

APPENDIX 1

MOUNTAIN HOUSE DEVELOPMENT TITLE

Chapters:

- 9-107M Mountain House Development Title
- 9-110M Definitions
- 9-115M Use Classification System
- 9-205M Review Authorities
- 9-240M Fees
- 9-305M Residential Zone Use Regulations
- 9-310M Residential Zone Lot and Structure Regulations
- 9-405M Commercial Zone Use Regulations
- 9-410M Commercial Zone Lot and Structure Regulations
- 9-505M Industrial Zone Use Regulations
- 9-510M Industrial Zone Lot and Structure Regulations
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- 9-700M Intent and Organization of Other Zones
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9-1705M Repealed by Ord. 3939.
9-1710M Repealed by Ord. 3939.

CHAPTER 9-107M

MOUNTAIN HOUSE DEVELOPMENT TITLE

Sections:

9-107.1M	Title—Reference.
9-107.2M	Intent.
9-107.3M	Consistency with General Plan and Master Plan.
9-107.4M	Interpretation, Constitutionality, and Severability.
9-107.5M	Restrictions.
9-107.6M	No Relief from Other Provisions.
9-107.7M	Structure and Use.

9-107.1M TITLE—REFERENCE.

Appendix 1, Mountain House Development Title, consisting of this chapter plus the following chapters, shall be known collectively and referred to as the Mountain House Development Title (MHDT).

(Ord. 3813 (part), 1994)

9-107.2M INTENT.

The intent of the Mountain House Development Title is to add provisions to, or amend provisions of, the development title of San Joaquin County in order to implement the Master Plan, Specific Plans and Special Purpose Plans of the Mountain House Community. In this context, the Mountain House Development Title shall be viewed as an addendum to the development title of San Joaquin County but only with respect to Mountain House.

(Ord. 3813 (part), 1994)

9-107.3M CONSISTENCY WITH GENERAL PLAN AND MASTER PLAN.

All actions, approvals and procedures taken with respect to, or in accordance with, this Mountain House Development Title shall be consistent with the San Joaquin General Plan and the Master Plan of the Mountain House Community. In the event this Mountain House Development Title becomes inconsistent with the San Joaquin General Plan or any of its elements, or with the Mountain House Master Plan, by reason of adoption of a new General Plan or Master Plan, or by reason of amendment of the existing General Plan or Master Plan, this Mountain House Development Title shall be amended within a reasonable time so as to achieve consistency with said documents.

(Ord. 3813 (part), 1994)

9-107.4M INTERPRETATION, CONSTITUTIONALITY, AND SEVERABILITY.

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

(b) **Invalidity.** If any section, subsection, sentence, clause or phrase of this Mountain House Development Title is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Mountain House Development Title. The Board declares that it would have passed this Mountain House Development Title and every section, subsection, clause and phrase thereof, notwithstanding that one or more sections, subsections, sentences, clauses or phrases declared unconstitutional.

(Ord. 3813 (part), 1994)

9-107.5M RESTRICTIONS.

It is not intended by the Mountain House Development Title to interfere with, abrogate or annul any easement, covenant, or other agreement between parties. Where the Mountain House Development Title imposes a greater restriction upon the use of buildings or land than are imposed by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of the Mountain House Development Title shall prevail, excluding development agreements and any vested provisions in agreements.

(Ord. 3813 (part), 1994)

9-107.6M NO RELIEF FROM OTHER PROVISIONS.

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

(Ord. 3813 (part), 1994)

9-107.7M STRUCTURE AND USE.

The following rules concerning the structure and use of the Mountain House Development Title shall apply:

(a) Chapters and sections of the Mountain House Development Title which amend specific chapters, sections or tables of the San Joaquin Development Title shall carry the same numbering as said chapters, sections or tables of the San Joaquin Development Title. For the Mountain House

Development Title, the letter “M” shall appear at the end of chapter numbers, section numbers or table numbers to distinguish between Mountain House Development Title chapters, sections, and tables and San Joaquin Development Title chapters, sections and tables.

(b) Chapters and sections of the Mountain House Development Title that do not amend specific chapters or sections of the San Joaquin Development Title, or have no antecedents in the San Joaquin Development Title, shall be regarded as new or as additional provisions applicable only to the Mountain House Community. Said chapters and sections shall be numbered similarly with other Mountain House chapters and sections.

(c) Only those chapters, sections and tables of the Mountain House Development Title which represent amendments to specific chapters, sections, and tables of the San Joaquin Development Title or which represent new or additional provisions shall be contained in the Mountain House Development Title.

(d) Unless otherwise changed by the Mountain House Development Title, the provisions of the development title of San Joaquin County shall be applicable to all development within the Mountain House Community.
(Ord. 3813 (part), 1994)

CHAPTER 9-110.4M

DEFINITIONS

Sections:

9-110.4M

Definitions.

9-110.4M DEFINITIONS.

The following additional definitions or changes to existing definitions in the development title shall be used:

Additional Town Center Unit. “Additional Town Center Unit” means a dwelling unit which provides affordable housing opportunities for low income and medium income persons in the Town Center of the Mountain House Community and which is not included in the calculations of residential densities as specified by the Mountain House Master Plan or by any of the various Specific Plans for the Mountain House Community.

Applicable Public Agency. “Applicable Public Agency” means a public agency or its successor that is the recipient of Public Land within the Mountain House Community and that is authorized to provide the infrastructure and services on said Public Land.

Average FAR. “Average FAR” means the floor area ratio calculated by dividing the total Livable Area plus attached garage interior floor area by the total lot area for all lots subject to and included within a Model Home Master Plan.

Bicycle Commuter Route. “Bicycle commuter route” means a Class I bike path or Class II bike lane which is designated as the most efficient path of travel for the dedicated bike commuter.

Bikeway. “Bikeway” means a Class I bike path, a Class II bike lane, a Class III bike route, or a bicycle commuter route.

Biologist, Qualified. “Qualified biologist” means any person who has completed at least four (4) years of training in wildlife biology or a related science and has demonstrated field experience in the identification and life history of the animal that is the subject of the survey.

Class I Bike Path. “Class I bike path” means a path where bicycle travel is the designated use and which is separated from the vehicular network to provide the greatest degree of physical safety for the cyclist.

Class II Bike Lane. “Class II bike lane” means a path where bicycle travel is the designated use and which consists of a separate marked lane within a roadway, with guide signs and pavement markings along the way.

Class III Bike Route. “Class III bike route” means a path where bicycle travel is the designated use and which is

signed only, with the cyclist sharing the right-of-way with motorists.

Dedicate, Dedicated, and Dedication. “Dedicate, dedicated, and dedication” means the legal process of transferring, whether by grant deed, certification on a subdivision map, or otherwise, Public Land to an Applicable Public Agency.

Density Bonus Unit. “Density Bonus Unit” means an additional residential dwelling unit which is not included in the calculations of residential densities specified by the Mountain House Master Plan or by any of the various Specific Plans for the Mountain House Community and which is permitted to be constructed as part of a residential development in the Mountain House Community, provided said development satisfies the conditions specified in Chapter 9-315.

Developer. “Developer” means, for purposes of the Mountain House Development Title, the legal or beneficial owner or owners of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land, and any successor in interest thereto.

Development Permit. “Development Permit” means any discretionary or ministerial permit required for a project, excluding General Plans, Master Plans, Specific Plans, Special Purpose Plans, or amendments thereto, ordinance text changes, and rezonings.

Dwelling, Second Unit. “Second unit dwelling” means a detached or attached dwelling unit, not including a mobile home, that is located on the same parcel as a primary single-family dwelling, is clearly subordinate in size to said primary single-family dwelling, and is subject to the requirements specified in Chapter 9-830M.

Fee Per Lot Square Foot. “Fee per lot square foot” means that fee component of the Affordable Housing Impact Fee that is applied to the net parcel area of a residential parcel.

Forty-Five Degree (45°) Clear. “Forty-five degree (45°) clear” means that all points on a structure must not touch an imaginary line drawn at a forty-five degree (45°) angle from the nearest right-of-way line or property line, as applicable.

Landowner. “Landowner” means any individual, partnership, corporation, or other legal entity owning or developing land within the Mountain House Community and/or contemplating development within the Mountain House Community.

Land Voucher. “Land Voucher” means a document given in exchange for acreage in fulfillment of the requirements of the Public Land Equity Program.

Livable Area. “Livable area” means the area within the outside walls of a residential unit, whether attached or unattached, but not including unfinished garages, unfinished basements, porches, or storage facilities not accessible from the interior of the residential unit.

Master Developer. “Master Developer” means Tri-mark Communities, a California general partnership, and any successor in interest thereto, in the case of Mountain House lands outside the Specific Plan III planning area. Otherwise, “Master Developer” means Gerry N. Kamilos, LLC, and any successor in interest thereto.

Master Specific Plan. “Master Specific Plan” or “Mountain House Master Specific Plan” or “Master Plan” means the policy document which presents policies, requirements and standards for the entire Mountain House Community and guides the preparation of subsequent Specific Plans, Tentative Maps, and other approvals required to implement the building of the Mountain House Community.

Mountain House Community Services District. “Mountain House Community Services District” or “MHCSD” means the community services district established to administer and to provide certain services and infrastructure for the inhabitants of Mountain House.

Multi-Use Path. “Multi-use path” means a pedestrian path that safely accommodates both pedestrians and bicycles.

Nontransportation Noise Sources. “Nontransportation noise sources” means equipment, utilities or processes associated with industrial, commercial or public facilities that create a constant or periodic noise in a fixed location.

Noise-Sensitive Uses. “Noise-sensitive uses” means residential, educational, hospital, and group care uses.

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

Pre-Existing Residential Areas. “Pre-existing residential areas” means the three distinct residential areas that were in place before the Mountain House New Town was established, described and labeled as “Grant Line Village,” “Homesite Parcels,” and “Old River Homesites” by the Master Plan.

Preliminary Map. “Preliminary Map” means any lot line adjustment, merger or tentative map application that is submitted to the County, prior to the completion of all Mountain House Master Plan subsequent plans and programs, only for the purpose of financing, land sale or exchange, or planning area segregation, after which a more

definitive Development Title application is required to be submitted to the County before construction permits can be obtained for the affected area.

Private Land. "Private Land" means any land within the Mountain House Community that can be developed for private use and profit.

Public Land. "Public Land" means acreage required by an Applicable Public Agency to provide public services and infrastructure to or on behalf of the residents of the Mountain House Community, as specified in the Public Land Equity Program Technical Report as of November 28, 1997.

Public Land Acreage Requirement. "Public Land Acreage Requirement" means the amount of land that a Landowner is required to provide in order to fulfill the requirements of the Public Land Equity Program, calculated by multiplying the gross acres of a subject property by the Public Land Percentage.

Public Land Deficit. "Public Land Deficit" means the additional amount of land needed to meet the Public Land Acreage Requirement for a subject parcel, calculated by subtracting the number of acres actually shown for public use on said parcel from the parcel's Public Land Acreage Requirement.

Public Land Equity Program. "Public Land Equity Program" means the program as set forth in Chapter 9-1245M of this Title.

Public Land Equity Program Technical Report. "Public Land Equity Program Technical Report" means the report which provides the methodology for calculating the Public Land Acreage Requirement on a subject property and the Public Land Percentage.

Public Land Percentage. "Public Land Percentage" means the percentage of land within the Mountain House Community that is Public Lands, calculated by dividing the total Public Lands within the Mountain House Community by the gross acres within the Mountain House Community held in private ownership, as specified in the Public Land Equity Program Technical Report, and multiplying the result by one hundred (100).

Public Land Surplus. "Public Land Surplus" means the amount of land that exceeds the Public Land Acreage Requirement for a subject property, calculated by subtracting the Public Land Acreage Requirement from the number of acres actually designated for public use by the Master Plan or Specific Plan or any applicable Special Purpose Plan.

Specific Plan. "Specific Plan" means, for the purposes of the Mountain House Development Title, a plan which is prepared pursuant to Government Code Section 65450 for the systematic implementation of the Mountain House

Master Specific Plan and which provides detailed information and instruction regarding the types, locations and densities of land uses; development phasing; zoning regulations; public infrastructure and services; development; and design guidelines. "Specific Plan" shall include Mountain House Specific Plan I and other Specific Plans.

Specific Plan Reimbursement Program. "Specific Plan Reimbursement Program" means the program as provided for in the Mountain House Public Financing Plan that has been developed to reimburse the Master Developer and other Developers for the costs which they have incurred or will incur in the preparation and adoption of the Mountain House Master Specific Plan and subsequent Specific Plans, and the Supporting Documents.

Story. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is defined as that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. "Story" also means that portion of a building between the upper surface of a floor and the upper surface of the floor next above, where the finished floor level directly above is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or more than twelve (12) feet above grade at any point.

