Cold Storage.** Cold storage trailers are permitted as an accessory structure to agricultural operations in the Agricultural zones. This Chapter does not regulate cold storage trailers. However, cold storage boxes with glass panels that are used for display shall be included as part of the one hundred fifty (150) square foot floor area for retail sales.

(k) **Conversion of Produce Stands to Small Agricultural Stores.** A produce stand existing on or before May 25, 2000, which is housed in a structure that exceeds one thousand five hundred (1,500) square feet and that conformed to the Development Title requirements at the time it was established may continue to use the existing building only when both of the following conditions have been met:

(1) The produce stand owner or operator has obtained a Business License amendment; and

(2) The produce stand owner or operator has obtained a Site Approval for a small agricultural store.

(Ord. 4059 § 14 (part), 2000; Ord. 4087 § 1, 2000; Ord. 4101 § 5, 2001)

9-1070.5 AGRICULTURAL STORE, LARGE.

Large agricultural store operations shall be subject to the following development standards:

(a) **Floor Area for Retail Sales.** A maximum of five hundred (500) square feet of the structure's total floor area may be used for limited retail sales.

(b) **Structures.** Only permanent built structures are permitted. The size of the structure shall be larger than one thousand five hundred (1,500) square feet.

(c) **Retail Sales Activities.** The sale of agricultural products, sundries, prepackaged food, bottled or canned beverages and freshly prepared food and beverages is allowed only in conjunction with the sale of produce, and/or shell eggs. The sale of cut flowers shall be permitted only within the retail sales area.

(d) **Location and Number.** One large agricultural store shall be permitted per parcel in the Agricultural, Industrial and Commercial zones pursuant to Sections 9-605.2 or 9-505.2 or 9-405.2.

(e) **Length of Operation.** Large agricultural stores may operate three hundred sixty-five (365) days a year.

(f) **Signs.** The signage requirements for the Produce Sales use type shall apply pursuant to Sections 9-1710.4(h) or 9-1710.4(f) or 9-1710.4(d) or 9-1710.4(e).

(g) **Landscaping.** Landscaping requirements for the large agricultural store shall apply pursuant to Sections 9-1020.1, 9-1020.2, 9-1020.3 and 9-1020.7.

(h) **Parking.** The parking surfacing requirements for large agricultural stores shall be asphalt concrete or portland cement concrete. Ingress and egress directly onto a State Route shall be prohibited unless it is the only access to the site or unless an access agreement has been obtained from Caltrans.

(i) **Other Permits.** Large agricultural stores shall comply with all regulations administered by the Building Department, Public Works Department and the Fire Department. Large agricultural stores shall be required to obtain an annual permit to operate from the Environmental Health Division, including a plan review for all proposed or remodeled food facilities. The sale of any food items except owner grown produce and shell eggs triggers this requirement. Large agricultural stores shall also be required to obtain a Business License and a Use Permit from the Community Development Department.

(j) **Cold Storage.** Cold storage trailers are permitted outright as an accessory structure to agricultural operations in the Agricultural zones. This Chapter does not regulate cold storage trailers. However, cold storage boxes with glass panels that are used for display shall be included as part of the five hundred (500) square foot floor area for retail sales.

(Ord. 4059 § 14 (part), 2000; Ord. 4101 § 6, 2001)

9-1070.6 ENFORCEMENT.

Violations of this Chapter shall be enforced pursuant to Chapters 9-230 and 9-1905 of this Title.
(Ord. 4059 § 14 (part), 2000)

CHAPTER 9-1075

WINERIES AND RELATED FACILITIES

Sections:

- 9-1075.1 Intent.**
- 9-1075.2 Applicability.**
- 9-1075.3 Large Wineries.**
- 9-1075.4 Medium Wineries.**
- 9-1075.5 Small Wineries.**
- 9-1075.6 Wine Cellars, On-Site.**
- 9-1075.7 Wine Cellars, Off-Site.**
- 9-1075.8 Existing Wineries and Wine Cellars.**
- 9-1075.9 Winery and Off-Site Wine Cellar Permitted Events**
- 9-1075.10 Enforcement.**

9-1075.1 INTENT.

The intent of this Chapter is to establish regulations that will acknowledge the distinctive pairing of wine grape growing, wine making, and tourism. The challenge is to provide for agricultural tourism and marketing activities while ensuring that agricultural resources remain vital.

A major purpose of this Chapter is to guarantee that both winery and wine cellar marketing events are accessory and are subordinate to the primary agricultural use. A strong nexus must exist between the marketing event and the production or storage of wine. The focus of marketing events should be wine. Because it is of great importance to protect the long-term quality and uniqueness of grapes grown in San Joaquin County, wine tasting rooms are intended to showcase wines that are produced with grapes that are grown in the County.

The hierarchy or ranked series of regulations is designed to help the wine industry thrive by allowing a variety of events and a variety of facility sizes while simultaneously discouraging or inhibiting on-going uses that would degrade or that would be incompatible with the ambiance of an agricultural area and the production of wine.

(Ord. 4115, § 10 (part), 2001)

9-1075.2 APPLICABILITY.

The provisions of this Chapter shall apply whenever:

- (1) A new building is constructed;

- (2) An existing building, including a legal nonconforming structure is enlarged; or

- (3) The use of the site or the use of the building is changed.

(Ord. 4115, § 10 (part), 2001)

9-1075.3 LARGE WINERIES.

Large wineries shall be subject to the following development standards:

- (a) **Production Capacity.** A large winery shall have a minimum production capacity of more than 555.1 tons of grapes or approximately one hundred thousand (100,000) gallons of wine per year. One (1) case of wine is equivalent to 2.377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

- (b) **Minimum Lot Size.** The Winery, Large use type shall be located on a parcel with a minimum lot size of ten (10) gross acres in the agricultural zone. Large wineries located on parcels in non-agricultural zones and large wineries established in agricultural zones prior to September 22, 2016 shall not be subject to this minimum lot size requirement. Smaller category wineries and off-site wine cellars established prior to September 22, 2016 may be exempt from the minimum lot size and may propose to expand to a large winery with a Use Permit application.

- (c) **Setbacks.** The following minimum yard setback requirements shall apply for large wineries developed in agricultural zones. Wineries established prior to September 22, 2016 that expand to a large winery with an approved Use Permit, may be exempt from the following setback requirements provided all new construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the winery do not decrease the existing setback of the buildings, permanent parking areas and outdoor eating/entertaining areas.

- (1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed large winery shall be set back a minimum of two hundred (200) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall be applied:

- (A) Overflow parking spaces may be permitted along driveways and circulation routes

provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).

(2) For large wineries located adjacent to a parcel with a residence, the following standards shall apply:

(A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed large winery shall be set back a minimum of three hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.

(B) If the neighboring residence is located more than two hundred (200) feet from the property line adjacent to the winery's parcel, then the minimum setback may be reduced to one hundred (100) feet.

(3) For large wineries located adjacent to a parcel without a residence, the following standard shall apply:

(A) The required minimum yard setbacks for large wineries in agricultural zones shall be determined by the zone in which the large winery is located pursuant to Section 9-610.3.

(4) The setback requirements for large wineries in non-agricultural zones shall be determined by the zone in which the large winery is located and are exempt from the requirements outlined above in Section 9-1075.3(c)(1)(2)&(3).

(d) **Height.** The maximum height shall be determined by the zone in which the large winery is located pursuant to Section 9-610.2 or 9-510.3.

(e) **Zoning and Use Type.** Large wineries shall be a permitted use in the Agricultural and Industrial zones pursuant to Section 9-605.2 or 9-505.2, respectively, under the Wineries and Wine Cellars use type.

(f) **Signs.** The signage requirements shall be determined by the zone in which the large winery is located pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Large wineries may also be subject to regulations contained in Section 9-1075.9(k).

(g) **Landscaping.** The landscaping requirements shall be determined by the zone in which the large winery is located pursuant to Sections 9-1020.1 through 9-1020.10.

(h) **Fencing.** The fencing requirements shall be determined by the zone in which the large winery is located pursuant to Sections 9-1022.1 through 9-1022.3.

(i) **Screening.** The screening requirements shall be determined by the zone in which the large winery is located pursuant to Sections 1022.4 and 9-1022.6.

(j) **Parking.** The parking surfacing requirements for large wineries shall be asphalt concrete or Portland cement concrete. The minimum number of required permanent parking spaces for large wineries shall be determined pursuant to Section 9-1015.3. Large wineries may also be subject to regulations contained in Section 9-1075.9(h).

(k) **Noise.** Amplified sound is permitted at indoor activities and events. Outdoor amplified sound may be conditionally permitted for large wineries subject to regulations contained in Section 9-1075.9(f).

(l) **Permits.** Large wineries shall obtain a Business License and a Use Permit from the Community Development Department. Large wineries shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department, and the Fire Department, as well as State and Federal regulations.

(m) **Permitted Uses and Structures.** Operational uses and production facilities in connection with a Use Permit for a large winery include, but are not necessarily limited to, the following:

- (1) Crushing or pressing of grapes outside or within a structure;
- (2) Fermenting wine;
- (3) Aging wine;
- (4) On-site above-ground disposal and treatment of winery waste process water;
- (5) Processing and blending wine;
- (6) Bottling and labeling of wine;
- (7) Storage of wine in vats, barrels, bottles or cases;
- (8) Wine caves and on-site wine cellars;
- (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
- (10) Shipping, receiving and distribution of wine;
- (11) Refrigeration systems containing acutely hazardous materials;

(12) Electrical substations for the transformation of utility-supplied transmission or distribution voltage to secondary voltage for on-site use;

(13) Disposal of grape byproduct solely produced by the permitted winery.

(14) On-site wastewater treatment systems;

(15) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;

(16) Equipment Storage. Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and

(17) Truck scales and a truck inspection station.

(n) **Accessory Uses and Structures.** Accessory uses and structures in connection with a use permit for a large winery include, but are not necessarily limited to the following:

(1) **Wine Tasting Rooms.** More than one tasting room is allowed on the large winery premises if permitted on the ABC Winegrowers License. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the onsite winery.