Subsequent Plans and Programs. "Subsequent plans and programs" means the plans and programs required by the Mountain House Master Plan for development to proceed, as set forth in the Master Plan Development Agreement between the County of San Joaquin and Trimark Communities, or plans and programs as set forth in the Development Agreement between the County of San Joaquin and Gerry N. Kamilos, LLC.

Supporting Documents. "Supporting Documents" means those plans and programs prepared to provide the background and technical bases for the Mountain House Master Specific Plan and subsequent Specific Plans, or developed to implement the Mountain House Master Specific Plan and subsequent Specific Plans.

(Ord. 3813 (part), 1994; Ord. 3951 § 2, 1997; Ord. 3953 § 1, 1997; Ord. 3974 § 1, 1998; Ord. 3975 § 2, 1998; Ord. 4033 § 2, 1999; Ord. 4066 § 1, 2000; Ord. 4242 § 1, 2005; Ord. 4276 § 1, 2005)

CHAPTER 9-115M**USE CLASSIFICATION SYSTEM****Sections:**

9-115.535M Recreation.

9-115.535M RECREATION.

The following sub-use types shall replace the Recreation: Outdoor Entertainment sub-use type:

(a) **Outdoor Entertainment, Large Scale.** Facilities which require one and one-half (1 1/2) or more acres for outdoor recreational activities and for presenting entertainment and athletic events to spectators. Typical uses include water slide facilities, amusement parks, open air theaters, and stadiums.

(b) **Outdoor Entertainment, Small Scale.** Facilities which require less than one and one-half (1 1/2) acres for outdoor recreational activities and for presenting entertainment and athletic events to spectators. Typical uses include skateboarding arenas and outdoor swimming pools. (Ord. 3974 § 2, 1998)

CHAPTER 9-205M**REVIEW AUTHORITIES****Sections:**

9-205.2M Planning Agency.
9-205.8M Design Consistency Review Committee.

9-205.2M PLANNING AGENCY.

In addition to the Review Authorities listed in Section 9-205.2 of the Development Title, the Mountain House Design Consistency Review Committee shall be recognized as a component part of the Planning Agency for San Joaquin County.

(Ord. 4066 § 2 (part), 2000)

9-205.8M DESIGN CONSISTENCY REVIEW COMMITTEE.

The Design Consistency Review Committee's role as part of the Planning Agency shall be as provided in this Section.

(a) **Membership.** The Design Consistency Review Committee shall consist of a representative of the Master Developer, the Mountain House Community Services District (MHCS D), and the Community Development Department. Each corresponding organization or agency shall select one (1) representative. The representatives should be design and planning professionals.

(b) **Functions.** The Design Consistency Review Committee shall review all Development Permit applications (as defined in Section 9-110.4) for consistency with the design policies and requirements of County adopted plans and ordinances for Mountain House. In addition, the Design Consistency Review Committee shall make design consistency recommendations for Mountain House plan and program documents related to community design that are submitted to the Community Development Department for review. The design consistency recommendations of the Design Consistency Review Committee shall be submitted to the Director.

(Ord. 4066 § 2 (part), 2000)

CHAPTER 9-240M

FEES

Sections:

9-240.5M Preapplication Conferences.

**9-240.5M PREAPPLICATION
CONFERENCES.**

The fee required for a Preapplication Conference for Mountain House development applications shall be a separate fee, paid in addition to the fee required for the parent application. (Ord. 4154 § 1, 2002)

CHAPTER 9-305M

RESIDENTIAL ZONE USE REGULATIONS

Sections:

**9-305.2M Permitted Use Types.
9-305.3M Accessory Uses and Structures.
9-305.4M Temporary Uses and Structures.
9-305.7M Design Guidelines.**

Tables:

**9-305.2M Uses in Residential Zones.
9-305.3M Accessory Uses and Structures in
Residential Zones.
9-305.4M Temporary Uses and Structures
in Residential Zones.**

9-305.2M PERMITTED USE TYPES.

Permitted, not permitted and conditionally permitted use types shall be as provided in Table 9-305.2M. (Ord. 3813 (part), 1994)

**9-305.3M ACCESSORY USES AND
STRUCTURES.**

Permitted, not permitted, and conditionally permitted accessory uses and structures shall be as provided in Table 9-305.3M. Accessory uses or structures not specifically listed in Table 9-305.3M may be permitted with an Improvement Plan, provided:

- (a) The proposed accessory use or structure involves less than a twenty-five percent (25%) increase in floor area covered by the existing principal use type; and
 - (b) The proposed accessory use or structure involves less than a ten percent (10%) increase in the overall site area covered by the existing use type; and
 - (c) The proposed accessory use or structure, in the opinion of the Director, will not have a substantial, adverse effect on adjacent property; and
 - (d) The proposed accessory use or structure will comply with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency; or
 - (e) Where conditions in Subsections (a) through (d) of this Section are not met, the level of review for the accessory use or structure shall be the same as the level of review required for the primary use or structure.
- (Ord. 3813 (part), 1994)

TABLE 9-305.2M

9-305.4M TEMPORARY USES AND STRUCTURES.

Permitted, not permitted and conditionally permitted temporary uses and structures shall be as provided in Table 9-305.4M. Temporary uses or structures not specifically listed in Table 9-305.4M may be allowed, subject to approval of an Improvement Plan. (Ord. 3813 (part), 1994)

9-305.7M DESIGN GUIDELINES.

Design Guidelines shall be submitted for consistency review prior to approval of the final map or parcel map or other Development Permit. (Ord. 4066 § 6, 2000)

TABLE 9-305.2M

USES IN RESIDENTIAL ZONES

Residential Use Types

Legend:					
P Permitted Use					
PI Permitted Use With Improvement Plan					
S Use Permitted Subject to Site Approval					
U Use Permitted Subject to Use Permit					
- Use Not Permitted					
Use Types	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Family Residential					
Single-Family	P	P	P	P	-
Two-Family	-	- (P ¹)	P	P	-
Small Multifamily	-	-	P	P	P
Large Multifamily	-	-	S (- ¹)	S	S
Farm Employee Housing	-	-	-	-	-
Small	-	-	-	-	-
Large	-	-	-	-	-
Group Care					
Small	P	P	P	P	P
Large	U	U	U	U	U
Adult Day Care	-	U	U	U	U
Farm Related	-	-	-	-	-
Group Residential	-	S	S	S	S
Mobilehome Park	-	U (- ¹)	U (- ¹)	-	-
Shelters:					
Small	-	-	-	-	-
Medium	-	-	-	-	-
Large	-	-	-	-	-

TABLE 9-305.2M

Nonresidential Use Types

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted					
Use Types	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Administrative Offices	-	-	-	S	S
Administrative Support Services	-	-	-	-	-
Adult Entertainment	-	-	-	-	-
Aerial Services					
Farm	-	-	-	-	-
Heliport	-	-	-	-	-
Agricultural Organizations	-	-	-	-	-
Agricultural Processing					
Preparation Services	-	-	-	-	-
Food Manufacturing	-	-	-	-	-
Agricultural Sales					
Feed and Grain	-	-	-	-	-
Agricultural Chemicals	-	-	-	-	-
Agricultural Warehousing	-	-	-	-	-
Agricultural Wastes	-	-	-	-	-
Animal Feeding and Sales	-	-	-	-	-
Animal Raising					
Exotic Animals	-	-	-	-	-
General	-	-	-	-	-
Hogs	-	-	-	-	-
Small Animals	-	-	-	-	-
Family Food Production	P	-	-	-	-
Educational Animal Project	P	-	-	-	-
Zoo	-	-	-	-	-
Petting Zoo	-	-	-	-	-
Animal Specialty Services					
Farm	-	-	-	-	-
Pet	-	-	-	-	-
Kennel	-	-	-	-	-
Kennel, Small Breeding	-	-	-	-	-
Auction Sales					

TABLE 9-305.2M

Legend:					
P Permitted Use					
PI Permitted Use With Improvement Plan					
S Use Permitted Subject to Site Approval					
U Use Permitted Subject to Use Permit					
- Use Not Permitted					
Use Types	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Indoor	-	-	-	-	-
Outdoor	-	-	-	-	-
Automotive Sales and Services					
Automotive Rentals	-	-	-	-	-
Automotive Repairs, Light	-	-	-	-	-
Automotive Repairs, Heavy	-	-	-	-	-
Automotive Sales	-	-	-	-	-
Cleaning	-	-	-	-	-
Inoperable Vehicle Storage	-	-	-	-	-
Operable Vehicle Storage	-	-	-	-	-
Parking	-	-	-	-	-
Building Maintenance Services	-	-	-	-	-
Child Care Services					
Family Day Care Homes	P	P	P	P	P
Child Care Centers	U	U	U	U	U
Communication Services					
Type I	PI	PI	PI	PI	PI
Type II	-	-	-	-	-
Type III	-	-	-	-	-
Type IV	-	-	-	-	-
Community Assembly	-	U	U	S	S
Construction Sales	-	-	-	-	-
Construction Services					
Light	-	-	-	-	-
Heavy	-	-	-	-	-
Crop Production	P	P	P	P	P
Cultural and Library Services	-	-	U	S	S
Custom Agricultural Manufacturing	-	-	-	-	-
Custom Manufacturing	-	-	-	-	-
Dairies	-	-	-	-	-
Eating Establishments					
Convenience	-	-	-	-	-

TABLE 9-305.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted					
Use Types	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Full Service	-	-	-	-	-
Educational Services					
Commercial	-	-	-	-	-
General	U	U	U	U	U
Equipment Sales and Repair					
Farm Machinery, Sales	-	-	-	-	-
Farm Machinery, Repair	-	-	-	-	-
Heavy Equipment	-	-	-	-	-
Leisure	-	-	-	-	-
Aircraft	-	-	-	-	-
Explosives Handling	-	-	-	-	-
Farm Services	-	-	-	-	-
Funeral and Interment Services					
Cemeteries	-	-	-	-	-
Interring and Cremating	-	-	-	-	-
Undertaking	-	-	-	-	-
Gasoline Sales					
Service	-	-	-	-	-
Combination	-	-	-	-	-
General Industrial					
Limited	-	-	-	-	-
Intermediate	-	-	-	-	-
Heavy	-	-	-	-	-
Hazardous Industrial	-	-	-	-	-
High Technology Industry	-	-	-	-	-
Laundry Services	-	-	-	-	-
Liquor Sales					
On-Premises, General	-	-	-	-	-
On-Premises, Limited	-	-	-	-	-
Off-Premises	-	-	-	-	-
Lodging Services					
Bed and Breakfast	U	U	S	S	S

TABLE 9-305.2M

Legend:					
P Permitted Use					
PI Permitted Use With Improvement Plan					
S Use Permitted Subject to Site Approval					
U Use Permitted Subject to Use Permit					
- Use Not Permitted					
Use Types	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Motel	-	-	-	-	-
Major Impact Services	-	-	-	-	-
Medical Services	-	-	-	U	U
Nursery Sales and Services					
Wholesale	-	-	-	-	-
Retail	-	-	-	-	-
Landscaping Services	-	-	-	-	-
Personal Storage	-	-	-	-	-
Petroleum and Gas Extraction	U	U	U	U	U
Produce Sales					
Farm Produce Stands	-	-	-	-	-
Farm Markets	-	-	-	-	-
Professional Services	-	-	-	U	U
Public Services					
Administrative	-	-	-	U	U
Essential	U	U	U	U	U
Quarry Operations	-	-	-	-	-
Recreation					
Campgrounds	-	-	-	-	-
Indoor Participant	-	-	-	-	-
Indoor Spectator	-	-	-	-	-
Marinas	-	-	-	-	-
Outdoor Entertainment, Large Scale	-	-	-	-	-
Outdoor Entertainment, Small Scale	-	-	-	-	-
Outdoor Sports Clubs	-	-	-	-	-
Parks	S	S	S	S	S
Resorts	-	-	-	-	-
Recycling Services					
Consumer	-	-	-	-	-
Scrap Operations	-	-	-	-	-
Religious Assembly					

TABLE 9-305.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted					
Use Types	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Neighborhood	S	S	S	S	S
Community	U	U	U	U	U
Regional	-	-	-	-	-
Research and Laboratory Services	-	-	-	-	-
Retail Sales and Services					
Primary	-	-	-	-	-
Intermediate	-	-	-	-	-
General	-	-	-	-	-
Signs—Off Premises	-	-	-	-	-
Stables					
Neighborhood	U	-	-	-	-
Commercial	-	-	-	-	-
Transportation Services	-	-	-	-	-
Truck Sales and Services					
Parking	-	-	-	-	-
Cleaning	-	-	-	-	-
Stops	-	-	-	-	-
Repairs	-	-	-	-	-
Sales	-	-	-	-	-
Terminals	-	-	-	-	-
Utility Services					
Minor	P	P	P	P	P
Major	-	-	-	-	-
Wholesaling and Distribution					
Light	-	-	-	-	-
Heavy	-	-	-	-	-

¹ Applies within Specific Plan III area of Mountain House.