(A) **Maximum Structure Size.** The size of the wine tasting room(s) shall be proportionate relative to the size of the wineries' production facilities. The maximum cumulative square footage of the wine tasting room structure(s) or an area designated for wine tasting within a multipurpose building shall not exceed thirty percent (30%) of the area designated for production facilities. Production facilities for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratories, equipment storage and maintenance facilities but shall not include wastewater treatment or disposal areas that cannot be used for agriculture.

(2) **Retail Sales.** A maximum of five hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to prepackaged foods, non-alcoholic beverages, crafts, and merchandise. The sale and display of the

on-site winery's wine is not limited to the five hundred (500) square foot floor area and is permitted in addition to the designated retail sales area.

(3) **Outdoor eating areas ancillary to a wine tasting room;**

(4) **Display of art and historical items that reflect the history of the wine industry; and**

(5) **Child day care centers limited to caring for the children of winery employees.**

(Ord. 4115, § 10 (part), 2001; Ord. 4255, § 3 (part), 2005; Ord No. 4487, § 2, 8-23-2016; Ord. No. 4523, § 2, 1-8-2019)

9-1075.4 MEDIUM WINERIES.

Medium wineries shall be subject to the following development standards:

(a) **Production Capacity.** A medium winery shall have 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. One (1) case of wine is equivalent to 2.377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

(b) **Minimum Lot Size.** The Winery, Medium use type shall be located on a parcel with a minimum lot size of ten (10) gross acres in the agricultural zone. Medium wineries located on parcels in the non-agricultural zones and medium wineries established in agricultural zones prior to September 22, 2016 shall not be subject to this minimum lot size requirement. Smaller category wineries and off-site wine cellars established prior to September 22, 2016 may be exempt from the minimum lot size and propose to expand to a medium winery with a Use Permit application.

(c) **Setbacks.** The following minimum yard setback requirements shall apply for medium wineries developed in agricultural zones. Wineries established prior to September 22, 2016 that expand to a medium winery with an approved Use Permit, may be exempt from the following setback requirements provided all new construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining

areas associated with the winery do not decrease the existing setback of the buildings, permanent parking areas and outdoor eating/entertaining areas.

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed medium winery shall be set back a minimum of two hundred (200) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall apply:

(A) Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).

(2) For medium wineries located adjacent to a parcel with a residence, the following standards shall apply:

(A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed medium winery shall be set back a minimum of three hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.

(B) If the neighboring residence is located more than two hundred (200) feet from the property line adjacent to the winery's parcel, then the minimum setback may be reduced to one hundred (100) feet.

(3) For medium wineries located adjacent to a parcel without a residence, the following standard shall apply:

(A) The required minimum yard setbacks for medium wineries in agricultural zones shall be determined by the zone in which the medium winery is located pursuant to Section 9-610.3.

(4) The setback requirements for medium wineries in non-agricultural zones shall be determined by the zone in which the medium winery is located and are exempt from the requirements outlined above in Section 9-1075.3(c)(1)(2)&(3).

(d) **Height.** The maximum height shall be determined by the zone in which the medium winery is located pursuant to Section 9-610.2 or 9-510.3.

(e) **Zoning and Use Type.** Medium wineries shall be a permitted use in the Agricultural and Industrial zones pursuant to Section 9-605.2 or 9-505.2, respectively, under the Wineries and Wine Cellars use type.

(f) **Signs.** The signage requirements shall be determined by the zone in which the medium winery is located pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Medium wineries may also be subject to regulations contained in Section 9-1075.9(k).

(g) **Landscaping.** The landscaping requirements shall be determined by the zone in which the medium winery is located pursuant to Sections 9-1020.1 through 9-1020.10.

(h) **Fencing.** The fencing requirements shall be determined by the zone in which the medium winery is located pursuant to Sections 9-1022.1 through 9-1022.3.

(i) **Screening.** The screening requirements shall be determined by the zone in which the medium winery is located pursuant to Sections 1022.4 and 9-1022.6.

(j) **Parking.** The parking surfacing requirements for medium wineries shall be asphalt concrete or Portland cement concrete. The minimum number of required permanent parking spaces for medium wineries shall be determined pursuant to Section 9-1015.3. Medium wineries may also be subject to regulations contained in Section 9-1075.9(h).

(k) **Noise.** Amplified sound is permitted at indoor activities and events. Outdoor amplified sound may be conditionally permitted for medium wineries subject to regulations contained in Section 9-1075.9(f).

(l) **Permits.** Medium wineries shall obtain a Business License and a Use Permit from the Community Development Department. Medium wineries shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department, and the Fire Department, as well as State and Federal regulations.

(m) **Permitted Uses and Structures.** Operational uses and production facilities in connection with a use permit for a medium winery include, but are not necessarily limited to, the following:

- (1) Crushing or pressing of grapes outside or within a structure;
- (2) Fermenting wine;
- (3) Aging wine;
- (4) On-site above-ground disposal and treatment of winery process water;
- (5) Processing and blending wine;

- (6) Bottling and labeling of wine;
- (7) Storage of wine in vats, barrels, bottles or cases;
- (8) Wine caves and on-site wine cellars;
- (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
- (10) Shipping, receiving and distribution of wine;
- (11) Refrigeration systems containing acutely hazardous materials;
- (12) Electrical substations for the transformation of utility-supplied transmission or distribution voltage to secondary voltage for on-site use;
- (13) Disposal of grape byproduct solely produced by the permitted winery.
- (14) On-site wastewater treatment systems;
- (15) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;
- (16) Equipment Storage. Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and
- (17) Truck scales and a truck inspection station.

(n) **Accessory Uses and Structures.** Accessory uses and structures in connection with a use permit for a medium winery include, but are not necessarily limited to the following:

(1) **Wine Tasting Rooms.** More than one (1) tasting room is allowed on the medium winery premises if permitted by the ABC Winegrowers License. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the onsite winery.

(A) **Maximum Structure Size.** The size of the wine tasting room(s) shall be proportionate relative to the size of the wineries' production facilities. The maximum cumulative square footage of the wine tasting room structure(s) or an area designated for wine tasting within a multipurpose building at an on-site wine cellar shall not exceed thirty percent

(30%) of the area designated for production facilities. Production facilities for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratories, equipment storage and maintenance facilities but shall not include wastewater treatment or disposal areas that cannot be used for agriculture,

(2) **Retail Sales.** A maximum of five hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to prepackaged foods, non-alcoholic beverages, crafts, and merchandise. The sale and display of the on-site winery's wine is not limited to the five hundred (500) square foot floor area and is permitted in addition to the designated retail sales area.

(3) **Outdoor eating areas** ancillary to a wine tasting room;

(4) **Display of art and historical items** that reflect the history of the wine industry; and

(5) **Child day care centers** limited to caring for the children of winery employees.

(Ord. 4115, § 10 (part), 2001; Ord. 4255, § 3 (part), 2005; Ord No. 4487, § 3, 8-23-2016; Ord. No. 4523, § 2, 1-8-2019)

9-1075.5 SMALL WINERIES.

Small wineries shall be subject to the following development standards:

(a) **Production Capacity.** A small winery shall have a minimum production capacity of more than 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. One (1) case of wine is equivalent to 2.377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

(b) **Minimum Lot Size.** The Winery, Small use type shall be located on a parcel with a minimum lot size of five (5) gross acres in the agricultural zone. Small wineries located on parcels in non-agricultural zones and small wineries established in agricultural zones prior to September 22, 2016 shall not be subject to this minimum lot size requirement. Small wineries established prior to September 22, 2016 may be exempt from the minimum lot size and propose to expand to a higher category of winery with a Use Permit application.

(c) **Setbacks.** The following minimum yard setback requirements shall apply for small wineries developed in agricultural zones. Wineries established prior to September 22, 2016 that expand to a small winery with an approved Use Permit, may be exempted from the following setback requirements provided all new construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the winery do not decrease the existing setback of the buildings, permanent parking areas and outdoor eating/entertaining areas.

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed winery shall be set back a minimum of two hundred (200) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall apply:

(A) Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).

(2) For small wineries located adjacent to a parcel with a residence, the following standards shall apply:

(A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed small winery shall be set back a minimum of three hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.

(B) If the neighboring residence is located more than two hundred (200) feet from the property line adjacent to the winery's parcel, then the minimum setback may be reduced to one hundred (100) feet.

(3) For small wineries located adjacent to a parcel without a residence, the following standard shall apply:

(A) The required minimum yard setbacks for small wineries in agricultural zones shall be determined by the zone in which the small winery is located pursuant to Section 9-610.3.

(4) The setback requirements for small wineries in non-agricultural zones shall be determined by the zone in which the small winery is located pursuant to Section 9-510.5 and are exempt from the requirements outlined above in Section 9-1075.3(c)(1)(2)&(3).

(d) **Height.** The maximum height shall be determined by the zone in which the small winery is located pursuant to Section 9-610.2 or 9-510.3.

(e) **Zoning and Use Type.** Small wineries shall be a permitted use in the Agricultural and Industrial zones pursuant to Section 9-605.2 or 9-505.2, respectively, under the Wineries and Wine Cellars use type.

(f) **Signs.** The signage requirements shall be determined by the zone in which the small winery is located pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Small wineries may also be subject to regulations contained in Section 9-1075.9(k).

(g) **Landscaping.** The landscaping requirements shall be determined by the zone in which the small winery is located pursuant to Sections 9-1020.1 through 9-1020.10.

(h) **Fencing.** The fencing requirements shall be determined by the zone in which the small winery is located pursuant to Sections 9-1022.1 through 9-1022.3.

(i) **Screening.** The screening requirements shall be determined by the zone in which the small winery is located pursuant to Sections 1022.4 and 9-1022.6.

(j) **Parking.** The parking surfacing requirements for small wineries shall be chip seal or an alternative surfacing material. The minimum number of required permanent parking spaces for small wineries shall be determined pursuant to Section 9-1015.3. Small wineries may also be subject to regulations contained in Section 9-1075.9(h).

(k) **Noise.** Amplified sound is permitted at indoor marketing activities and events. Outdoor amplified sound may be conditionally permitted for small wineries subject to regulations contained in Section 9-1075.9(f).