(Ord. 3813 (part), 1994; Ord. 3974 § 3, 1998; Ord. 4066 § 3, 2000; Ord. 4276 § 2, 2005; Ord. No. 4385, § 18, 1-12-2010)

TABLE 9-305.3M

TABLE 9-305.3M

ACCESSORY USES AND STRUCTURES IN RESIDENTIAL ZONES

Legend:					
P Permitted Use					
PI Permitted Use With Improvement Plan					
S Use Permitted Subject to Site Approval					
- Use Not Permitted					
SD Use Permitted Subject to Second-Unit Dwelling Permit					
HO Use Permitted Subject to Home Occupation Permit					
Accessory Use or Structure	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Antennae, Radio/TV Dish	P	P	P	P	P
Barn	P	-	-	-	-
Biomass Energy Production for use on premises	-	-	-	-	-
Boathouse, Private (one/lot)	P (- ²)	P (- ²)	S (- ²)	S (- ²)	S (- ²)
Coop	P	-	-	-	-
Dock, Private (one/lot)	P (- ²)	P (- ²)	S (- ²)	S (- ²)	S (- ²)
Farm Employee Housing	-	-	-	-	-
Firewood Sales, grown on-site or within a five (5) mile radius of the premises	-	-	-	-	-
Garage, Private (up to three (3) vehicles)	P	P	P	P	P
Greenhouse, Private	P	P	P	S	S
Guesthouse	P (- ²)	P (- ²)	P (- ²)	-	-
Home Occupation	HO	HO	HO	HO	HO
Horse Raising	S	-	-	-	-
Packing Shed, Private	-	-	-	-	-
Playhouse, Children's	P	P	P	P	P
Pump/Pumphouse	P	-	-	-	-
Second Unit Dwelling	SD ¹	SD ¹	SD ¹	SD ^{1, 2}	-
Silo	-	-	-	-	-
Stable, Private	P	-	-	-	-
Storage Building, Private	P	P	P	S (P ²)	S (P ²)
Swimming Pool & Equipment	P	P	P	P	P
Truck Parking (Agricultural)	-	-	-	-	-
Water Storage Facility	-	-	-	-	-
Wind Machine, Private	S	-	-	-	-
Workshop/Hobby Shop	P	P	P	-	-

¹ Second Unit Dwelling Permit not required if the second unit dwelling is designated on an approved tentative map.

TABLE 9-305.3M

² Applies within Specific Plan III area of Mountain House.

(Ord. 3813 (part), 1994; Ord. 4066 § 4, 2000; Ord. 4276 § 3, 2005; Ord. 4333 § 1, 2007)

TABLE 9-305.4M

TEMPORARY USES AND STRUCTURES IN RESIDENTIAL ZONES

Legend:					
P Permitted Use					
PI Permitted Use With Improvement Plan					
S Use Permitted Subject to Site Approval					
- Use Not Permitted					
Temporary Use or Structure	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Agricultural Excavation	-	-	-	-	-
Auction, Agricultural Machinery	-	-	-	-	-
Auction, Livestock	-	-	-	-	-
Batch Plant	-	-	-	-	-
Boutique Sales (limit of two (2) per year)	P	P	P	P	P
Carnival/Circus	-	-	-	-	-
Christmas Tree Sales	-(S ¹)	-	-	-	-
Corporation Yard	-	S	S	S	S
Garage Sales (limit of two (2) per year)	P	P	P	P	P
Halloween Pumpkin Sales	-	-	-	-	-
Motion Picture Filming	P	P	P	P	P
Special Event	-	-	-	PI	PI
Subdivision Sales Office	PI	PI	PI	PI	PI
Temporary Building Incidental to Construction Works	P	P	P	P	P
Temporary Mobilehome	P	P	P	P	P
Tent Revival	-	-	-	-	-

¹ Applies within Specific Plan III area of Mountain House.
(Ord. 3813 (part), 1994; Ord. 4276 § 4, 2005)

CHAPTER 9-310M

RESIDENTIAL ZONE LOT AND STRUCTURE REGULATIONS

Sections:

- 9-310.3M Lot Size.**
- 9-310.4M Lot Width.**
- 9-310.5M Setbacks.**
- 9-310.6M Height.**
- 9-310.7M Building Coverage.**
- 9-310.8M Minimum Dimensions of Corner Lots.**
- 9-310.9M Floor Area Ratio.**

Tables:

- 9-310.3M Lot and Structure Standards.**
- 9-310.3MCP Lot and Structure Standards for Specific Plan III Area.**
- 9-310.5M Location of Front, Rear and Sides of Court-type Lots.**
- 9-310.5MCP Setback Exceptions for Specific Plan III Area.**

9-310.3M LOT SIZE.

Minimum lot size by residential zone shall be as set forth in Table 9-310.3MCP, as modified by Table 9-310.5MCP, for the Specific Plan III area and as set forth in Table 9-310.3M unless otherwise specified for other areas of Mountain House.

(a) **Major or Minor Subdivisions.** For Major and Minor Subdivision applications, the size of individual lots may be reduced to ninety percent (90%) of the minimum lot size required by Table 9-310.3MCP for the Specific Plan III area and by Table 9-310.3M for other areas, provided Master Plan density requirements are met.

(b) **Affordable Housing.** Lot size exceptions for projects providing affordable housing shall be as specified in the Development Title. (Ord. 3813 (part), 1994; Ord. 4066 § 5, 2000; Ord. 4276 § 6 (part), 2005)

9-310.4M LOT WIDTH.

Unless otherwise specified, lots within residential zones shall have a width as specified in Table 9-310.3MCP for the Specific Plan III area and in Table 9-310.3M for other areas.

(a) **Major or Minor Subdivision.** Minimum lot width for individual lots may be reduced five (5) feet

from the required minimum, provided the average lot width in the proposed subdivision is at least equal to the minimum lot width required.

(b) **Affordable Housing.** Lot width exceptions for projects providing affordable housing shall be as specified in the Development Title.

(Ord. 3813 (part), 1994; Ord. 4276 § 6 (part), 2005)

9-310.5M SETBACKS.

Buildings and structures within the Specific Plan III area of Mountain House shall meet the setback requirements specified in Table 9-310.3MCP, except as noted in Table 9-310.5MCP. For other areas of Mountain House, unless otherwise specified, buildings and structures shall meet the setback requirements specified in Table 9-310.3M. For lots located within the R-M zone and within a tract for which a Model Home Master Plan has been approved, the setback and structure standards specified in Table 9-310.3MCP for lots within the Specific Plan III area and in Table 9-310.3M for other areas for lots with an area of less than thirty-six hundred (3,600) square feet shall be applicable to all lots in the tract if at least one (1) of the residential lots has an area of less than thirty-six hundred (3,600) square feet. The setback requirements and exceptions specified in Table 9-310.3MCP and Table 9-310.5MCP for the Specific Plan III area and in Table 9-310.3M and this Section for other areas of Mountain House shall replace the chapter concerning yards and the general provisions concerning yard dimensions in the Development Title (Chapter 9-1010 and Section 9-310.5, respectively). For court lots, autocourt lots and greencourt lots, see Table 9-310.5M for the location of front, side and rear property lines.

(a) **Front, Side, and Rear Setback Exceptions.**

(1) Structures on lots zoned R-MH or R-H, or designated R/MH or R/H on the Master Plan, shall increase the minimum setback by five (5) feet for each story over the first story when adjacent to arterial roads or lots designated R/VL, R/L or R/M on the Master Plan.

(2) For side yards, the following setbacks shall be applicable, provided coverage requirements and FAR requirements as specified in Table 9-310.3M are met:

(A) The side setback in the R-L, R-M and R-MH zones may be reduced to zero (0) feet

along the common wall in a zero lot-line residential project or where the distance between the building on the subject lot and the building on the adjacent lot is at least the minimum building separation as specified in Table 9-310.3M.

(B) For lots less than fifty-one (51) feet in width, that are located within a tract for which a Model Home Master Plan has been approved, the side setback shall equal ten percent (10%) of the smallest lot width within said Tract, but in no case shall the side setback be less than three (3) feet.

(3) For single story accessory buildings located in the rear third of the parcel, the rear setback may be reduced to zero (0) feet where the distance between the accessory structure on the subject lot and the structure on the adjacent lot is at least the minimum building separation as specified in Table 9-310.3M.

(4) For corner lots, the following setbacks shall be applicable, provided coverage requirements and FAR requirements as specified in Table 9-310.3M are met:

(A) For corner lots zoned R-L the minimum streetside side setback shall be ten (10) feet.

(B) For corner lots zoned R-M less than fifty-one (51) feet in width, that are located within a tract for which a Model Home Master Plan has been approved, the minimum streetside side setback shall be five (5) feet, plus an additional ten percent (10%) of the smallest lot width within said Tract, but in no case shall be less than nine (9) feet.

(C) For corner lots zoned R-M, greater than or equal to fifty-one (51) feet in width, the minimum streetside setback shall be ten (10) feet.

(D) For reverse corner lots, the side setback requirement shall be applied to the rear setback.

(E) For corner lots within Tract 3202, the rear setback shall be ten (10) feet.

(5) For buildings with common automobile or pedestrian access, except where a building is adjacent to a public street, front and rear setbacks may be reduced to zero (0) feet, provided that minimum building separations per Table 9-310.3M are maintained.

(6) For lots located within the R-M zone and within a tract for which a Model Home

Master Plan has been approved the minimum building separation for all lots shall be twenty percent (20%) of smallest lot width within the tract, but in no case shall be less than six (6) feet.

(7) For lots zoned R-L less than one hundred (100) feet in depth, the minimum front and rear setback shall be fifteen (15) feet.

(b) **Setback Exceptions for Specified Streets.**

(1) Marina Boulevard. Dwellings shall maintain a minimum setback of two hundred and ten (210) feet from the Community Boundary.

(2) I-205. Dwellings shall maintain a minimum setback from I-205 as specified in the Master Plan.

(c) **Setback Exceptions for Garages.**

(1) The minimum front setback for garages with doors facing the local, collector or arterial streets shall be five (5) feet behind the building façade of the main structure.

(2) The minimum setback for side entry garages, including a side entry garage with a second unit dwelling located over said garage, shall be twenty-five (25) feet in the R-VL zone and ten (10) feet for all other residential zones.

(3) For garages served by common driveways, auto courts or alleys, garage setbacks may be reduced to zero (0) feet provided that a minimum building separation of twenty (20) feet is maintained between the subject garage and the building across the common driveway, and consistency with Subsection (c)(1) is maintained.

(4) For single story garages located in the rear third of the parcel that includes either one (1) space of a total three (3) car garage or both spaces of a two (2) car garage, the rear setback may be reduced to zero (0) feet where the distance between said garage on the subject lot and the structure on the adjacent lot is at least the minimum building separation as specified in Table 9-310.3M.

(5) On corner lots less than fifty (50) feet in width, garages that are accessed from side streets and that have automatic garage door openers with remote controls may project toward the street up to five (5) feet into the streetside side setback, but must maintain a minimum four (4) feet from the streetside side property line. Second level habitable space above said garage may project two (2) feet into the street side yard setback.

(d) Setback Exceptions for Off-Street Parking Areas.

(1) The minimum setback for off-street parking areas for nonresidential use types in the R-VL, R-L and R-M zones shall be ten (10) feet from any adjacent street, and five (5) feet from any side or rear property line not abutting a street.

(2) The minimum setback for off-street parking areas in the R-MH and R-H zones shall be fifteen (15) feet from any adjacent street; ten (10) feet from any adjacent lot zoned R-VL, R-L or R-M; and five (5) feet from any side or rear property line not abutting a street or lot zoned R-VL, R-L or R-M.

(e) Setback Exceptions for Other Specified Structures.

(1) Fire Escapes. Fire escapes shall not extend or project more than four (4) feet beyond the setback line.

(2) Stairways and Balconies. Open, unenclosed stairways, or balconies not covered by a roof or canopy, shall not extend or project more than four (4) feet beyond the side or rear setback line, and shall not extend or project more than thirty (30) inches beyond the front setback line.

(3) Porches. Porches, platforms or landing places which do not extend above the level of the first floor of the building may extend six (6) feet in the R-M zone or eight (8) feet in the R-L and R-VL zones into any setback adjacent to a public street, but must maintain a minimum four (4) feet setback from the property line. Any open work railing, no 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 Chapter 49 of the Uniform Building Code, may be located within three (3) feet of the rear or side property line.

(5) Eaves, Roof Overhangs and Similar Features. Eaves, roof overhangs and other similar architectural features may extend or project up to:

(A) Thirty (30) inches beyond the setback line, provided said architectural feature is no closer than thirty (30) inches to the property line where the setback requirement is ten (10) feet or less;

(B) Four (4) feet beyond the setback line, where the setback requirement is more than ten (10) feet.

(6) Fireplaces, Air Conditioning Equipment, Water Softener Units. Fireplaces, air conditioning units and water softening units may extend or project up to thirty (30) inches beyond the setback line, provided said structure is no closer than thirty (30) inches to the property line.