(l) **Permits.** Small wineries shall obtain a Business License and a Site Approval from the Community Development Department. Small wineries shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department and the Fire Department, as well as State and Federal regulations. A use permit shall be required for any small winery proposing marketing events pursuant to Section 9-1075.9(a).

(m) **Permitted Uses and Structures.** Operational uses and production facilities in connection with

a discretionary land use permit for a small winery include, but are not necessarily limited to, the following:

- (1) Crushing or pressing of grapes outside or within a structure;
- (2) Fermenting wine;
- (3) Aging wine;
- (4) On-site above-ground disposal and treatment of winery process water;
- (5) Processing and blending wine;
- (6) Bottling and labeling of wine;
- (7) Storage of wine in vats, barrels, bottles or cases;
- (8) Wine caves and on-site wine cellars;
- (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
- (10) Shipping, receiving, and distribution of wine;
- (11) Refrigeration systems containing acutely hazardous materials;
- (12) Disposal of grape byproduct solely produced by the permitted winery.
- (13) On-site wastewater treatment systems;
- (14) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;
- (15) Equipment Storage. Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and
- (16) Truck scales and a truck inspection station.

(n) **Accessory Uses and Structures.** Accessory uses and structures in connection with a discretionary land use permit for a small winery include, but are not necessarily limited to the following:

(1) **Wine Tasting Rooms.** More than one (1) tasting room is allowed on the small winery premises if permitted by the ABC Winegrowers License. Tasting rooms shall be clearly incidental, acces-

sory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the onsite winery.

(A) **Maximum Structure Size.**

The size of the wine tasting room(s) shall be proportionate relative to the size of the wineries' production facilities. The maximum size of a stand alone cumulative square footage of the wine tasting room structure(s) or an area designated for wine tasting within a multipurpose building at an on-site wine cellar shall not exceed thirty percent (30%) of the area designated for production facilities or two thousand (2,000) square feet whichever is greater. Production facilities for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratories equipment storage and maintenance facilities but shall not include wastewater treatment or disposal areas that cannot be used for agriculture,

(2) **Retail Sales.** A maximum of five hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to the prepackage foods, non-alcoholic beverages, crafts and merchandise. The sale and display of the on-site winery's wine is not limited to the five hundred (500) square foot floor area and is permitted in addition to the designated retail sales area.

(3) **Outdoor eating areas** ancillary to a wine tasting room;

(4) **Display of art and historical items** that reflect the history of the wine industry; and

(5) **Child day care centers** limited to caring for the children of winery employees.

(Ord. 4115, § 10 (part), 2001; Ord. 4255, § 3 (part), 2005; Ord. No. 4487, § 4, 8-23-2016; Ord. No. 4523 § 2, 1-8-2019)

9-1075.6 WINE CELLARS, ON-SITE.

On-site wine cellars shall be regarded as part of the winery operation and shall be subject to the development standards for the winery.

Editor's note—Ord. No. 4487, § 4, adopted Aug. 23, 2016, repealed the former § 9-1075.6, and enacted a new § 9-1075.6 as set out herein. The former § 9-1075.6 pertained to boutique wineries and derived from Ord. 4115, § 10 (part), adopted 2001; Ord. 4255, § 3 (part), adopted 2005.

9-1075.7 WINE CELLARS, OFF-SITE.

Off-site wine cellars shall be regarded as a primary use and shall be subject to the following development standards:

(a) **Storage Capacity.** An off-site wine cellar shall have a minimum storage capacity of three hundred eighty (380) cases of wine or approximately nine hundred (900) gallons of wine and a maximum storage capacity of five thousand (5,000) cases of wine or approximately eleven thousand eight hundred eighty-five (11,885) gallons. One (1) case of wine is equivalent to 2.377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

(b) **Minimum Lot Size.** The Wineries and Wine Cellars, Off-Site Wine Cellar use type shall be located on a parcel with a minimum lot size of five (5) gross acres in agricultural zones. Off-site wine cellars that are located on parcels in non-agricultural zones and off-site wine cellars established in agricultural zones prior to September 22, 2016 shall not be subject to this minimum lot size requirement. Off-site wine cellars established prior to September 22, 2016 may propose to expand to a higher category of winery with a Use Permit application.

(c) **Setbacks.** The following minimum yard setback requirements shall apply for off-site wine cellars developed in agricultural zones. Off-site wine cellars established prior to September 22, 2016 that expand to a higher classification of winery with an approved Use Permit may be exempt from the following setback requirements provided all new construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the off-site wine cellar do not decrease the existing setback of the buildings, permanent parking areas and outdoor eating/entertaining areas.

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the off-site wine cellar shall be set back a minimum of two hundred (200) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall apply:

(A) Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).

(2) For off-site wine cellars located adjacent to a parcel with a residence, the following standards shall apply:

(A) All new construction, use of existing buildings, proposed permanent parking areas and outdoor eating/entertaining areas associated with the off-site wine cellar shall be set back a minimum of three hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.

(B) If the neighboring residence is located more than two hundred (200) feet from the property line adjacent to the off-site wine cellars parcel, then the setback may be reduced to one hundred (100) feet.

(3) For off-site wine cellars located adjacent to a parcel without a residence, the following standards shall apply:

(A) The required minimum yard setbacks for off-site wine cellars in agricultural zones shall be determined by the zone in which the off-site wine cellar is located pursuant to Section 9-610.3.

(4) The setback requirements for off-site wine cellars in non-agricultural zones shall be determined by the zone in which the off-site wine cellar is located and are exempt from the requirements outlined above in Section 9-1075.3(c)(1)(2)&(3).

(d) **Height.** The required height limits for stand alone off-site wine cellar structures in the Agricultural and Commercial zones shall be determined pursuant to Sections 9-610.2 and 9-410.3.

(e) **Zoning and Use Type.** Off-site wine cellars shall be allowed in the General Agriculture (AG) zone, Community Commercial (C-C), General Commercial (C-G), and the Rural Service Commercial (C-RS) zones pursuant to Sections 9-605.2 and 9-405.2, respectively, under the Wineries and Wine Cellars use type.

(f) **Signs.** The signage requirements shall be determined pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Off-site wine cellars may also be subject to regulations contained in Section 9-1075.9(k).

(g) **Landscaping.** The landscaping requirements shall be determined pursuant to Sections 9-1020.1 through 9-1020.10.

(h) **Fencing.** The fencing requirements shall be determined pursuant to Sections 9-1022.1 through 9-1022.3.

(i) **Screening.** The screening requirements shall be determined pursuant to Sections 1022.4 through 9-1022.6.

(j) **Parking.** The parking surfacing requirements for off-site wine cellars shall be chip seal or an alternative surfacing material. The minimum number of required permanent parking spaces for off-site wine cellars shall be determined pursuant to Section 9-1015.3. Off-site wine cellars may also be subject to regulations contained in Section 9-1075.9(h).

(k) **Noise.** Amplified sound is permitted at indoor marketing activities and events. Outdoor amplified sound may be conditionally permitted for off-site wine cellars subject to regulations contained in Section 9-1075.9(f).

(l) **Permits.** Off-site wine cellars shall obtain a Business License and a Site Approval from the Community Development Department. Off-site wine cellars shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department and the Fire Department as well as State and Federal regulations. A use permit shall be required for any off-site wine cellar proposing Marketing Events pursuant to Section 9-1075.9(a).

(m) **Permitted Uses and Structures.** Operational uses and production facilities in connection with a discretionary land use permit for an off-site wine cellar include, but are not necessarily limited to, the following:

- (1) Aging wine;
- (2) Bottling and labeling of wine;
- (3) Storage of wine in barrels or cases

of bottles;

- (4) Wine caves;
- (5) Administrative offices; and
- (6) Shipping, receiving, and distribution of wine.

(n) **Accessory Uses and Structures.** Accessory uses and structures in connection with a site approval discretionary land use permit for an off-site wine cellar include, but are not necessarily limited to the following:

(1) Wine Tasting Rooms. More than one (1) tasting room is allowed on the off-site wine

cellar premises. Only wine produced or bottled by the associated winery may be served at the offsite wine cellar tasting room(s).

(A) **Maximum Size of New Structures.** Two thousand (2,000) square feet shall be the maximum cumulative square footage permitted for a free standing wine tasting room structure that is separate from the building where the wine is stored. Alternatively, two thousand (2,000) square feet shall be the maximum cumulative square footage of the areas designated for wine tasting within a multipurpose building,

(B) **Maximum Size of Existing Buildings.** An existing multipurpose wine cellar building that is larger than two thousand (2,000) square feet may be used provided that a Use Permit is obtained, and that a maximum of two thousand (2,000) square feet of cumulative building space is used for wine tasting.

(C) **Maximum Size of the Retail Sales Area.** The retail sales area within the free standing wine tasting room or the area designated for wine tasting within a multipurpose building shall not exceed five hundred (500) square feet;

(2) **Retail Sales.** A maximum of five hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to prepackaged foods, non-alcoholic beverages, crafts, and merchandise. The sale and display of the off-site wine cellar's wine is not limited to the five hundred (500) square foot floor area and is permitted in addition to the designated retail sales area.

(3) **Outdoor eating areas ancillary to a wine tasting room;**

(4) **Display of art and historical items that reflect the history of the wine industry.**

(Ord. No. 4487, § 5, 8-23-2016; Ord. No. 4523, § 2, 1-8-2019)

Editor's note—Ord. No. 4487, § 5, adopted Aug. 23, 2016, repealed the former § 9-1075.7, and enacted a new § 9-1075.7 as set out herein. The former § 9-1075.7 pertained to wine cellars, on-site and derived from Ord. 4115, § 10(part), adopted 2001.

9-1075.8 EXISTING WINERIES AND WINE CELLARS.

Existing permitted wineries or wine cellars established prior to the adoption of the ordinance codified

in this Chapter will continue to be governed by the conditions of approval from their original Discretionary Permit, with the exception of applicable operational standards contained in Section 9-1075.9(l). (Ord. No. 4487, § 6, 8-23-2016)

Editor's note—Ord. No. 4487, § 6, adopted Aug. 23, 2016, repealed the former § 9-1075.8, and enacted a new § 9-1075.8 as set out herein. The former § 9-1075.8 pertained to wine cellars, off-site and derived from Ord. 4115, § 10(part), adopted 2001; Ord. 4255, § 3(part), adopted 2005.