(7) Pools. Pools shall not be located closer than three (3) feet from any side or rear property line. On corner lots, pools shall be located no closer to the street than the setback specified for that residential zone.

(8) Non-Habitable Architectural Features. Non-habitable architectural features may project up to thirty (30) inches into any setback or setback exception, but must maintain a minimum of four (4) feet from the property line when fronting on a public street.

(9) Fences.

(A) For corner lots that are not reverse corner lots in the Low Density (R-L) and Medium Density (R-M) residential zones: a fence up to six (6) feet in height may be located five (5) feet from the streetside side property line, provided the fence tie-in to the house along said streetside side yard occurs at a point that is approximately one-half the length of the house, or less, as measured from the rear of the house.

(B) For reverse corner lots in the Low Density (R-L) and Medium Density (R-M) Residential Zones: a fence up to seven (7) feet in height may be permitted in the streetside side yard, provided it is located a minimum of ten (10) feet from the streetside side property line.

(C) For side yards that are adjacent to the knuckle of a cul-de-sac in the Low Density (R-L) and Medium Density (R-M) residential zones: a fence up to six (6) feet in height may be permitted, provided it is located a minimum of five (5) feet from said side yard property line.

(D) For front yards in all residential zones except the Very Low Density (R-VL) zone: a fence up to seven (7) feet in height may be permitted, provided it is located a minimum of ten (10) feet from the property line.

(E) For front yards and streetside side yards in the Medium-High Density (R-MH) and High Density (R-H) residential zones: a fence up to seven (7) feet in height may be permitted, provided it is located a minimum of ten (10) feet from the property line.

(F) For any required yard in the Very Low Density (R-VL) residential zone: an open fence up to seven (7) feet in height may be permitted.

(G) For corner lots in which the rear yard is adjacent to a street or an alley, a fence up to six (6) feet in height may be located five (5) feet from the streetside side property line.

(f) Setback Exceptions for Specified Land Uses or Features.

(1) County Line. Dwellings shall maintain a minimum setback from the Alameda County Line as specified in the Master Plan.

(2) Power Line Easements.

(A) Dwelling units shall maintain a minimum setback of twenty-five (25) feet from the Rio Oso-Tesla powerline easement.

(B) School sites shall maintain a minimum setback of one hundred (100) feet from a fifty (50) to one hundred thirty-three (133) kV line existing or proposed powerline easement; one hundred fifty (150) feet from a two hundred twenty (220) kV line existing or proposed powerline easement; and three hundred fifty (350) feet from a five hundred (500) to five hundred fifty (550) kV line existing or proposed powerline easement.

(C) Other nonresidential structures shall maintain a minimum of ten (10) feet from the Rio Oso-Tesla powerline easement.

(3) Mountain House Creek Corridor. Buildings shall maintain a minimum setback of fifty (50) feet from the Mountain House Creek Corridor.

(4) Wetlands. Buildings and structures shall maintain a minimum setback from wetlands in accordance with the setback requirements for wetlands specified in the Wetlands Management Plan.

(5) Delta-Mendota Canal. Dwellings, excluding garages, shall maintain a minimum setback from the Delta-Mendota Canal as specified in the Master Plan.

(g) **Affordable Housing.** Setback exceptions for projects providing affordable housing shall be those specified in the Development Title.

(h) **Setback Exceptions for Property Surrounding a Neighborhood Center.** The front yard setback for structures on lots zoned R-L may be reduced to fifteen (15) feet, provided said lots surround, or are across from, a Neighborhood Center.

(i) **Setback Exceptions for Residential Lots on Central Parkway.** For residential lots in the R-L zone that front on Central Parkway, the front yard setback may be reduced to fifteen (15) feet and the rear yard setback may be reduced to fifteen (15) feet.

(Ord. 3813 (part), 1994; Ord. 3974, § 4, 1998; Ord. 4242, § 2, 2005; Ord. 4276, § 6 (part), 2005; Ord. No. 4419, § 1, 12-13-2011; Ord. No. 4439, §§ 1, 2, 7-23-2013)

9-310.6M HEIGHT.

Buildings and structures in residential zones within Specific Plan III shall not exceed the maximum building heights specified in Table 9-310.3MCP, except as provided below. Buildings and structures in other Mountain House residential zones shall not exceed the maximum building heights specified in Table 9-310.3M, except as provided below. Said exceptions shall be limited by any ordinance relating to airports, and shall serve to replace Chapter 9-1005 on height limits for special structures and Section 9-310.6 concerning building height of the San Joaquin Development Title.

(a) Parking facilities located below the main structure in the R-H zone. Within the R-H zone, one-half (½) additional story may be permitted for parking facilities located below the main structure;

(b) Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building;

(c) Skylights and chimneys;

(d) Flagpoles;

(e) Church towers/steeple;

(f) Watertanks; and

(g) Homes may have a 3rd level if it is contained within the 2nd level roof and 2nd level roof eave line. Dormers are permitted through the roof envelope for egress and light.

(Ord. 3813, (part), 1994; Ord. 4333, § 4, 2007; Ord. No. 4419, § 2, 12-13-2011)

9-310.7M BUILDING COVERAGE.

Buildings and structures in residential zones within Specific Plan III shall not exceed the maximum building coverage regulations specified in Table 9-310.3MCP, except in the following instances, as applicable. Buildings and structures in other Mountain House residen-

tial zones shall not exceed the maximum building coverage regulations specified in Table 9-310.3M, except in the following instances:

(a) Single-story porches which wrap from the front to the side of the house in the R-L and R-M zoning districts: an area up to twenty percent (20%) of the total building coverage (excluding garages) shall not be included in the calculation of maximum building coverage.

(b) Total of all porch coverage exceptions shall not exceed twenty percent (20%) of the total building coverage.

(c) Single story front porches in the R-L and R-M zoning districts: an area up to ten percent (10%) of the total building coverage (excluding garages) shall not be included in the calculation of maximum building coverage.

(d) Single story rear and side porches in the R-L and R-M zoning districts: for each, an area up to five percent (5%) of the total building coverage (excluding garages) shall not be included in the calculation of maximum building coverage.

(e) Homes that front on Central Parkway in the R-L zone are allowed a maximum building coverage of fifty percent (50%).

(f) Residential developments providing housing affordable to persons of low and very low incomes may be permitted to increase building coverage over that specified in Table 9-310.3M as one of several possible bonus incentives permitted by the Development Title.
(Ord. 3813 (part), 1994; Ord. 4173, § 1, 2002; Ord. 4242, § 5, 2005; Ord. 4333, § 5, 2007)

9-310.8M MINIMUM DIMENSIONS OF CORNER LOTS.

For corner lots in the Specific Plan III planning area, corner lot dimensions and setbacks shall be as per Table 9-310.3MCP. For corner lots in other areas of Mountain House, the following provisions shall be applicable:

(a) For corner lots in the R-L zone, the minimum lot width shall be fifty-five (55) feet.

(b) For corner lots in the R-M zone, the minimum lot width shall be forty-five (45) feet.

(c) For corner lots in the R-MH zone, the minimum lot width shall be forty-five (45) feet.

(d) For corner lots in the R-H zone, the minimum lot widths shall be sixty-five (65) feet.
(Ord. 3813 (part), 1994; Ord. 4242, § 6, 2005; Ord. 4333, § 6, 2007)

9-310.9M Floor Area Ratio.

All Tracts which contain lots which utilize the FAR standards must apply for a Model Home Master Plan with a minimum of three (3) floor plans. One (1) such plan may not exceed sixty percent (60%) FAR, or one thousand four hundred (1,400) square feet Livable Area, whichever is more. On Model Home Master Plans which have three (3) floor plans, any one (1) plan shall not be used on less than thirty percent (30%) or more than forty percent (40%) of the total lots. On Model Home Master Plans which have four (4) floor plans, any one (1) plan shall not be used on less than twenty percent (20%) or more than thirty-five percent (35%) of the total lots. On Model Home Master Plans which have five (5) or more floor plans, any one (1) plan shall not be used on less than fifteen percent (15%) or more than thirty percent (30%) of total lots. Average FAR is calculated by dividing total Livable Area plus attached garage interior floor area by the total lot area for all lots within a Model Home Master Plan.
(Ord. No. 4419, § 3, 12-13-2011)

TABLE 9-310.3M
LOT AND STRUCTURE STANDARDS¹

Zoning District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Maximum Building Height (stories)	Maximum Building Coverage (Percent)/ Maximum Average FAR (Percent)
R-VL	15,000	75	2	35 Coverage
R-L	5,000	50	2	40 Coverage; 50 Coverage (for one story homes)
R-M (≥3,600 sf)	3,000	40	2	50 Coverage
R-M (<3,600 sf)	2,000	35	2	75 Average FAR
R-MH	-	-	3	65 Coverage
R-H	-	-	3	65 Coverage

Minimum Setback Requirements^{2, 3}

Zoning District	Front Setback (feet)	Side Setback (feet)	Minimum Building Separation (feet)	Rear Setback (feet)
R-VL	25	15	30	25
R-L	20; 15 (for one story building)	5	10	20; 15 (for one story homes)
R-M (≥3,600 sf)	15	5	10	15
R-M (<3,600 sf)	10	5	10	10
R-MH	15; 10 (for arterial)	5	10	10
R-H	15; 10 (for arterial)	10	20	10

1 See Sections 9-310.3M through 9-310.8M for exceptions and modifications.

2 Unless otherwise specified, setbacks shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the Master Plan or on any applicable Specific Plan.

3 Table 9-310.3 concerning lot depth to width ratio shall not apply to lots addressed by Table 9-310.3M.

(Ord. 3813 (part), 1994; Ord. 3953 § 2, 1997; Ord. 4242 § 3, 2005; Ord. No. 4419, § 4, 12-13-2011)

**TABLE 9-310.3MCP
LOT AND STRUCTURE STANDARDS FOR SPECIFIC PLAN III AREA**

	R-VL	R-L	R-M	R-M small lot ¹	R-MH	R-H
Lot Size (SF) ²	15,000	5,000	3,600	2,000	-	-
Lot Width (FT) ²	75	45	35	30	25	-
Corner Lot Width (FT) ²	75	50	40	35	30	-
Lot Depth: Width Ratio	-	-	-	-	-	-
Setbacks ²						
Front (FT)	25	20 ³	12	10	15 ⁴	15 ⁴
Rear (FT) ⁹	25	20	15	10	10	10
Side (FT)	15	5	5 ¹⁰	4 ¹⁰	5	5
Corner Side (FT) ¹²	side plus 5	side plus 5	side plus 5	side plus 5	side plus 5	side plus 5
Building Separation (FT) ²	30	10	10 ¹¹	8 ¹¹	10	20
Max. Building Coverage ²	35%	40% ⁵	50%	N/A ⁶	65%	65%
Max. Building Height (Stories) ²	2	2	2	2 ⁷	3	3

Key to Land Use Regulations

- ¹ Small lot — lots within subdivision tracts that have a standard lot size of less than 3,600 square feet.
- ² Unless otherwise specified, standards are minimums and setbacks shall be measured from the planned ultimate right-of-way width of the roadway as shown on the Master Plan or on any applicable Specific Plan. Setbacks and other Table 9-310.3MCP criteria shall apply to all new residential lots within the Specific Plan III planning area, except where specific lot type/product design criteria have been approved and adopted as part of the College Park Specific Plan Area Design Manual or as part of a Special Purpose Plan.
- ³ A 15-foot front setback is allowed for single-story homes.
- ⁴ A minimum 10-foot front setback is allowed on arterial streets, but the minimum front setback shall be increased by five feet for each story over the first story for structures zoned R-MH and R-H adjacent to arterial roads or adjacent to lots designated R/VL, R/L or R/M in the Master Plan.
- ⁵ A 50% maximum building coverage is allowed for single-story homes.
- ⁶ Building coverage is not limited, buildings must meet all setbacks. At least one (1) plan of the model home master plan may not exceed the square feet of Livable Area set forth in the table below. Where "Standard Lot Size" may not be applicable, average lot size may be substituted for the purposes of calculating the Maximum Livable Area. The mix of plans on a Model Home Master Plan shall conform to plotting criteria set forth in the table below, but in no case shall the plan(s) required to have a Maximum Livable Area as set forth in the table above be plotted on less than 15% of lots within the Model Home Master Plan.

Standard Lot Size	Maximum Livable Area (for one plan)
<3,000 sq. ft.	1,400 sq. ft.
3,000 - <3,200 sq. ft.	1,500 sq. ft.
3,200 - <3,400 sq. ft.	1,600 sq. ft.
3,400 - <3,600 sq. ft.	1,700 sq. ft.