9-1075.9 WINERY AND OFF-SITE WINE CELLAR PERMITTED EVENTS

Notwithstanding any other provision of this Chapter, all new wineries and off-site wine cellars and existing wineries and off-site wine cellars that request to add Marketing Events or modify an existing Marketing Event approval, have Large-scale and/or Small-scale Accessory Winery Events, Wine Release Events, and/or participate in Industry Wide Events will be subject to the following requirements:

(a) **Permits.** Permits are required as follows:

(1) For any new winery or off-site wine cellar that proposes Marketing Events or Large-scale Accessory Winery Events, a Use Permit shall be required.

(2) For any existing winery or off-site wine cellar that proposes to add Marketing Events or Large-scale Accessory Winery Events, or for any existing winery or off-site wine cellar that proposes to increase the permitted number of Marketing Events, increase the permitted number of attendees at Marketing Events or Large-scale Accessory Winery Events, and/or to permit outdoor amplified sound at Marketing Events, Large-scale Accessory Winery Events, Wine Release Events and/or Industry Events, a Revision of Approved Actions application will be required using the Public Hearing Review Procedure as set forth in Chapter 9-220.

(3) For any existing winery or off-site wine cellar with no previously approved Marketing Events that proposes to add Small-scale Accessory Winery Events or Wine Release Events, an Improvement Plan application will be required using the Staff Review Procedure as set forth in Chapter 9-210.

(4) For any winery or off-site wine cellar that has been previously approved for Marketing

Events; attendance at Small-scale Accessory Winery and Wine Release Events shall be limited to the following:

(A) The maximum number of attendees at Small-scale Accessory Winery Events shall be eighty (80), provided there is adequate on-site parking for attendees.

(B) The maximum number of attendees at Wine Release Events shall be three hundred (300) at any given time, provided there is adequate on-site parking for attendees.

(b) **Product Availability.** A sufficient amount of wine shall be produced by the winery or off-site wine cellar and be available prior to commencing Marketing Events, Industry Events, Wine Release Events and Large-scale or Small-scale Accessory Winery Events.

(c) **Marketing Calendar.** A Marketing Calendar shall be filed with the Community Development Department and updated as required for any winery or off-site wine cellar with approved Marketing Events, Large-scale or Small-scale Accessory Winery Events, Wine Release Events and/or who will participate in Industry Events and shall comply with the following:

(1) Marketing Events, Large-scale and Small-scale Accessory Winery Events, Wine Release Events and/or Industry Wide Events shall be reported to the Community Development Department in writing a minimum of five (5) days prior to each event.

(2) A copy of the Marketing Calendar shall be kept on the winery or off-site wine cellar premises at all times. The Marketing Plan shall be made available to the Community Development Department for review upon request.

(d) **Maximum Number of Marketing Events.** The maximum number of permitted annual Marketing Events is subject to the following based on the Wineries and Off-Site Wine Cellar use classification. Industry Events, Wine Release Events and Large-scale and Small-scale Accessory Winery Events shall not be included in the maximum number of permitted Marketing Events.

(1) **Wine Cellar, Off-Site** shall be limited to a maximum of ten (10) Marketing Events per calendar year;

(2) **Winery, Small** shall be limited to a maximum of twelve (12) Marketing Events per calendar year;

(3) **Winery, Medium** shall be limited to a maximum of fifteen (15) Marketing Events per calendar year;

(4) **Winery, Large** shall be limited to a maximum of twenty (20) Marketing Events per calendar year.

(e) **Maximum Attendance.** The number of attendees permitted per Marketing Event for Wineries and off-site wine cellars are subject to the following size restrictions with an approved land use permit:

(1) **Wine Cellar, Off-Site and Winery, Small.** Off-site wine cellars and small wineries located on parcels between a minimum of 5.0-9.99 gross acres in size shall have a maximum of one hundred fifty (150) attendees. Parcels with a minimum of 10.0 gross acres in size shall have a maximum of three hundred (300) attendees.

(2) **Winery, Medium and Large.** Medium and large wineries located on parcels with a minimum of 10.0 gross acres in size shall have a maximum of three hundred (300) attendees.

(f) **Outdoor Amplified Sound.** Outdoor amplified sound may be conditionally permitted with an approved land use permit at Marketing Events, Large-scale Accessory Winery Events, Wine Release Events and Industry Events subject to the following standards:

(1) For Marketing Events, Wine Release Events and Industry Events, outdoor amplified sound shall be permitted between the hours of 10:00 a.m. and 10:00 p.m.

(2) For Large-scale Accessory Winery Events outdoor amplified sound shall be permitted between the hours of 10:00 a.m. and 9:00 p.m., Sunday through Thursday and between the hours of 10:00 a.m. and 10:00 p.m. on Friday and Saturday.

(3) A Noise Study shall be required prior to permitting outdoor amplified sound to ensure compliance with the Noise Standards specified in Section 9-1025.9.

(4) Indoor amplified sound may be permitted at approved Marketing Events, Large-scale and Small-scale Accessory Winery Events, Wine Release Events and Industry Events, in compliance with the Noise Standards specified in Section 9-1025.9.

(5) Outdoor amplified sound shall be prohibited at all Small-scale Accessory Winery Events.

(g) **Wine Served.** Only wine produced or bottled by the permitted on-site winery or off-site wine

cellar shall be permitted at Marketing Events, Wine Release Events, Large-scale or Small-scale Accessory Winery Events and/or Industry Events. Beer may be sold and served in addition to wine at Marketing Events. The sale and serving of beer shall be prohibited at Large-scale and Small-scale Accessory Winery Events, Wine Release Events or Industry Events. Additional outside alcoholic beverages are prohibited. Non-alcoholic beverages may be served at Marketing Events, Wine Release Events, Large-scale Accessory Winery Events, Small-scale Accessory Winery Events and/or Industry Events, and may be sold within the designated retail sales area.

(h) **Parking Requirements.** The following parking requirements shall apply to wineries and off-site wine cellars with Marketing Events, Industry Events, Wine Release Events and/or Large-scale and Small-scale Accessory Winery Events.

(1) A minimum of one (1) parking space shall be provided for every two (2) event attendees. Overflow parking areas utilized for Marketing Events, Small-scale Accessory Winery Events, Wine Release Events and Industry Events parking may be permitted using alternative surfacing materials pursuant to Section 9-1015.5(e)(2).

(2) All wineries and off-site wine cellars shall be required to utilize one (1) or more parking attendants during all permitted events when the facility's permanent parking spaces reach capacity or when the public roadway starts to be impacted.

(i) **Commercial Kitchen.** Commercial kitchens shall be permitted as an accessory use to winery and off-site wine cellar use types in conjunction with approved Marketing Events, Industry Events, Wine Release Events, Large-scale Accessory Winery Events, or Small-scale Accessory Winery Events. Commercial kitchens shall not be used for restaurant purposes in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425.

(j) **End of Event.** Marketing Events, Industry Events, Wine Release Events and Large-scale Accessory Winery Events and Small-scale Accessory Winery Events shall end by 10 p.m.

(k) **Event Signs.** In addition to signage criteria specified in Development Title Section 9-1705, the following shall apply to any signs used by a winery or an off-site wine cellar during Marketing Events, Indus-

try Events, Wine Release Events, Large-scale Accessory Winery Events or Small-scale Accessory Winery Events:

(1) All signs shall be placed outside County/public right-of-way; unless approved by the Public Works Department.

(2) Signs shall not be placed on existing signs and/or poles, or on utility poles or cabinets located within the County/public right-of-way; unless approved by the Public Works Department.

(3) Signs shall not be placed in such a way that interferes or obscures traffic signs.

(l) **Applicability.** Notwithstanding any other provisions of the Development Title, the following operational standards shall apply to existing wineries and off-site wine cellars with previously approved Marketing Events, Large-scale Accessory Winery Events and Small-scale Accessory Winery Events, Wine Release Events and/or participation in Industry Wide Events:

(1) Section 9-1075.9(b) regarding Product Availability;

(2) Section 9-1075.9(c) regarding submittal of a Marketing Calendar;

(3) Section 9-1075.9(f) regarding Outdoor Amplified Sound

(4) Section 9-1075.9(g) regarding Wine Served;

(5) Section 9-1075.9(h)(1 and 2) regarding Parking;

(6) Section 9-1075.9(i) regarding Commercial Kitchens;

(7) Section 9-1075.9(j) regarding End of Event; and

(8) Section 9-1075.9(k) regarding Event Signs.

(Ord. No. 4487, § 7, 8-23-2016; Ord. No. 4523 § 2, 1-8-2019)

Editor's note—Ord. No. 4487, § 7, adopted Aug. 23, 2016, repealed the former § 9-1075.9, and enacted a new § 9-1075.9 as set out herein. The former 9-1075.9 pertained to existing wineries and wine cellars and derived from Ord. 4115, § 10(part), adopted 2001.

9-1075.10 ENFORCEMENT.

Violations of this Chapter shall be enforced pursuant to Chapters 9-230 and 9-1905 of this Title. (Ord. 4115, § 10 (part), 2001)

CHAPTER 9-1080

AGRICULTURAL MITIGATION

Sections:

- 9-1080.1 Purpose and Intent.**
- 9-1080.2 Findings.**
- 9-1080.3 Mitigation Requirements.**
- 9-1080.4 Use of In-Lieu Fees.**
- 9-1080.5 Agricultural Mitigation Lands.**
- 9-1080.6 Mitigation Strategy.**
- 9-1080.7 Legal Instruments for Preservation of Agricultural Land.**
- 9-1080.8 Agricultural Technical Advisory Committee.**
- 9-1080.9 Monitoring, Enforcing and Reporting.**
- 9-1080.10 Precedence.**
- 9-1080.11 Severability.**

9-1080.1 PURPOSE AND INTENT.

The purpose of this Chapter is to implement the agricultural land conservation policies contained in the San Joaquin County General Plan related to permanently protecting agricultural land within the County. The intent of this Chapter is specified as follows:

(a) **Intergovernmental Coordination.** It is the policy of San Joaquin County to work cooperatively with the cities within the County and to encourage them to adopt agricultural preservation policies and ordinances which are consistent with this ordinance in order to undertake an integrated, comprehensive Countywide approach to preservation. It is the ultimate goal of the County that all seven (7) cities participate in or adopt an agricultural mitigation ordinance that is the same as or substantially similar to this ordinance.

(b) **Habitat Mitigation Plan.** It is the intent of the Board of Supervisors that the program set forth in this Chapter shall be coordinated with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in order to achieve an optimal farmland protection system.

(c) **Delta Protection Commission.** It is the intent of the Board of Supervisors that the program set forth in this Chapter be coordinated with efforts of the Delta Protection Commission in order to achieve an optimal farmland protection system.

(Ord. 4308, § 1 (part), 2006)

9-1080.2 FINDINGS.

The Board of Supervisors finds this Chapter is necessary for the following reasons:

- (a) San Joaquin County is losing farmland at a rapid rate;
 - (b) San Joaquin County farmland is of exceptional productive quality;
 - (c) The loss of farmland to development is irreparable and agriculture is an important component of the County's economy;
 - (d) The loss of farmland will have a cumulatively negative impact on the economy of the County and the cities located within it;
 - (e) The continuation of agricultural operations also preserves the landscape and environmental resources;
 - (f) Permanent preservation of farmland is consistent with the policies of the San Joaquin County General Plan;
 - (g) New development benefits from the preservation of farmlands that support the overall economy of the County; and
 - (h) Using only zoning and other regulatory mechanisms has been a useful, but inadequate, approach to preserving farmland.
- (Ord. 4308, § 1 (part), 2006)

9-1080.3 MITIGATION REQUIREMENTS.

- (a) **Mitigation Required.** The County shall require agricultural mitigation for any of the following actions:
 - (1) A General Plan Amendment that changes the designation of any land from an agricultural to a non-agricultural use; and
 - (2) A Zoning Reclassification that changes the permitted uses from agriculture to a nonagricultural use, regardless of the General Plan designation.
- (b) **Mix of Uses.** Mitigation shall only be required for that portion of the land that no longer will be designated as or zoned for agricultural land. This includes any portion of the land to be used for park and recreation purposes.
- (c) **Types of Mitigation.** Agricultural mitigation shall be satisfied by granting a farmland conservation easement or other farmland conservation mechanism as set forth in Subsection (d) of this Section to or for the benefit of a Qualifying Entity. The number of acres of

agricultural mitigation land shall be at least equal to the number of acres that will be changed to a non-agricultural use [a 1:1 ratio].

- (d) **Direct Provision of Agricultural Mitigation Land.** The direct provision of agricultural mitigation land pursuant to Subsection (c) of this Section is subject to the following provisions:

(1) The applicant shall pay an administrative fee to cover the costs of administering, monitoring and enforcing the farmland conservation easement or other instrument in an amount determined by the Board of Supervisors.

(2) The location and characteristics of the agricultural mitigation land shall comply with the Mitigation Strategy adopted pursuant to Section 9-1080.6.

(3) The Agricultural Technical Advisory Committee shall review each farmland conservation easement or other preservation instrument for consistency with the Mitigation Strategy adopted pursuant to Section 9-1080.6.

(4) The farmland conservation easement or other preservation instrument shall be held by the Qualifying Entity. The County shall be a co-holder or backup beneficiary of the legal instrument. If the Qualifying Entity refuses to hold the easement or other preservation instrument, it shall be held by the County.

(5) If the applicant for the General Plan Amendment or Zoning Reclassification makes application to the Board of Supervisors and demonstrates that the applicant has made a diligent effort to obtain a farmland conservation easement or other preservation instrument, and that the applicant has been unable to obtain such easement or other preservation instrument, the Board may grant the applicant the option to either obtain the easement or other instrument, or to pay the in-lieu fee set forth in Subsection (e) of this Section. The applicant shall provide documentation he/she has met with the Qualifying Entity and San Joaquin Farm Bureau Federation and neither entity has been able to assist with the acquisition of the easement. Facts which the Board may consider in making a decision regarding applicant's request include, but are not limited to, the following:

(A) Multiple good faith offers to purchase an easement or other preservation instrument, which offers have been declined by the seller or sellers.

(B) Good faith efforts to purchase an easement or other preservation instrument over an extended period of time where further efforts would make it unreasonable for the applicant to continue such efforts.

(C) Good faith efforts to purchase an easement or other preservation instrument, but where the high cost of such purchase makes it unreasonable for the applicant to continue such efforts.

(e) **In-Lieu Fees.** The payment of an in-lieu fee is subject to the following provisions:

(1) The in-lieu fee shall include the costs of managing the property, including the costs of administer-

ing, monitoring and enforcing the farmland conservation easement or other instrument.

(2) The fee shall be based on the cost of purchasing farmland conservation easements on land of comparable size and agricultural quality, plus the estimated cost of legal, appraisal and other costs, including staff time, to acquire and manage the farmland conservation easement or other agricultural mitigation instrument.

(3) The Board of Supervisors shall approve by resolution the amount and other terms of the in-lieu fee.

(4) The in-lieu fee shall be updated annually based on an inflator that takes into account the inflation of property values and should include a standard assumption for the time it takes to acquire property for agricultural mitigation. The inflator shall be calculated based on a three-year running average of the most recent available data from the House Price Index (HPI) for the Stockton Metropolitan Statistical Area, as compiled by the Office of Federal Housing Enterprise Oversight. Other cost components shall be updated annually based on the Consumer Price Index (CPI).

(5) Within sixty (60) days after collection by the County, in-lieu fees shall be transferred to a fund administered by the Qualifying Entity.

(6) The annual report described in Section 9-1080.9(b), shall describe the effectiveness of the use of in-lieu fees as provided for under this ordinance. During the fifth year, the Agricultural Technical Advisory Committee shall include in the annual report recommendations to the Board of Supervisors regarding whether to maintain, amend, or remove the in-lieu fee requirement of the ordinance and to replace it with an in-kind only requirement.

(f) **Final Approvals.** Final approval of any project subject to Subsection (a) of this Section is contingent upon the execution of the legal instrument to provide agricultural mitigation land and payment of the administrative fee, or approval and payment of an in-lieu fee. Submission of the required legal instrument or payment of the in-lieu fee shall occur at the time of Grading Permit or Building Permit issuance.

(g) **Participation.** Participation in the Agricultural Mitigation Program shall be considered during the environmental review for projects pursuant to the California Environmental Quality Act.

(Ord. 4308 § 1 (part), 2006)

9-1080.4 USE OF IN-LIEU FEES.

The in-lieu fees shall be administered by the Qualifying Entity in fulfillment of its programmatic responsibilities. These responsibilities cover, without exception, acquiring interests in land and administering, monitoring and enforcing,

ing the farmland conservation easement or other instrument designed to preserve the agricultural values of the land for farmland mitigation purposes.

The location and characteristics of the agricultural mitigation land shall comply with the provisions of Section 9-1080.5 and the Mitigation Strategy adopted pursuant to Section 9-1080.6. The in-lieu fees shall not be used for purposes inconsistent with this Section.

(Ord. 4308 § 1 (part), 2006)

9-1080.5 AGRICULTURAL MITIGATION LANDS.

(a) **Allowable Uses.** Agricultural mitigation land must be shown on the County General Plan as Agriculture and zoned for agricultural uses. Agricultural mitigation land shall include the Delta. The type of agricultural related activity allowed on mitigation land will be specified in an agricultural easement or related legal instrument, as described in Section 9-1080.7.

(b) **Soil Quality.** The agricultural mitigation land should be of comparable or better soil quality than the agricultural land whose use is being changed to nonagricultural use. Priority shall be given to lands with prime agricultural soils, which are located in areas of greatest potential development.

(c) **Water Supply.** The agricultural mitigation land shall have an adequate water supply to support the agricultural use of the land. The water supply on the agricultural mitigation land shall be protected in the farmland conservation easement or other document evidencing the agricultural mitigation.

(d) **Plan Consistency.** The use of the agricultural mitigation land shall be consistent with the County General Plan.

(e) **Previous Encumbrances.** Land already effectively encumbered by a conservation easement of any nature is not eligible to qualify as agricultural mitigation land.

(f) **Location.** The agricultural mitigation land shall be located in San Joaquin County and comply with the Mitigation Strategy adopted pursuant to Section 9-1080.6. (Ord. 4308 § 1 (part), 2006)

9-1080.6 MITIGATION STRATEGY.

(a) **Initiation and Approval.** The Agricultural Technical Advisory Committee shall develop and recommend a Mitigation Strategy with approval by the Board of Supervisors occurring one (1) year after adoption of this Chapter. Thereafter, the Mitigation Strategy should be updated periodically with a formal update approved by the Board of Supervisors every five (5) years.

(b) **Purpose and Contents.** The purpose of the Mitigation Strategy is to ensure that the acquisition of agricultural mitigation land, from both direct provision and in-lieu fees, achieves maximum benefits to the residents of San Joaquin County. The Mitigation Strategy may consist of any combination of policies, evaluation criteria, maps, and other useful decision-making tools. It shall be of sufficient specificity to provide adequate guidance on location and other factors to people reviewing the proposed encumbrance of agricultural mitigation land.

(c) **Issues to Be Considered.** The Mitigation Strategy shall consider the following issues:

(1) The need to include contiguous parcels and areas large enough to preserve agricultural operations.

(2) The qualities of high priority farmland and the type of activities allowed on agricultural mitigation lands.

(3) Coordination with other public and private land conservation programs.

(4) Other relevant factors that would result in the more effective provision of agricultural lands.

(d) **Transmittal.** The Mitigation Strategy shall be transmitted immediately after approval to the Qualifying Entity for its use in acquiring and managing interests in agricultural mitigation land.

(Ord. 4308 § 1 (part), 2006)

9-1080.7 LEGAL INSTRUMENTS FOR PRESERVATION OF AGRICULTURAL LAND.