Number of plans in Model Home Master Plan	Portion of Model Home Master Plan occupied by each plan, Minimum	Portion of Model Home Master Plan occupied by each plan, Maximum
3	30%	40%
4	20%	35%
5	15%	30%
6	13%	27%
7	11%	24%
8	9%	21%
9	7%	18%
10	5%	15%

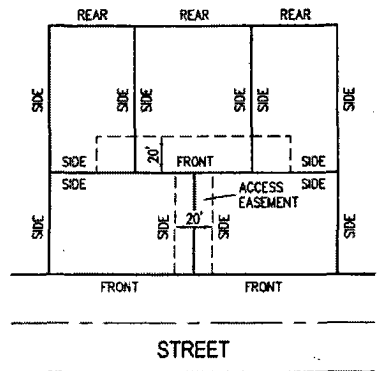
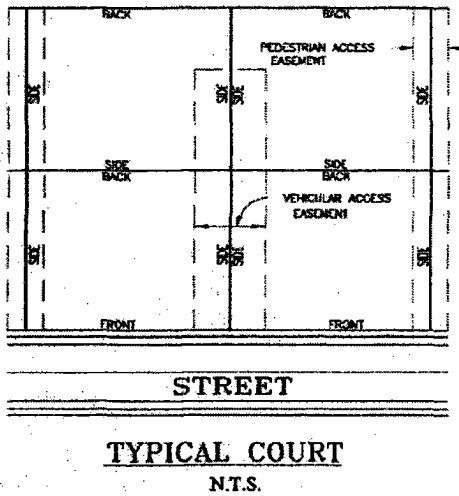
⁷ A third level is allowed if contained within 2nd level roof and 2nd level eave line. Dormers are permitted through the roof envelope for light and egress.

Table 9-310.3MCP

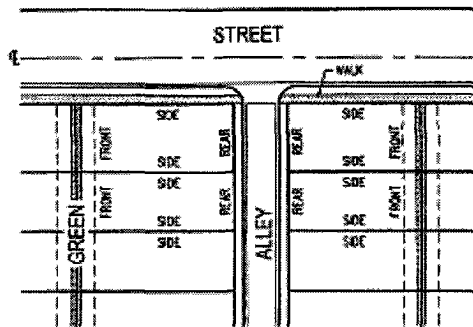
- ⁸ A residential subdivision or development may be approved at a density which exceeds or falls below the density range specified by the Master Plan, provided the subdivision is within the General Plan density range; and that the Master Plan density range for each land use district will be maintained for the neighborhood, or the developer's aggregate subdivisions for a land use district within Specific Plan III.
- ⁹ Table 9-310.3 concerning lot depth to width ratio shall not apply to lots addressed by Table 9-310.3MCP.
- ¹⁰ For projects permitted through a Model Home Master Plan, side setback equals ten percent (10%) of lot width for those lots with a lot width less than fifty (50) feet wide, but in no case shall be less than three (3) feet.
- ¹¹ For projects permitted through a Model Home Master Plan, building separation equals twenty percent (20%) of lot width for those lots with a lot width less than fifty (50) feet wide, but in no case shall be less than six (6) feet.
- ¹² Lots siding on pedestrian paseos, Homeowners' Association (HOA) landscape parcels or street rights-of-way that include a minimum of five (5) feet of landscaping adjacent to the parcel in question shall not be considered corner lots.

(Ord. 4276 § 7 (part), 2005; Ord. 4333 § 2, 2007)

**TABLE 9-310.5M
LOCATION OF FRONT, REAR AND SIDES OF COURT-TYPE LOTS**



TYPICAL AUTOCOURT SETBACK ILLUSTRATION



TYPICAL GREENCOURT SETBACK ILLUSTRATION

(Ord. 4242 § 4, 2005; Ord. 4276 § 8, 2005)

**TABLE 9-310.5MCP
SETBACK EXCEPTIONS FOR SPECIFIC PLAN III AREA**

Lot Size and Width Exceptions

For Major and Minor subdivisions the size of individual lots may be reduced to ninety percent (90%) of the minimum lot size provided Master Plan density requirements are met; and minimum lot width for individual lots may be reduced five (5) feet from the required minimum, provided the average lot width in the proposed subdivision is at least equal to the required minimum lot width.

Side and Rear Setbacks Exceptions

The side setback in the R-L, R-M and R-MH zones may be reduced to zero (0) feet along the common wall in a zero lot-line residential project or where the distance between the building on the subject lot and the building on the adjacent lot is at least ten (10) feet in the R-L zone and eight (8) feet in the R-M and R-MH zones.

For reverse corner lots, the rear setback shall be the same as the side setback.

For single story garages and accessory buildings located in the rear third of the parcel, the rear setback may be reduced to zero (0) feet where the distance between the garage or accessory structure on the subject lot and the structure on the adjacent lot is at least eight (8) feet.

Rear setbacks on alleys may be reduced to four (4) feet.

Specific Situation Setback Exceptions

I-205	Dwellings shall maintain setback from I-205 as specified in the Master Plan.
County Line	Dwellings shall maintain a minimum setback from the Alameda County Line as specified in the Master Plan.
Power Line Easements	Residential dwelling units shall maintain a minimum setback of twenty-five (25) feet from the Rio Oso-Tesla powerline easement, and non-residential structures shall maintain a ten (10) foot setback from the powerline easement.
Delta-Mendota Canal	Dwellings, excluding garages, shall maintain a minimum setback from the Delta-Mendota Canal as specified in the Master Plan.
Wetlands	Buildings and structures shall maintain a minimum setback from wetlands in accordance with the setback requirements for wetlands specified in the Wetlands Management Plan.
High Pressure Gas and Oil Line Easement	Habitable residential structures shall maintain a minimum setback of fifty-eight (58) feet from the edge of the high pressure gas and oil pipeline easement.
Areas Surrounding Neighborhood Centers	The front yard setback on lots zoned R-L may be reduced to fifteen (15) feet, for lots that surround, or are across from, a Neighborhood Center.

Garage Setback Exceptions

The minimum setback for garages with doors facing the street shall be five (5) feet behind the building facade of the main structure. The minimum setback for side entry garages shall be twenty-five (25) feet in the R-VL zone and ten (10) feet for all other residential zones.

Off-Street Parking Area Setback Exceptions

The minimum setback for off-street parking areas for nonresidential use types in the R-VL, R-L and R-M zones shall be ten (10) feet from any adjacent street, and five (5) feet from any side or rear property line not abutting a street. The minimum setback for off-street parking areas in the R-MH and R-H zones shall be fifteen (15) feet from any adjacent street; ten (10) feet from any adjacent lot zoned R-VL, R-L or R-M; and five (5) feet from any side or rear property line not abutting a street or lot zoned R-VL, R-L or R-M.

Structural Feature & Equipment Setback Exceptions

Fire Escapes, Stairways and Balconies	Fire escapes shall not extend or project more than four (4) feet beyond the setback line. Open, unenclosed stairways, or balconies, shall not extend or project more than four (4) feet beyond the side or rear setback line, and shall not extend or project more than thirty (30) inches beyond the front setback line.
Porches	Porches, platforms or landing places which do not extend above the level of the first floor of the building may extend up to six (6) feet in the R-M zone or eight (8) feet in the R-L and R-VL zones into any setback adjacent to a public street but must maintain a minimum four (4) foot setback from the property line. Any open work railing no more than thirty-six (36) inches in height, may be installed or constructed on any such porch, platform or landing place.
Patio Covers	Patio covers, as defined by the California Building Code, may be located within three (3) feet of the rear or side property line.
Eaves, Roof Overhangs, Fireplaces, Architectural Features, Air Conditioning and Water Softener Equipment	Eaves, roof overhangs, non-habitable architectural features, fireplaces, air conditioning units and water softening units may extend or project up to thirty (30) inches beyond the setback line, but no closer than thirty (30) inches to the property line.
Pools	Pools shall not be located closer than five (5) feet from any side or rear property line. On corner lots, pools shall be located no closer to the street than the setback specified for that residential zone.

Height Limit Exceptions

Parking facilities located below the main structure in the R-H zone. Within the R-H zone, one-half (1/2) additional story may be permitted for parking facilities located below the main structure; penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; and skylights and chimneys; flagpoles; church towers/steeple; and watertanks may exceed maximum building heights.

(Ord. 4276 § 7 (part), 2005; Ord. 4333 § 3, 2007)

CHAPTER 9-405M

COMMERCIAL ZONE USE REGULATIONS

Sections:

- 9-405.2M Permitted Use Types.**
9-405.4M Temporary Uses and Structures.
9-405.5M Special Use Regulations.
9-405.7M Design Guidelines.

Tables:

- 9-405.2M Uses in Commercial Zones.**
9-405.4M Temporary Uses and Structures in Commercial Zones.

9-405.2M PERMITTED USE TYPES.

Permitted, not permitted and conditionally permitted use types shall be as provided in Table 9-405.2M. (Ord. 3813 (part), 1994)

9-405.4M TEMPORARY USES AND STRUCTURES.

Permitted, not permitted and conditionally permitted temporary uses and structures shall be as provided in Table 9-405.4M. Temporary uses or structures not specifically listed in Table 9-405.4M may be allowed, subject to approval of an Improvement Plan. (Ord. 3813 (part), 1994)

9-405.5M SPECIAL USE REGULATIONS.

In addition to the provisions specified in the development title, the following provisions shall be applicable:

(a) **Medical Services Use Type.**

(1) Medical offices shall be designed and configured to appear as office type uses in those commercial zones where they are allowed.

(2) Urgent care centers, and other facilities included under the medical services use type that provides emergency medical care, shall be situated on and accessed from arterial roadways. Said facilities shall be separated from residential and other sensitive land uses by means of an arterial roadway, landscape easement or other effective buffer.

(b) **Public Services: Essential, Use Type.**

(1) Hospitals shall not be allowed in the C-FS zone.

(2) Hospitals shall be situated on and accessed from arterial roadways. Said facilities shall be

separated from residential and other sensitive land uses by means of an arterial roadway, landscape easement or other effective buffer.

(c) **Commercial Buildings in Neighborhood Commercial (C-N) Zones.** If the Director determines that the uses and architectural, siting, and other issues associated with a commercial building of a proposed application have been addressed by an existing Special Purpose Plan or Specific Plan, an Improvement Plan may be allowed for said commercial building in lieu of the permit type specified in Table 9-405.2M.

(1) New commercial buildings not included in an existing Special Purpose Plan or Specific Plan shall be subject to the permit type specified in Table 9-405.2M.

(2) A building expansion of an existing commercial building which has been included in an existing Special Purpose Plan or Specific Plan may be allowed subject to an Improvement Plan, provided the building expansion involves less than a twenty-five percent (25%) increase in floor area covered by the existing commercial building. If said expansion is twenty-five percent (25%) or more of the floor area covered by the existing commercial building, the expansion shall be subject to Site Approval.

(Ord. 3813 (part), 1994; Ord. 3974 § 5, 1998)

9-405.7M DESIGN GUIDELINES.

Design Guidelines shall be submitted for consistency review prior to approval of the final map or parcel map or other Development Permit.

(Ord. 4066 § 7, 2000)

TABLE 9-405.2M

TABLE 9-405.2M

USES IN COMMERCIAL ZONES

Legend:					
P Permitted Use					
PI Permitted Use With Improvement Plan					
S Use Permitted Subject to Site Approval					
U Use Permitted Subject to Use Permit					
- Use Not Permitted					
Use Types	Commercial Zone C-N	Commercial Zone C-C	Commercial Zone C-O	Commercial Zone C-G	Commercial Zone C-FS
Residential Use Types					
Family Residential					
Single-Family	-	-	-	-	-
Two-Family	-	-	-	-	-
Small Multifamily	-	-	-	-	-
Large Multifamily	-	-	-	-	-
Farm Employee Housing	-	-	-	-	-
Small	-	-	-	-	-
Large	-	-	-	-	-
Group Care					
Small	P	P	P	P	P
Large	-	PI	PI	PI	-
Adult Day Care	U	U	-	U	-
Farm Related	-	-	-	-	-
Group Residential	-	-	-	-	-
Mobile Home Park	-	-	-	-	-
Shelters					
Small	-	-	P	P	-
Medium	-	-	P	P	-
Large	-	-	PI	PI	-
Nonresidential Use Types					
Administrative Offices	S	PI	PI	PI	-
Administrative Support Services	S	PI	PI	PI	-
Adult Entertainment	-	-	S ⁽⁻¹⁾	S	-

TABLE 9-405.2M: USES IN COMMERCIAL ZONES						
Use Types	Commercial Zones					
	C-N	C-C	C-O	C-G	C-FS	
Legend:						
P	Permitted Use					
PI	Permitted Use With Improvement Plan					
S	Use Permitted Subject to Site Approval					
U	Use Permitted Subject to Use Permit					
--	Use Not Permitted					
Aerial Services						
Farm	--	--	--	--	--	
Heliport	--	--	S	S	--	
Agricultural Organizations	S	PI	PI	PI	--	
Agricultural Processing						
Preparation Services	--	--	--	--	--	
Food Manufacturing	--	--	--	--	--	
Agricultural Sales						
Feed and Grain	--	--	--	U	--	
Agricultural Chemicals	--	--	--	--	--	
Agricultural Warehousing	--	--	--	--	--	
Agricultural Wastes	--	--	--	--	--	
Animal Feeding and Sales	--	--	--	--	--	
Animal Raising						
Exotic Animals	--	--	--	--	--	
General	--	--	--	--	--	
Hogs	--	--	--	--	--	
Small Animals	--	--	--	--	--	
Family Food Production	--	--	--	--	--	
Educational Animal Project	--	--	--	--	--	
Zoo	--	--	--	--	--	
Petting Zoo	--	--	--	--	--	