(a) **Requirements.** The legal instrument encumbering agricultural mitigation land shall meet the following requirements:

(1) It shall be executed by all owners of the agricultural mitigation land.

(2) It shall be in form suitable for recordation.

(3) It shall contain an accurate legal description setting forth the description of the agricultural mitigation land.

(4) It shall prohibit any activity that substantially impairs or diminishes the agricultural productivity of the land, as determined by the Agricultural Technical Advisory Committee and approved by the Board of Supervisors. However, all activities or land uses currently allowed under the County's AG-40 zoning designation would be allowed on mitigation land.

(5) It shall prohibit new residential and/or commercial development on agricultural mitigation land that is not directly needed for agricultural production, regardless of existing zoning.

(6) It shall protect the existing water rights and retain them with the agricultural mitigation land.

(b) **County Interests.** The County shall be named a co-holder or backup beneficiary under any instrument conveying the interest in the agricultural mitigation land to a Qualifying Entity.

(c) **Disposition of Land.** Interests in agricultural mitigation land shall be held in trust by a Qualifying Entity and/or by the County in perpetuity. Except as provided in Subsection (d) of this Section, the Qualifying Entity or the County shall not sell, lease, or convey any interest in agricultural mitigation land it acquires. The legal instrument encumbering the agricultural mitigation land shall include the provisions of this Subsection.

(d) **Change in Circumstances.** If judicial proceedings find that the public purpose described in Section 9-1080.1 of this Chapter can no longer reasonably be fulfilled as to an interest acquired, the Qualifying Entity's interest in the agricultural mitigation land, as secured by the legal instrument, may be extinguished through sale, and the proceeds shall be used to acquire interests in other agricultural mitigation land in San Joaquin County, pursuant to the provisions of this Chapter and subject to approval by the Board of Supervisors.

(e) **Cessation of Qualifying Entity.** If any Qualifying Entity owning an interest in agricultural mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall pass to the co-holder or backup beneficiary of the legal instrument. The County, acting as co-holder or backup beneficiary, may designate another Qualifying Entity to assume the responsibilities to hold, administer, monitor and enforce the interest.

(Ord. 4308 § 1 (part), 2006)

9-1080.8 AGRICULTURAL TECHNICAL ADVISORY COMMITTEE.

(a) **Creation.** An Agricultural Technical Advisory Committee, as defined in Section 9-110.4, is hereby created to carry out the functions authorized by this Chapter.

(b) **Powers.** The Agricultural Technical Advisory Committee shall exercise the following powers:

(1) Adopt rules of procedure and bylaws governing the operation of the advisory committee and the conduct of its meetings.

(2) Develop and recommend a Mitigation Strategy, consistent with Section 9-1080.6, which includes providing the Board of Supervisors with a report, within one year from the effective date of this Chapter, recommending conditions under which land with overlapping encumbrances could be considered as Agricultural Mitigation Land.

(3) Develop a report for consideration by the Board of Supervisors within one (1) year from the effective date of this Chapter concerning different agricultural mitigation ratios and definitions for the Delta and for Prime Agricultural land.

(4) Consider and make recommendations to the Board of Supervisors regarding future consideration of the inclusion of land outside the County as allowable Agricultural Mitigation Land, and regarding agricultural mitigation strategies other than the hybrid in-lieu fee/in-kind land approach set forth in this Chapter.

(5) Explore the concept of establishing a Mitigation Bank.

(6) Assume other responsibilities as set forth in this Chapter.

(c) **Composition.** The Agricultural Technical Advisory Committee shall consist 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 (2/3) vote of its members) is a requirement for, and a decision by, the Agricultural Technical Advisory Committee.

(d) **Term.** The terms of the Agricultural Technical Advisory Committee shall be as follows:

(1) Five (5) members shall be initially appointed for two-year terms. Said two-year terms shall be applicable to two (2) of the appointees of the Building Industry Association, two (2) of the appointees of the San Joaquin Farm Bureau Federation, and one (1) of the appointees of the Board of Supervisors.

(2) Four (4) members shall be appointed for four-year terms. Said four-year terms shall be applicable to one (1) of the appointees of the Building Industry Association, one (1) of the appointees of the San Joaquin Farm Bureau Federation, and two (2) of the appointees of the Board of Supervisors.

(e) **Staff.** The County shall provide the Agricultural Technical Advisory Committee with staff support.

(Ord. 4308 § 1 (part), 2006)

9-1080.9 MONITORING, ENFORCING, AND REPORTING.

(a) **Monitoring and Enforcing.** The Qualifying Entity shall monitor all lands and easements acquired under this Chapter and shall review and monitor the implementation of all management and maintenance plans for these lands and easement areas. It shall also enforce compliance

with the terms of the conservation easements or other agricultural mitigation instruments.

(b) **Reporting by Qualifying Entity.** Annually, beginning one (1) year after the adoption of this Chapter, the Qualifying Entity shall provide to the Agricultural Technical Advisory Committee an annual report delineating the activities undertaken pursuant to the requirements of this Chapter and an assessment of these activities. The report(s) shall describe the status of all lands and easements acquired under this Chapter, including a summary of all enforcement actions.

(c) **Reporting by Agricultural Technical Advisory Committee.** Annually, the Agricultural Technical Advisory Committee shall review the reports submitted to it by the Qualifying Entity as well as any other relevant material. It shall prepare an Annual Report that provides an independent assessment of the effectiveness of the agricultural mitigation program and its consistency with the Mitigation Strategy. The Report shall document the funds collected and/or direct provision of mitigation lands pursuant to the provisions of this Chapter. It shall also document the size and location of the land that is to be converted to a nonagricultural use, which generated the mitigation requirements of this Chapter. The Committee shall forward the Report, along with other relevant material received, to the Board of Supervisors.

(Ord. 4308 § 1 (part), 2006)

9-1080.10 PRECEDENCE.

This Chapter shall take precedence over all ordinances or parts of ordinances or resolutions or parts of resolutions with which it is in conflict.

(Ord. 4308 § 1 (part), 2006)

9-1080.11 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

(Ord. 4308 § 1 (part), 2006)

CHAPTER 9-1085

ENTERTAINMENT

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9-1085.1 PURPOSE AND INTENT.

The Board of Supervisors of the County of San Joaquin encourages the development of arts and culture in San Joaquin County, and recognizes that many entertainment venues provide a means for such development. The Board of Supervisors further recognizes that the variety of entertainment venues in the County provide a rich and diverse cultural experience for the residents of the County and visitors to the County. The Board of Supervisors also recognizes that many non-alcoholic entertainment venues provide a safe place for families and young adults to gather.

The Board of Supervisors hereby finds that the operation of entertainment establishments present an environment with the demonstrated potential for excessive noise generation and disorderly conduct by patrons, particularly at closing times, with the attendant adverse health and safety impacts on the surrounding business and residential community.

Therefore, it is the purpose of this Chapter to regulate the operation of entertainment establishments to prevent the creation of inconsistent and incompatible uses while recognizing and protecting the constitutional rights of the citizens of San Joaquin County. All applicants will be held responsible for controlling patron conduct in and around the establishments, making adequate provisions for security and crowd control, protecting the County's youth from criminal activity and minimizing disturbances as a result of the operation of the entertainment.

It is also the intent of this Chapter to provide options in regulating the variety of businesses and events that provide entertainment. The Board of Supervisors finds that the imposition of conditions tailored to the particular establishment will allow the business or event to flourish while meeting the County's public health and safety needs. This approach also would avoid placing unnecessary conditions on existing businesses or organizations with a history of compliance with the County laws and requirements. (Ord. 4354 § 2 (part), 2008)

9-1085.2 DEFINITIONS.

For purposes of this Chapter:

(a) "ABC license" means the license issued by the California Department of Alcoholic Beverage Control.

(b) "Admission charge" means any charge for the right or privilege to enter any place of entertainment including a minimum service charge, an event charge, a cover charge, a charge for the use of seats and tables, or any other similar charge. It also includes the purchase or presentation of a ticket or token directly or indirectly required as a condition for entrance. It does not include tips, gratuities, voluntary donations, or suggested donations for employees or for any person providing entertainment.

(c) "Applicant" means a person, persons, or business entity that has been issued a permit as provided in this Chapter.

(d) "Dance and dancing" means movement of the human body, accompanied by music or rhythm.

(e) "Director" means the Director of the Community Development Department of the County of San Joaquin and his or her designee.

(f) "Disorderly conduct" means any of the following: consumption of alcoholic beverages on public property,

public drunkenness, obstructing the free passage of pedestrians over public sidewalks, the obstruction of free passage of vehicles within the public right of way, littering, fighting, loud speaking or shouting in violation of California Penal Code Section 415 and/or 647, or the operation of automobile audio systems in a manner that violates Ordinance Code of San Joaquin County Section 6-3100 et seq.

(g) "Entertainment" or "entertainment establishment" means any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, to which the public is invited or allowed to watch, listen, or participate or that is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing guests or patrons, including, but not limited to:

(1) Presentations by single or multiple performers, such as hypnotists, mimes, comedians, musical song or dance acts, plays, concerts, any type of contest, sporting events, exhibitions, carnival, rodeo or circus acts, demonstrations of talent, shows, reviews and any other such activity which may be attended by members of the public;

(2) Dancing to live or recorded music;

(3) The presentation of recorded music played on equipment which is operated by an agent or contractor of the establishment, commonly known as a "DJ" or "disc jockey." Entertainment does not include ambient music provided through the use of a radio, stereo, juke box, music recording machine or other similar device.

(h) "Entertainment Permit" means any permit issued by the County pursuant to this Chapter related to the operation of a public dance, entertainment establishment, or amusement premises.

(i) "Reasonable Efforts" means the provision of an adequate number of licensed security personnel, the adoption and posting of operating policies that are consistent with the requirements of this Code and the permit and the adherence to those policies, the documented training of employees in the carrying out of the establishment operating policies, notifying the Sheriff's Office of apparent criminal activity, and the taking of all additional measures consistent with sound business judgment necessary to accomplish the required result.

(j) "Responsible Person" means the applicant, owner, proprietor, promoter, manager, assistant manager or other person exercising control over the operation of an entertainment establishment, whether or not that person is a named applicant.