Table 9-405.2M

TABLE 9-405.2M: USES IN COMMERCIAL ZONES						
Use Types	Commercial Zones					
	C-N	C-C	C-O	C-G	C-FS	
Legend:						
P	Permitted Use					
PI	Permitted Use With Improvement Plan					
S	Use Permitted Subject to Site Approval					
U	Use Permitted Subject to Use Permit					
--	Use Not Permitted					
Animal Specialty Services						
Farm	--	--	--	--	--	
Pet	S	S	--	S	--	
Kennel	--	--	--	U	--	
Kennel, Small Breeding	--	--	--	U	--	
Auction Sales						
Indoor	--	S	S	S	--	
Outdoor	--	--	--	S	--	
Automotive Sales & Services						
Automotive Rentals	--	S	--	S	P	
Automotive Repairs, Light	--	S	--	S	S	
Automotive Repairs, Heavy	--	--	--	--	--	
Automotive Sales	--	--	--	S	U	
Cleaning	--	S	--	S	S	
Inoperable Vehicle Storage	--	--	--	--	--	
Operable Vehicle Storage	--	--	--	S	--	
Parking	S	S	S	S	S	
Building Maintenance Services	--	PI	--	PI	--	
Child Care Services						
Family Day Care Homes	P	P	P	P	P	
Child Care Centers	S	S	S	S	S	
Communication Services						
Type I	PI	PI	PI	PI	PI	
Type II	--	--	--	--	--	

TABLE 9-405.2M: USES IN COMMERCIAL ZONES						
Legend:						
	P	Permitted Use				
	PI	Permitted Use With Improvement Plan				
	S	Use Permitted Subject to Site Approval				
	U	Use Permitted Subject to Use Permit				
	--	Use Not Permitted				
Use Types	Commercial Zones					
	C-N	C-C	C-O	C-G	C-FS	
Type III	--	--	--	--	--	
Type IV	--	S	S	PI	--	
Community Assembly	S	S	S	S	--	
Construction Sales	--	U	--	PI	--	
Construction Services						
Light	--	--	--	S	--	
Heavy	--	--	--	--	--	
Crop Production	P	P	P	P	P	
Cultural and Library Services	S	PI	PI	PI	--	
Custom Agricultural Manufacturing	--	--	--	--	--	
Custom Manufacturing	--	PI	--	PI	--	
Dairies	--	--	--	--	--	
Eating Establishments						
Convenience	S	PI	PI	PI	S	
Full Service	S	PI	PI	PI	S	
Educational Services						
Commercial	S	S	S	S	--	
General	S	S	S	S	--	
Equipment Sales and Repair						
Farm Machinery, Sales	--	--	--	--	--	
Farm Machinery, Repair	--	--	--	--	--	
Heavy Equipment	--	--	--	--	--	
Leisure	--	--	--	S	--	

Table 9-405.2M

TABLE 9-405.2M: USES IN COMMERCIAL ZONES						
Legend:		P	Permitted Use			
		PI	Permitted Use With Improvement Plan			
		S	Use Permitted Subject to Site Approval			
		U	Use Permitted Subject to Use Permit			
		--	Use Not Permitted			
Use Types		Commercial Zones				
		C-N	C-C	C-O	C-G	C-FS
	Aircraft	--	--	--	--	--
	Explosives Handling	--	--	--	--	--
	Farm Services	--	--	--	--	--
Funeral and Interment Services						
	Cemeteries	--	--	--	--	--
	Interring and Cremating	--	--	--	S	--
	Undertaking	--	PI	--	PI	--
Gasoline Sales						
	Service	--	S	--	S	S
	Combination	--	S	--	S	S
General Industrial						
	Limited	--	--	--	--	--
	Intermediate	--	--	--	--	--
	Heavy	--	--	--	--	--
	Hazardous Industrial	--	--	--	--	--
	High Technology Industry	--	--	--	--	--
	Laundry Services	--	--	--	S	--
Liquor Sales						
	On-Premises, General	--	U	--	U	--
	On-Premises, Limited	S	S	S	S	S
	Off-Premises	S	PI	--	PI	--
Lodging Services						
	Bed and Breakfast	--	--	--	--	--
	Motel	--	S	--	S	S

Legend:					
P Permitted Use					
PI Permitted Use With Improvement Plan					
S Use Permitted Subject to Site Approval					
U Use Permitted Subject to Use Permit					
- Use Not Permitted					
Use Types	Commercial Zone C-N	Commercial Zone C-C	Commercial Zone C-O	Commercial Zone C-G	Commercial Zone C-FS
Major Impact Services	-	-	-	-	-
Medical Services	S	PI	PI	PI	-
Nursery Sales and Services					
Wholesale	-	-	-	S	-
Retail	S	PI	-	PI	-
Landscaping Services	-	S	-	S	-
Personal Storage	-	S	-	PI	-
Petroleum and Gas Extraction	U	U	U	U	U
Produce Sales					
Farm Produce Stands	S	PI	-	PI	PI
Farm Markets	S	PI	PI	PI	S
Professional Services	S	PI	PI	PI	-
Public Services					
Administrative	S	PI	PI	PI	PI
Essential	S	S	S	S	S
Quarry Operations	-	-	-	-	-
Recreation					
Campgrounds	-	-	-	-	-
Indoor Participant	S	S	-	S	-
Indoor Spectator	-	U	-	U	-
Marinas	-	U	-	U	-
Outdoor Entertainment, Large Scale	-	U	-	U	-
Outdoor Entertainment, Small Scale	S	S	-	S	-
Outdoor Sports Clubs	-	S	-	-	-
Parks	-	S	S	S	S
Resorts	-	-	-	-	-
Recycling Services					
Consumer	S	PI	-	PI	PI
Scrap Operations	-	-	-	-	-
Religious Assembly					
Neighborhood	S	S	-(S ¹)	S	-

Table 9-405.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted					
Use Types	Commercial Zone C-N	Commercial Zone C-C	Commercial Zone C-O	Commercial Zone C-G	Commercial Zone C-FS
Community	-(U ¹)	U	-(U ¹)	U	-
Regional	-	U	-	U	-
Research and Laboratory Services	-	-	-	S	-
Retail Sales and Services					
Primary	S	PI	PI	PI	S
Intermediate	S	PI	-	PI	-
General	-	S	-	S	-
Signs—Off Premises	-	-	-	-	-
Stables					
Neighborhood	-	-	-	-	-
Commercial	-	-	-	-	-
Transportation Services	-	-	-	S	-
Truck Sales and Services					
Parking	-	-	-	-	-
Cleaning	-	-	-	-	-
Stops	-	-	-	-	-
Repairs	-	-	-	-	-
Sales	-	-	-	-	-
Terminals	-	-	-	-	-
Utility Services					
Minor	PI	PI	PI	PI	PI
Major	-	-	-	-	-
Wholesaling and Distribution					
Light	-	-	-	S	-
Heavy	-	-	-	-	-

¹ Applies within Specific Plan III area of Mountain House.

(Ord. 3813 (part), 1994; Ord. 3974 § 6, 1998; Ord. 4276 § 9 (part), 2005; Ord. 4301 § 3, 2006; Ord. No. 4385, § 19, 1-12-2010)

**TABLE 9-405.4M
TEMPORARY USES AND STRUCTURES IN COMMERCIAL ZONES**

Legend:

- P Permitted Use
 PI Permitted Use With Improvement Plan
 S Use Permitted Subject to Site Approval
 - Use Not Permitted

Temporary Use or Structure	Commercial Zone C-N	Commercial Zone C-C	Commercial Zone C-O	Commercial Zone C-G	Commercial Zone C-FS
Agricultural Excavation	-	-	-	-	-
Auction, Agricultural Machinery	-	S	-	S	-
Auction, Livestock	-	-	-	-	-
Batch Plant	-	-	-	-	-
Boutique Sales (limit of two (2) per year)	P	P	P	P	P
Carnival/Circus	-	S	S	S	S
Christmas Tree Sales	PI	PI	PI	PI	PI
Corporation Yard	S	S	S	S	S
Garage Sales (limit of four (4) per year within Specific Plan III, two (2) per year in other areas)	P	P	P	P	P
Halloween Pumpkin Sales	PI	PI	PI	PI	PI
Motion Picture Filming	P	P	P	P	P
Special Event					
Special Outdoor Event	PI	PI	PI	PI	PI
Special Indoor Event	PI	PI	PI	PI	PI
Subdivision Sales Office	PI	PI	PI	PI	PI
Temporary Building Incidental To Construction Works	P	P	P	P	P
Temporary Mobilehome	-	-	-	-	-
Tent Revival	-	S	-	S	-

(Ord. 3813 (part), 1994; Ord. 4276 § 9 (part), 2005)

CHAPTER 9-410M

COMMERCIAL ZONE LOT AND STRUCTURE REGULATIONS

Sections:

9-410.3M	Lot Area.
9-410.4M	Lot Width.
9-410.5M	Setbacks.
9-410.6M	Height.
9-410.7M	Building Coverage.

Tables:

9-410.3M	Lot and Structure Standards.
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9-410.3M LOT AREA.

The minimum lot area by commercial zone shall be the same as that specified in the development title. For purposes of referral, minimum lot area requirements are included in Table 9-410.3M.

(Ord. 3813 (part), 1994)

9-410.4M LOT WIDTH.

The minimum lot width by commercial zone shall be the same as that specified in the development title. For purposes of referral, minimum lot area requirements are included in Table 9-410.3M.

(Ord. 3813 (part), 1994)

9-410.5M SETBACKS.

Unless otherwise specified, buildings and structures shall meet the setback requirements specified in Table 9-410.3M. Said setback requirements and the following exceptions shall replace the chapter concerning yards and the general provisions concerning yard dimensions in the development title (Chapter 9-1010 and Section 9-410.5, respectively).

(a) Side and Rear Setback Exceptions.

Buildings on lots zoned or designated on the Master Plan for commercial use shall maintain a forty-five degree (45°) clear setback when adjacent to lots zoned or designated on the Master Plan for residential use.

(b) Setback Exceptions For Specified Streets and Street Types.

(1) The minimum setback from I-205 and from Patterson Pass Road shall be as specified in the Master Plan.

(2) The minimum setback from an adjacent arterial street in the C-N and C-C zones shall be twenty (20) feet for building facades without entries for the general public, and for service and loading areas.

(3) The minimum setback from an adjacent collector street shall be ten (10) feet in the C-N zone, and twenty (20) feet in the C-C zone, for building facades without entries for the general public, and for service and loading areas.

(c) Setback Exceptions for Off-Street Parking Areas.

(1) The minimum setback for off-street parking areas adjacent to streets shall be twenty (20) feet, except in the following instances:

(A) In the C-N zone, the minimum setback shall be ten (10) feet;

(B) Along Patterson Pass Road, the minimum setback shall be thirty (30) feet.

(2) The minimum setback for off-street parking areas adjacent to lots zoned or designated on the Master Plan for residential use shall be ten (10) feet.

(3) The minimum side and rear setback for off-street parking areas in the C-O and C-FS zones shall be five (5) feet.

(d) Setback Exceptions for Other Specified Structures.

(1) Fire Escapes. Fire escapes shall not extend or project more than four (4) feet beyond the setback line.

(2) Stairways and Balconies. Open, unenclosed stairways, or balconies not covered by a roof or canopy, shall not extend or project more than four (4) feet beyond the side or rear setback line, and shall not extend or project more than thirty (30) inches beyond the front setback line.

(3) Porches. Porches, platforms or landing places which do not extend above the level of the first floor of the building shall not extend or project more than five (5) feet beyond the setback line; however, any open work railing, no 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 Chapter 49 of the Uniform Building Code, may be located within three (3) feet of the rear or side property line.

(5) Eaves, Roof Overhangs and Similar Features. Eaves, roof overhangs and other similar architectural features may extend or project up to:

(A) Thirty (30) inches beyond the setback line, provided said architectural feature is no closer than thirty (30) inches to the property line where the setback requirement is ten (10) feet or less;

(B) Ten (10) feet beyond the setback line, where the setback requirement is more than ten (10) feet.

(6) Fireplaces, Air Conditioning Equipment, Water Softener Units. Fireplaces, air conditioning units and water softening units may extend or project up to thirty (30) inches beyond the setback line, provided said structure is no closer than thirty (30) inches to the property line.