(k) "Special Event" means entertainment conducted on private property where all of the following circumstances exist:

(1) The premises or location where the entertainment is to be conducted is not the subject of an existing entertainment permit issued pursuant to this Chapter;

(2) Entertainment will only be offered for a limited period of time, not to exceed three (3) days. (See also 9-110.4 "Special Indoor Event" and "Special Outdoor Event."); and

(3) Special Event permits will be processed as Staff Review with an Improvement Plan.

(l) "Theater" means any commercial establishment where regular sporting events, concerts, motion picture screenings or theatrical performances are given, usually on a stage, and usually with ascending row seating or some arrangement of permanent seating. (Ord. 4354 § 2 (part), 2008)

9-1085.3 REVIEW PROCEDURES.

Entertainment permits shall be reviewed by the Director using the Staff Review with Notice Procedure in Chapter 9-215, except as provided herein. (Ord. 4354 § 2 (part), 2008)

9-1085.4 ENTERTAINMENT PERMIT REQUIRED—COMPLIANCE WITH OTHER LAWS.

(a) Unless exempt pursuant to Section 9-1085.5, no person shall provide or permit any entertainment that is open to the public without an entertainment permit issued pursuant to this Chapter.

(b) Neither the obtaining of an entertainment permit nor compliance with the operating standards provided in this Chapter shall obviate the need for, or excuse any non-compliance with, the Zoning Code, Building Code, Fire Code or any other or additional permit requirement or standard made applicable to the entertainment or entertainment establishment under any other provision of this code or state or federal law. (Ord. 4354 § 2 (part), 2008)

9-1085.5 EXEMPTION FROM THE PERMIT REQUIREMENT.

The following types of entertainment and events are exempt from the permit required by this Chapter. This exemption does not relieve any entertainment establishment from complying with all other applicable laws, including, but not limited to laws related to noise levels and nuisances.

(a) Entertainment sponsored by any agency of the County of San Joaquin, the various boards of education, or by any other political subdivision of the State of California;

(b) Entertainment sponsored by any nonprofit public benefit organization, such as Girl Scouts, Boy Scouts, Little League or Boys and Girls Club, whose primary objective is the sponsoring and control of youth activities and child welfare. If the event is a dance for the minor members of the organization, the following requirements must be met:

(1) No person eighteen (18) years of age or older may be admitted as a guest, unless such person is a bona fide student at, or member of the sponsoring agency or organization, or the family member of a member or student of the sponsoring agency or organization;

(2) No alcoholic beverages may be served, consumed or permitted on the premises;

(3) Chaperones from the sponsoring agency are present on the premises at the rate of two (2) adults, who are at least twenty-five (25) years of age or older, for every one hundred (100) guests; and

(4) The event must finish by 12:00 a.m. and the premises and the adjoining parking lots must be promptly vacated by all the guests.

(c) Entertainment lawfully conducted at any County park, building or recreational facility;

(d) Entertainment lawfully conducted entirely upon property owned or controlled by a governmental entity;

(e) Entertainment limited to the use of a radio, recorded music or speech not provided by a D.J., juke box, television, video games, video programs, in an establishment that does not permit dancing;

(f) Entertainment provided for members and their guests at a private club having an established membership when admission is not open to the public. For purposes of this Section, private club means corporations or associations operated solely for objects of national, social, fraternal, patriotic, political, or athletic nature, in which membership is by application and regular dues are charged, and the advantages of which club belong to members, and the operation of which is not primarily for monetary gain;

(g) Entertainment provided for invited guests at a private event such as a wedding reception, banquet, or celebration where there is no admission charge;

(h) Entertainment conducted in connection with a regularly established theme park;

(i) Parades;

(j) Street performers such as musicians, singers or mimes;

(k) Entertainment conducted or sponsored by any religious organization, club, organization, society or association, that is exempt from taxation pursuant to Internal Revenue Code Section 501(c)(3), when all proceeds, if any, arising from such entertainment are used exclusively

for the benevolent purposes of such religious organization, club, society or association;

(l) Performances by the students at educational institutions as defined by the Education Code where such performances are part of an educational or instructional curriculum or program;

(m) Theaters;

(n) Motion picture theaters not providing live entertainment;

(o) Dance lessons, theatrical and performing arts lessons and student recitals;

(p) Book readings, book signings, poetry recitations, and any other similar entertainment consisting of the spoken word, including plays;

(q) Fund-raisers for a political cause;

(r) Entertainment consisting of ambient or incidental music provided for guests or patrons by musicians such as a piano player, harpist, strolling violinist, mariachi band, guitarist or band. If there is an admission charge required to observe or attend such entertainment, the music will not be considered ambient or incidental;

(s) Any establishment, venue or assemblage of forty-nine (49) persons or less, as described in the maximum occupancy load;

(t) Entertainment lawfully conducted at any of the following regulated businesses:

(1) "Adult Entertainment," as defined in Section 9-115.315 and regulated under Section 9-1060;

(2) "Amusement arcades," regulated under Chapter 6-2200. However, if entertainment, other than the operation of mechanical amusement devices, is conducted on the premises of any amusement arcade, such amusement arcade shall not, by virtue of this provision, be exempt from the permit requirement of this Chapter;

(3) "Bingo," regulated under Chapter 6-2400; and

(u) The normal and customary fitness services provided by an athletic club or fitness center. (Ord. 4354 § 2 (part), 2008)

9-1085.6 APPLICATION OF CHAPTER.

This Chapter is intended to implement minimum standards applicable to the operation of all entertainment establishments whether or not such establishments are subject to the Entertainment Permit requirements contained in this Chapter. Nothing in this Article shall limit the County's authority to impose and enforce permit conditions requiring entertainment establishments to comply with operating standards that are more strict, comprehensive or onerous than the minimum standards imposed by this Chapter. (Ord. 4354 § 2 (part), 2008)

9-1085.7 GENERAL PERFORMANCE STANDARDS.

Except as otherwise provided herein, entertainment uses shall meet the performance standards specified in Chapter 9-1025. Measures determined to be necessary by any required studies shall be implemented prior to commencement of the use. (Ord. 4354 § 2 (part), 2008)

9-1085.8 HOURS OF OPERATION—RESPONSIBLE PERSON.

(a) Except as otherwise provided herein, all entertainment establishments shall be closed and all patrons shall vacate the premises between 2:00 a.m. and 6:00 a.m., except that as part of a New Year celebration, entertainment establishments may remain open until 3:00 a.m. on January 1st. It is unlawful for any Responsible Person to fail to abide by the hours of closure.

(b) All outdoor entertainment establishments shall be closed and all patrons shall vacate the premises between 10:00 p.m. and 6:00 a.m. Sunday through Thursday, and 11:00 p.m. and 6:00 a.m. Friday and Saturday, except that as part of a New Year celebration, outdoor entertainment establishments may remain open until 1:00 a.m. on January 1st. It is unlawful for any Responsible Person to fail to abide by the hours of closure.

(c) A Responsible Person must be present in the entertainment establishment during all hours that the entertainment establishment is open and offering entertainment. (Ord. 4354 § 2 (part), 2008)

9-1085.9 DISTURBING THE PEACE—DISORDERLY CONDUCT.

Each Responsible Person shall make Reasonable Efforts to prevent the admittance of any person whose conduct is described in Penal Code Section 415 (fighting, loud noise, offensive words in public places) or 647 (disorderly conduct) at the premises or on any parking lot or similar facility used by the establishment. Each Responsible Person shall make Reasonable Efforts to remove any persons exhibiting such conduct from the establishment. (Ord. 4354 § 2 (part), 2008)

9-1085.10 INTOXICATED CUSTOMERS.

Each Responsible Person shall make Reasonable Efforts to prevent the admittance of any obviously intoxicated person. For purposes of this Section, a person is obviously intoxicated when he or she exhibits readily apparent outward manifestations of drug or alcohol intoxication, including but not limited to, inability to walk or stand in a normal manner, bloodshot or glassy eyes, flushed face, incoherent or slurred speech, alcoholic breath, belligerence

or other loud or boisterous conduct, extreme agitation or nervousness or mental confusion. (Ord. 4354 § 2 (part), 2008)

9-1085.11 Deleted.

9-1085.12 NOISE ABATEMENT.

(a) **Indoor Establishments.** No loudspeakers or sound equipment shall be used for the amplification of sound to a level audible beyond the walls of the building in which the business is located.

(b) **Outdoor Establishments.** Outdoor establishments shall comply with the requirements of Section 9-1025.9. (Ord. 4354 § 2 (part), 2008)

9-1085.13 DISORDERLY CONDUCT WITHIN FIFTY FEET PROHIBITED.

Each Responsible Person shall make Reasonable Efforts to control the conduct of patrons so as to prevent or minimize disorderly or unlawful conduct within the establishment and within fifty (50) feet of the establishment. (Ord. 4354 § 2 (part), 2008)

9-1085.14 ORDERLY DISPERSAL REQUIRED.

Each Responsible Person shall use Reasonable Efforts to cause the orderly dispersal of patrons from the vicinity of the establishment at closing time. (Ord. 4354 § 2 (part), 2008)

9-1085.15 ALCOHOLIC BEVERAGE ON PREMISES.

(a) It is unlawful for any person to bring an alcoholic beverage onto the premises unless such action is allowed by the entertainment establishment's ABC license.

(b) It is unlawful for any Responsible Person to allow any person to bring an alcoholic beverage onto the premises unless such action is allowed by the entertainment establishment's ABC license. (Ord. 4354 § 2 (part), 2008)

9-1085.16 ATTIRE.

In any establishment where the sale of alcoholic beverages is lawfully permitted, it is unlawful for any Responsible Person to allow any person to remain on the premises while such person is unclothed, or in such attire, costume, clothing or semi-transparent covering as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, buttocks, vulva or genitals. (Ord. 4354 § 2 (part), 2008)

9-1085.17 Deleted.

9-1085.18 Deleted.

9-1085.19 APPLICATION FOR PERMIT.

(a) All applications for permits shall be filed with the Director on such forms as he or she may prescribe, and shall contain the following:

(1) The name, phone number, assessor parcel number, and permanent address of the applicant;

(2) A description of the type of entertainment (e.g., music, D.J., sporting events, comedy, talent show), and the maximum number of persons who are expected to be present within the entertainment establishment at any one time;

(3) The proposed number of parking spaces, opening date and hours of operation of the entertainment establishment;

(4) For special or limited duration events, the date or dates, hours and location at the proposed entertainment;

(5) The proposed security arrangements for the control of patrons;

(6) The name or names of the person or persons, at the time of application, having management or supervision authority over the proposed entertainment, or any business or premises wherein the entertainment is proposed to be located;

(7) Written consent for the proposed entertainment on the premises from the owner of the property on which the entertainment is to be conducted; and

(8) A site plan:

Drawn on 24" x 36" paper and an 8½" x 11" reduction

North arrow should point to top or right of page

Include a vicinity map

Show adjacent properties with development type

Show all property lines of the parcel with dimensions

Show proposed and existing structures, tents, booths and similar structures

Show parking with calculations, driveways, landscaping

(b) Upon receipt of a complete application, the Director shall provide to the applicant a Notice of Application for Entertainment Permit. The applicant shall post the notice on the exterior of the premises for which the permit is sought within twenty-four (24) hours after receiving the notice and for no less than fourteen (14) consecutive days, or in the case of an application for an Entertainment Permit for a Special Event for a period no less than forty-eight

(48) hours, in a location that allows interested members of the public to read the notice.

(c) Except as provided below, the Director shall either approve or deny the Entertainment Permit within forty-five (45) working days of receipt of the complete application. The Director may extend the time for consideration of the application for up to an additional fifteen (15) working days with the written consent of the applicant. The failure of the Director to timely act shall constitute approval of the permit.

(d) The Director shall either approve or deny a Special Event permit within fifteen (15) working days of receipt of the complete application. The applicant shall notify the Sheriff's Department of the intent to hold the event at the time the application is submitted to the Community Development Department. The Sheriff's Department shall have up to ten (10) days to review the application. The Director may extend the time for consideration of the application for up to an additional three (3) working days with the written consent of the applicant. The failure of the Director to timely act shall constitute approval of the permit.

(Ord. 4354 § 2 (part), 2008)

9-1085.20 FEES.

Every application for a permit shall be accompanied by a nonrefundable application fee as established by resolution of the Board of Supervisors. This application fee shall be in addition to any other license or permit fee imposed by this Code upon the applicant.

(Ord. 4354 § 2 (part), 2008)

9-1085.21 FINDINGS.

Prior to approving an application for a Entertainment Permit, the Review Authority shall find that all of the following are true:

(a) That the proposed entertainment is accessory to a permitted and established use;

(b) That issuance of the permit and conduct of the entertainment at the proposed location, as conditioned, is consistent with federal, state and local laws, rules, regulations and any existing entertainment permit(s);

(c) It does not appear, based upon the information before the Director, that the applicant has provided false or misleading material information in the application;

(d) The proposed use is consistent with the standards, and maps of the General Plan; any applicable Master Plan, Specific Plan, and Special Purpose Plan; and any other applicable plan adopted by the County;

(e) Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways;

(f) The site is physically suitable for the type of development and intensity of development. This means that any associated buildings, parking, utilities, ingress and egress, and other Development code requirements;

(g) The proposed entertainment use will not increase the possibility of unsanitary conditions, disease transmission, or contamination of soils or water, impair the operation of drainage and wastewater systems, or otherwise adversely impact public health or the environment; and

(h) The use is physically compatible with adjoining land use which means the proposed land use is capable of existing alongside of, and will not interfere with, or alter the current land use of adjoining properties.

(Ord. 4354 § 2 (part), 2008; Ord. No. 4399, § 9, 9-14-2010)

9-1085.22 ISSUANCE OF PERMIT.

(a) In issuing the permit, the Director may impose conditions relating to the operation of the entertainment establishment.

(1) Conditions may relate to:

A. The days, hours and location of operation;

B. Restrictions designed to prevent minors from obtaining alcohol, such as separate entrances, exits, and restroom facilities on the premises;

C. The number of persons allowed on premises;

D. Whether security guards are required, and if so, how many;

E. Specific measures the applicant must undertake to control the conduct of patrons so as to prevent or minimize disorderly conduct within the establishment;

F. Specific measures the applicant must undertake to remove trash attributable to the establishment or its patrons in and around the establishment, the surrounding neighborhood and the public right of way;

G. Specific measures the applicant must undertake to prevent the entertainment and its patrons from disturbing the peace and quiet of the surrounding neighborhood;

H. Specific measures the applicant must undertake to prevent its patrons from engaging in disorderly conduct in the surrounding neighborhood;

I. Whether the Sheriff must receive advance notice of the date of a particular event if that event is not held as part of the regularly scheduled events of the business; or

J. Other conditions of general applicability to land uses in the County.

(2) Conditions shall be based on specific and articulable facts reasonably related to insuring the public health, safety and welfare, including, but not limited to, the protection of minors from alcohol and other criminal activity, the conservation of limited County public safety resources and the prevention of public nuisance activities that detract from the peace and quiet of residential neighborhoods.

(3) Conditions shall be listed on, or attached to, the permit.

(4) The Director shall give the applicant an opportunity to review any proposed conditions and the Director will consider the input of the applicant prior to imposing those conditions.

(5) Conditions may not be imposed that conflict with any local, state or federal law, or that conflict with the applicant's ABC license.

(6) If the applicant has been issued a Special Event — Extended Permit or other entertainment related permit prior to the effective date of this Chapter, conditions placed upon that permit shall be conditions of the Entertainment Permit issued under authority of this Chapter. However, nothing in this subsection shall be construed to limit the authority of the Director to place additional conditions upon the entertainment permit that are not in conflict with the existing permit conditions or to require compliance with the existing permit conditions prior to issuance of the Entertainment Permit.

(7) If complaints have been received regarding operation of the premises, the Director may require the applicant to demonstrate compliance with applicable existing permits prior to issuance of the Entertainment Permit or may issue the permit conditioned upon the applicant obtaining any other necessary permit or other county, or state approval.

(8) No condition may be imposed pursuant to this Chapter that suppresses or regulates expression in any manner contrary to law.

(9) Imposition of any particular condition is appealable through the procedures set forth in Chapter 9-215.

(10) If an applicant has submitted a complete application for an Entertainment Permit prior to the expiration of a Special Event — Extended Permit and the applicant has not violated any of the conditions of the Special Event — Extended Permit and agrees to immediately begin operating in accordance with the provisions contained in this Chapter, the applicant may continue to offer entertainment pending review and action on the Entertainment Permit.

(Ord. 4354 § 2 (part), 2008)

9-1085.23 DISPLAY OF PERMITS.

The permit issued pursuant to this Chapter shall at all times be displayed in a conspicuous place in the entertainment establishment for which it was issued and shall be immediately produced upon the request of any law enforcement or code enforcement officer.

(Ord. 4354 § 2 (part), 2008)

9-1085.24 EFFECT OF DENIAL.

In the event an application for a permit is denied by the Director, no application for a permit to conduct the proposed activity at the same location shall be considered by the Director for a period of one (1) year from the denial, unless denied without prejudice.

(Ord. 4354 § 2 (part), 2008)

9-1085.25 SUSPENSION, MODIFICATION OR REVOCATION OF PERMIT.

(a) Except as modified below, actions for enforcement, suspension, modification or revocation of an Entertainment Permit shall be governed by the procedures set forth in Chapter 9-230 of the Development Title.

(b) After notice and an opportunity for a hearing, a permit may be revoked, suspended or modified for any of the following reasons:

(1) The entertainment has been conducted in a manner contrary to the Findings for the issuance of a permit set forth in this Chapter;

(2) The applicant has failed to comply with one or more conditions of the permit;

(3) The entertainment has created sound levels that violate the County code;

(4) The applicant or his/her employees, agents, or representatives have violated or are violating federal, state or local laws, rules or regulations in connection with the entertainment;

(5) The entertainment has been conducted in an illegal or disorderly manner or has been conducted in such a manner as to constitute an unreasonable burden on the reasonable use and enjoyment of neighboring properties;

(6) The applicant has knowingly made a false statement of material fact or has knowingly omitted a material fact in the application;

(7) The entertainment has created or is creating a nuisance;

(8) The applicant or any other Responsible Person has violated any provision of this Chapter; or

(9) The modification has been requested by the applicant and the Director finds the modification is consistent with the provisions of this code and will not constitute a nuisance or an unreasonable burden upon County resources or the surrounding neighborhood.

(c) In the event the Director, following an office hearing, proposes to suspend, modify or revoke a permit, written notice of the proposed suspension, modification or revocation shall be personally delivered or sent to the person requesting the hearing. The notice shall contain:

(1) A brief statement on the specific grounds for such suspension, modification or revocation;

(2) A statement that the applicant may appeal the proposed suspension, modification or revocation by submitting an appeal, in writing to the Director, within ten (10) calendar days of the date of service of the notice;

(3) A statement that the failure to appeal the notice of suspension, modification or revocation will

constitute a waiver of all right to an appeal hearing, and the suspension, modification or revocation will be final.

(d) In the case of a suspension, modification or revocation, the applicant may continue to conduct entertainment during the pendency of any appeal.

(e) A challenge to the decision of the Board of Supervisors may be filed with the San Joaquin Superior Court pursuant to California Code of Civil Procedure Section 1094.8, if applicable.

(Ord. 4354 § 2 (part), 2008)

9-1085.26 PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

(a) Unless an earlier expiration date is specified in the terms of the permit itself, a Dance Permit issued on or before the effective date of this Section shall be valid for one (1) year from the effective date of this Section and shall terminate thereafter. Notwithstanding any other provision of this Chapter, all Dance Permits issued on or before the effective date of this section shall be subject to this Chapter, including suspension, modification or revocation provisions.

(b) An applicant with a permit subject to the provisions of subsection (a) of this Section may apply for an Entertainment Permit as provided above.

(c) If an Entertainment Permit renewal is issued as provided in subsection (b) of this Section, the Director may impose conditions on the permit in accordance with this Chapter.

(Ord. 4354 § 2 (part), 2008)