(7) Pools. Pools shall not be located closer than three (3) feet from any side or rear property line.

(e) Setback Exceptions for Specified Land Uses or Features.

(1) County Line. Dwellings and nonresidential buildings shall maintain a minimum setback from the Alameda County Line as specified in the Master Plan.

(2) Power Line Easements. Dwelling units shall maintain a minimum setback of twenty-five (25) feet from the Rio Oso-Tesla powerline easement. Non-residential structures shall maintain a minimum setback of ten (10) feet from the Rio Oso-Tesla powerline easement.

(3) Mountain House Creek Corridor. Buildings shall maintain a minimum setback of fifty (50) feet from the Mountain House Creek Corridor.

(4) Wetlands. Buildings and structures shall maintain a minimum setback from wetlands in accordance with the setback requirements for wetlands specified in the Wetlands Management Plan.

(Ord. 3813 (part), 1994)

9-410.6M HEIGHT.

Buildings and structures in commercial zones shall not exceed the maximum building heights specified in Table 9-410.3M, except as provided below. Said exceptions shall be limited by any ordinance relating to airports, and shall serve to replace the chapter on height limits for special structures and the general provisions on building height in the development title (Chapter 9-1005 and Section 9-410.6, respectively).

(a) Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building;

(b) Skylights and chimneys;

(c) Flagpoles; and

(d) Church towers/steeple.

(Ord. 3813 (part), 1994)

9-410.7M BUILDING COVERAGE.

The maximum building coverage by zone for buildings and structures shall be the same as that specified in the development title. For purposes of referral, maximum building coverage regulations are included in Table 9-410.3.

(Ord. 3813 (part), 1994)

**TABLE 9-410.3M
LOT AND STRUCTURE STANDARDS***

Zoning District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Maximum Building Height (stories)	Maximum Bldg Coverage (Percent)
C-N	-	50 (- ¹)	2	60
C-C	-	50	3	60
C-O	5,000	50 (- ¹)	3	60
C-G	-	50	3	60
C-FS	-	50	5	60

Setback Requirements**

Zoning District	Arterial Street (feet)	Collector and Local Streets (feet)	Side Setback (feet)	Rear Setback (feet)
C-N	0	0	-	-
C-C	0	0	-	-
C-O	20 (10 ¹)	20 (10 ¹)	20 (10 ^{1,2})	15 (10 ¹)
C-G	20	20	-	-
C-FS	30	20	20	20

* See Sections 9-410.3M through 9-410.7M for exceptions and modifications.

** Unless otherwise specified, setbacks shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the Master Plan or on any applicable Specific Plan.

Notes: Refer to Table 9-410.3 for depth to width ratio. Table 9-410.3 does not apply within Specific Plan III area of Mountain House.

¹ Applies within Specific Plan III area of Mountain House.

² Side setback for C-O is 20' for the streetside side of corner lots in Specific Plan III area.

(Ord. 3813 (part), 1994; Ord. 4276 § 10, 2005; Ord. 4280 § 1, 2005)

CHAPTER 9-505M

INDUSTRIAL ZONE USE REGULATIONS

Sections:

- 9-505.2M Permitted Use Types.**
- 9-505.4M Temporary Uses and Structures.**
- 9-505.5M Special Use Regulations in Industrial Zones.**
- 9-505.10M Design Guidelines.**

Tables:

- 9-505.2M Uses in Industrial Zones.**
- 9-505.4M Temporary Uses and Structures in Industrial Zones.**

9-505.2M PERMITTED USE TYPES.

Permitted, not permitted and conditionally permitted use types shall be as provided in Table 9-505.2M. (Ord. 3813 (part), 1994)

9-505.4M TEMPORARY USES AND STRUCTURES.

Permitted, not permitted and conditionally permitted temporary uses and structures shall be as provided in Table 9-505.4M. Temporary uses or structures not specifically listed in Table 9-505.4M may be allowed, subject to approval of an Improvement Plan. (Ord. 3813 (part), 1994)

9-505.5M SPECIAL USE REGULATIONS IN INDUSTRIAL ZONES.

In addition to the requirements specified in the development title, the following provisions shall be applicable:

(a) **Automotive Sales and Services: Automotive Sales, Use Type.** Uses classified under the Automotive Sales and Services: "Automotive Sales, Use Type" shall be adjacent to a freeway.

(b) **Medical Services Use Type.**

(1) Medical offices shall be designed and configured to appear as office type uses in those commercial zones where they are allowed.

(2) Urgent care centers, and other facilities included under the medical services use type that provides emergency medical care, shall be situated on and accessed from arterial roadways. Said facilities shall be separated from residential and other sensitive land uses by means of an arterial roadway, landscape easement, or other effective buffer.

(c) **Public Services: Essential, Use Type.**

Hospitals shall be situated on and accessed from arterial roadways. Said facilities shall be separated from residential and other sensitive land uses by means of an arterial roadway, landscape easement, or other effective buffer. (Ord. 3813 (part), 1994)

9-505.10M DESIGN GUIDELINES.

Design Guidelines shall be submitted for consistency review prior to approval of the final map or parcel map or other Development Permit. (Ord. 4066 § 8, 2000)

TABLE 9-505.2M

TABLE 9-505.2M

USES IN INDUSTRIAL ZONES

Legend:			
P Permitted Use			
PI Permitted Use With Improvement Plan			
S Use Permitted Subject to Site Approval			
U Use Permitted Subject to Use Permit			
- Use Not Permitted			
Use Types	Industrial Zone I-P	Industrial Zone I-L	Industrial Zone I-G
Residential Use Types			
Family Residential			
Single-Family	-	-	-
Two-Family	-	-	-
Small Multifamily	-	-	-
Large Multifamily	-	-	-
Farm Employee Housing	-	-	-
Small	-	-	-
Large	-	-	-
Group Care			
Small	-	-	-
Large	-	-	-
Adult Day Care	-	-	-
Farm Related	-	-	-
Group Residential	-	-	-
Mobile Home Park	-	-	-
Shelters			
Small	-	PI	-
Medium	-	PI	-
Large	-	-	-
Nonresidential Use Types			
Administrative Offices	PI	PI	PI
Administrative Support Services	P	P	P
Adult Entertainment	-	-	-
Aerial Services			
Farm	-	-	-
Heliport	U	U	U
Agricultural Organizations	PI	PI	-
Agricultural Processing			
Preparation Services	-	U	S

TABLE 9-505.2M

Legend:			
P Permitted Use			
PI Permitted Use With Improvement Plan			
S Use Permitted Subject to Site Approval			
U Use Permitted Subject to Use Permit			
- Use Not Permitted			
Use Types	Industrial Zone I-P	Industrial Zone I-L	Industrial Zone I-G
Food Manufacturing	-	-	S
Agricultural Sales			
Feed and Grain	-	-	PI
Agricultural Chemicals	-	-	S
Agricultural Warehousing	-	-	PI
Agricultural Wastes	-	-	-
Animal Feeding and Sales	-	-	-
Animal Raising			
Exotic Animals	-	-	-
General	-	-	-
Hogs	-	-	-
Small Animals	-	-	-
Family Food Production	-	-	-
Educational Animal Project	-	-	-
Zoo	-	-	-
Petting Zoo	-	-	-
Animal Specialty Services			
Farm	-	-	-
Pet	-	U	S
Kennel	-	U	S
Kennel, Small Breeding	-	U	S
Auction Sales			
Indoor	-	S	S
Outdoor	-	S	S
Automotive Sales and Services			
Automotive Rentals	S	S	S
Automotive Repairs, Light	-	S	S
Automotive Repairs, Heavy	-	S	S
Automotive Sales	U	-	-
Cleaning	-	S	PI
Inoperable Vehicle Storage	-	-	S
Operable Vehicle Storage	-	S	P
Parking	S	PI	PI

TABLE 9-505.2M

Legend:			
P Permitted Use			
PI Permitted Use With Improvement Plan			
S Use Permitted Subject to Site Approval			
U Use Permitted Subject to Use Permit			
- Use Not Permitted			
Use Types	Industrial Zone I-P	Industrial Zone I-L	Industrial Zone I-G
Building Maintenance Services	PI	PI	PI
Child Care Services			
Family Day Care Homes	P	P	P
Child Care Centers	S	S	S
Communication Services			
Type I	PI	PI	PI
Type II	-	-	-
Type III	-	-	-
Type IV	PI	PI	PI
Community Assembly	-	-	-
Construction Sales	-	PI	PI
Construction Services			
Light	-	S	PI
Heavy	-	U	PI
Crop Production	P	P	P
Cultural and Library Services	-	-	-
Custom Agricultural Manufacturing	-	-	-
Custom Manufacturing	S	PI	PI
Dairies	-	-	-
Eating Establishments			
Convenience	PI	PI	PI
Full Service	PI	PI	PI
Educational Services			
Commercial	S	PI	PI
General	-	-	-
Equipment Sales and Repair			
Farm Machinery, Sales	-	S	PI
Farm Machinery, Repair	-	S	PI
Heavy Equipment	-	U	S
Leisure	-	S	PI
Aircraft	-	U	S
Explosives Handling	-	-	-
Farm Services	-	-	-

TABLE 9-505.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted			
Use Types	Industrial Zone I-P	Industrial Zone I-L	Industrial Zone I-G
Funeral and Interment Services			
Cemeteries	-	-	-
Interring and Cremating	-	-	-
Undertaking	-	-	-
Gasoline Sales			
Service	S	PI	PI
Combination	S	PI	PI
General Industrial			
Limited	S	S	PI
Intermediate	-	U	S
Heavy	-	-	S
Hazardous Industrial	-	U	U
High Technology Industry	S	S	S
Laundry Services	-	S	S
Liquor Sales			
On-Premises, General	-	-	-
On-Premises, Limited	-	-	-
Off-Premises	-	-	-
Lodging Services			
Bed and Breakfast	-	-	-
Motel	-	-	-
Major Impact Services	-	-	-
Medical Services	S	-	-
Nursery Sales and Services			
Wholesale	-	S	S
Retail	-	-	-
Landscaping Services	-	S	S
Personal Storage	-	S	PI
Petroleum and Gas Extraction	S	S	S
Produce Sales			
Farm Produce Stands	-	-	-
Farm Markets	-	-	-
Professional Services	PI	PI	-

TABLE 9-505.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted			
Use Types	Industrial Zone I-P	Industrial Zone I-L	Industrial Zone I-G
Public Services			
Administrative	S	S	S
Essential	U	U	U
Quarry Operations	-	-	-
Recreation			
Campgrounds	-	-	-
Indoor Participant	PI	PI	PI
Indoor Spectator	-(PI ¹)	-	-
Marinas	-	-	-
Outdoor Entertainment, Large Scale	-	-	-
Outdoor Entertainment, Small Scale	-	-	-
Outdoor Sports Clubs	-	-	U
Parks	-	-	-
Resorts	-	-	-
Recycling Services			
Consumer	PI	PI	PI
Scrap Operations	-	-	U
Religious Assembly			
Neighborhood	-	-	-
Community	-	-	-
Regional	-	-	-
Research and Laboratory Service	S	S	S
Retail Sales and Services			
Primary	U	-	-
Intermediate	-	-	-
General	-	-	-
Signs—Off Premises	-	-	-
Stables			
Neighborhood	-	-	-
Commercial	-	-	-
Transportation Services	-	S	S
Truck Sales and Services			
Parking	-	S	PI

TABLE 9-505.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted			
Use Types	Industrial Zone I-P	Industrial Zone I-L	Industrial Zone I-G
Cleaning	-	S	PI
Stops	-	U	U
Repairs	S	S	S
Sales	-	S	PI
Terminals	-	U	U
Utility Services			
Minor	PI	PI	PI
Major	PI	PI	PI
Wholesaling and Distribution			
Light	S (U ¹)	S	PI
Heavy	-	-	S

¹ Applies within Specific Plan III area of Mountain House.
 (Ord. 3813 (part), 1994; Ord. 3974 § 7, 1998; Ord. 4276 § 11 (part), 2005; Ord. No. 4385, § 20, 1-12-2010)

**TABLE 9-505.4M
TEMPORARY USES AND STRUCTURES IN INDUSTRIAL ZONES**

Legend:

P Permitted Use

PI Permitted Use With Improvement Plan

S Use Permitted Subject to Site Approval

U Use Permitted Subject to Use Permit

- Use Not Permitted

AX Permitted Subject to Agricultural Excavation Permit

Temporary Use or Structure	Industrial Zone I-P	Industrial Zone I-L	Industrial Zone I-G
Agricultural Excavation	AX (- ¹)	AX	AX
Auction, Agricultural Machinery	-	PI	PI
Auction, Livestock	-	-	-
Batch Plant	-	-	S
Boutique Sales (limit of two (2) per year)	P	P	P
Carnival/Circus	-	S	S
Christmas Tree Sales	PI	PI	PI
Corporation Yard	S	S	S
Garage Sales (limit of four (4) per year within Specific Plan III, two (2) per year in other areas)	P	P	P
Halloween Pumpkin Sales	PI	PI	PI
Motion Picture Filming	P	P	P
Special Event	PI	PI	PI
Subdivision Sales Office	P	P	-
Temporary Building Incidental to Construction Works	P	P	P
Temporary Mobilehome	-	-	-
Tent Revival	-	U	-

¹ Applies within Specific Plan III area of Mountain House.

(Ord. 3813 (part), 1994; Ord. 4276 § 11 (part), 2005)

CHAPTER 9-510M

INDUSTRIAL ZONE LOT AND STRUCTURE REGULATIONS

Sections:

9-510.3M	Lot Area.
9-510.4M	Lot Width.
9-510.5M	Setbacks.
9-510.6M	Height.
9-510.7M	Building Coverage.
9-510.8M	Access.
9-510.9M	Corner Lots.

Tables:

9-510.3M	Lot and Structure Standards.
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9-510.3M LOT AREA.

The minimum lot area by industrial zone shall be the same as that specified in the development title. For purposes of referral, minimum lot area requirements are included in Table 9-510.3M.
(Ord. 3813 (part), 1994)

9-510.4M LOT WIDTH.

The minimum lot width by industrial zone shall be the same as that specified in the development title. For purposes of referral, minimum lot area requirements are included in Table 9-510.3M.
(Ord. 3813 (part), 1994)

9-510.5M SETBACKS.

Unless otherwise specified, buildings and structures shall meet the setback requirements specified in Table 9-510.3M. (See Table 4.1 of the Master Plan.) Said setback requirements and the following exceptions shall replace the chapter concerning yards and the provisions concerning yard dimensions in the development title (Chapter 9-1010 and Section 9-510.5, respectively).

(a) Side and Rear Setback Exceptions.

Buildings on lots zoned or designated on the Master Plan for industrial use shall maintain a forty-five degree (45°) clear setback when adjacent to lots zoned or designated on the Master Plan for residential use.

(b) Setback Exceptions for Specified Streets.

The minimum setback from I-205 and Patterson Pass Road shall be as specified in the Master Plan.

(c) Setback Exceptions for Off-Street Parking Areas.

(1) The minimum setback for off-street parking areas adjacent to streets shall be ten (10) feet, except that

in the I-P zone the minimum setback shall be twenty (20) feet.

(2) The minimum setback for off-street parking areas adjacent to lots zoned or designated on the Master Plan for residential use shall be ten (10) feet.

(3) The minimum side and rear setback for off-street parking areas in the I-P zone shall be five (5) feet.

(d) Setback Exceptions for Other Specified Structures.

(1) Fire Escapes. Fire escapes shall not extend or project more than four (4) feet beyond the setback line.

(2) Stairways and Balconies. Open, unenclosed stairways, or balconies not covered by a roof or canopy, shall not extend or project more than four (4) feet beyond the side or rear setback line, and shall not extend or project more than thirty (30) inches beyond the front setback line.

(3) Porches. Porches, platforms or landing places which do not extend above the level of the first floor of the building shall not extend or project more than five (5) feet beyond the setback line; however, any open work railing, no 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 Chapter 49 of the Uniform Building Code, may be located within three (3) feet of the rear or side property line.

(5) Eaves, Roof Overhangs and Similar Features. Eaves, roof overhangs and other similar architectural features may extend or project up to:

(A) Thirty (30) inches beyond the setback line, provided said architectural feature is no closer than thirty (30) inches to the property line where the setback requirement is ten (10) feet or less;

(B) Ten (10) feet beyond the setback line, where the setback requirement is more than ten (10) feet.

(6) Fireplaces, Air Conditioning Equipment, Water Softener Units. Fireplaces, air conditioning units and water softening units may extend or project up to thirty (30) inches beyond the setback line, provided said structure is no closer than thirty (30) inches to the property line.

(7) Pools. Pools shall not be located closer than three (3) feet from any side or rear property line.

(e) Setback Exceptions for Specified Land Uses or Features.

(1) Power Line Easements. Dwelling units shall maintain a minimum setback of twenty-five (25) feet from the Rio Oso-Tesla powerline easement. Commercial or industrial structures shall maintain a minimum setback of ten (10) feet from the Rio Oso-Tesla powerline easement.

(2) **Wetlands.** Buildings and structures shall maintain a minimum setback from wetlands in accordance with the setback requirements for wetlands specified in the Wetlands Management Plan.
(Ord. 3813 (part), 1994)

9-510.6M HEIGHT.

Buildings and structures in industrial zones shall not exceed the maximum building heights specified in Table 9-510.3M, except as provided below. Said exceptions shall be limited by any ordinance relating to airports, and shall serve to replace the chapter on height limits for special structures and the general provisions on building height in the development title (Chapter 9-1005 and Section 9-510.6, respectively).

- (a) Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building;
- (b) Skylights and chimneys;
- (c) Flagpoles; and
- (d) Church towers/steeples.

(Ord. 3813 (part), 1994)

9-510.7M BUILDING COVERAGE.

The maximum building coverage by zone for buildings and structures shall be the same as that specified in the development title. For purposes of referral, maximum building coverage regulations are included in Table 9-510.3.
(Ord. 3813 (part), 1994)

9-510.8M ACCESS.

All principal uses within the industrial zones of Specific Plan III shall have access to a County maintained road, a road maintained by the Mountain House Community Services District, or a privately maintained road with public access. Within other areas of Mountain House, all principle uses in the industrial zones shall have access to a County maintained road. Flag lots are not permitted in the industrial zones.

(Ord. 4276 § 12, 2005)

9-510.9M CORNER LOTS.

Corner lots shall have minimum widths of one hundred (100) feet, except within the Specific Plan III area, where there shall be no required minimum lot width.

(Ord. 3813 (part), 1994; Ord. 4276 § 13, 2005)

**TABLE 9-510.3M
LOT AND STRUCTURE STANDARDS***

Zoning District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Maximum Building Height (stories)	Maximum Building Coverage (Percent)
I-P	10,000	100 (N/A ¹)	3 (5 ²)	60
I-L	10,000	100	2	60
I-G	10,000	100	2	60

Setback Requirements**

Zoning District	Arterial Street (feet)	Collector and Local Streets (feet)	Side Setback (feet)	Rear Setback (feet)
I-P	20 (- ³)	20 (- ³)	- (- ⁴)	-
I-L	20	20	-	-
I-G	15	15	-	-

* See Sections 9-510.3M through 9-510.9M for exceptions and modifications.

** Unless otherwise specified, setbacks shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the Master Plan or on any applicable Specific Plan.

Notes: Refer to Table 9-510.3 for depth to width ratio, except within the Specific Plan III area, where there is no required depth to width ratio.

¹ Applies within Specific Plan III area of Mountain House.

² Structures in Mountain House Business Park area are 5 stories.

³ Applies to side and rear setback within Specific Plan III area only; front setback within Specific Plan III area is 10'.

⁴ Streetside sides of corner lots within Specific Plan III area of Mountain House shall be set back 15'.

(Ord. 3813 (part), 1994; Ord. 4276 § 14, 2005; Ord. 4280 § 2, 2005)

CHAPTER 9-605M**AGRICULTURAL ZONE USE REGULATIONS****Sections:**

- 9-605.2M Permitted Use Types.**
9-605.3M Accessory Uses and Structures.
9-605.4M Temporary Uses and Structures.

Tables:

- 9-605.2M Uses in Agricultural Zones.**
9-605.3M Accessory Uses and Structures in Agricultural Zones.
9-605.4M Temporary Uses and Structures in Agricultural Zones.

9-605.2M PERMITTED USE TYPES.

Permitted, not permitted and conditionally permitted use types in the AU zone shall be as provided in Table 9-605.2M.

(Ord. 3813 (part), 1994)

9-605.3M ACCESSORY USES AND STRUCTURES.

Permitted, not permitted and conditionally permitted accessory uses and structures in the AU zone shall be as provided in Table 9-605.3M. Accessory uses or structures not specifically listed in Table 9-605.3M may be permitted with an improvement plan, provided:

(a) The proposed accessory use or structure involves less than a twenty-five percent (25%) increase in floor area covered by the existing principal use type; and

(b) The proposed accessory use or structure involves less than a ten percent (10%) increase in the overall site area covered by the existing use type; and

(c) The proposed accessory use or structure, in the opinion of the Director, will not have a substantial, adverse effect on adjacent property; and

(d) The proposed accessory use or structure will comply with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency; or

(e) Where conditions in Subsections (a) through (d) of this section are not met, the level of review for the accessory use or structure shall be the same as the level of review required for the primary use or structure.

(Ord. 3813 (part), 1994)

9-605.4M TEMPORARY USES AND STRUCTURES.

Permitted, not permitted and conditionally permitted temporary uses and structures in the AU zone shall be as provided in Table 9-605.4M. Temporary uses or structures not specifically listed in Table 9-605.4M may be allowed, subject to an Improvement Plan. (Ord. 3813 (part), 1994)

TABLE 9-605.2M

USES IN AGRICULTURAL ZONES

Legend:	
P Permitted Use	
PI Permitted Use With Improvement Plan	
S Use Permitted Subject to Site Approval	
U Use Permitted Subject to Use Permit	
- Use Not Permitted	
Use Types	Agricultural Zones AU
Residential Use Types	
Family Residential	
Single-Family	P
Two-Family	-
Small Multifamily	-
Large Multifamily	-
Farm Employee Housing	-
Small	P
Large	-
Group Care	
Small	P
Large	-
Adult Day Care	-
Farm Related	-
Group Residential	-
Mobilehome Park	-
Shelters	
Small	P
Medium	-
Large	-
Nonresidential Use Types	
Administrative Offices	-
Administrative Support Service	-
Adult Entertainment	-

TABLE 9-605.2M: USES IN AGRICULTURAL ZONES		
Legend:		
P	Permitted Use	
PI	Permitted Use With Improvement Plan	
S	Use Permitted Subject to Site Approval	
U	Use Permitted Subject to Use Permit	
--	Use Not Permitted	
Use Types	Agricultural Zones	
	AU	
Aerial Services		
Farm		--
Heliport		--
Agricultural Organizations		--
Agricultural Processing		
Preparation Services		--
Food Manufacturing		--
Agricultural Sales		
Feed and Grain		--
Agricultural Chemicals		--
Agricultural Warehousing		--
Agricultural Wastes		---
Animal Feeding and Sales		--
Animal Raising		
Exotic Animals		S
General		P
Hogs		--
Small Animals		S
Family Food Production		P
Educational Animal Project		P
Zoo		--
Petting Zoo		--

Table 9-605.2M

TABLE 9-605.2M: USES IN AGRICULTURAL ZONES	
Legend:	
P	Permitted Use
PI	Permitted Use With Improvement Plan
S	Use Permitted Subject to Site Approval
U	Use Permitted Subject to Use Permit
--	Use Not Permitted
Use Types	Agricultural Zones
	AU
Animal Specialty Services	
Farm	--
Pet	--
Kennel	--
Kennel, Small Breeding	--
Auction Sales	
Indoor	--
Outdoor	--
Automotive Sales and Services	
Automotive Rentals	--
Automotive Repairs, Light	--
Automotive Repairs, Heavy	--
Automotive Sales	--
Cleaning	--
Inoperable Vehicle Storage	--
Operable Vehicle Storage	--
Parking	--
Building Maintenance Services	
-	
Child Care Services	
Family Day Care Homes	P
Child Care Centers	S
Communication Services	
Type I	--
Type II	--

TABLE 9-605.2M: USES IN AGRICULTURAL ZONES		
Legend:		
P	Permitted Use	
PI	Permitted Use With Improvement Plan	
S	Use Permitted Subject to Site Approval	
U	Use Permitted Subject to Use Permit	
--	Use Not Permitted	
Use Types		Agricultural Zones
		AU
	Type III	--
	Type IV	--
Community Assembly		--
Construction Sales		--
Construction Services		
	Light	--
	Heavy	--
Crop Production		P
Cultural and Library Services		--
Custom Agricultural Manufacturing		--
Custom Manufacturing		--
Dairies		--
Eating Establishments		
	Convenience	--
	Full Service	--
Educational Services		
	Commercial	--
	General	--
Equipment Sales and Repair		
	Farm Machinery, Sales	--
	Farm Machinery, Repair	--
	Heavy Equipment	--
	Leisure	--
	Aircraft	--

Table 9-605.2M

Use Types		Agricultural Zones	
		AU	
Explosives Handling		--	
Farm Services		--	
Funeral and Interment Services			
	Cemeteries	--	
	Interring and Cremating	--	
	Undertaking	--	
Gasoline Sales			
	Service	--	
	Combination	--	
General Industrial			
	Limited	--	
	Intermediate	--	
	Heavy	--	
Hazardous Industrial		--	
High Technology Industry		--	
Laundry Services		--	
Liquor Sales			
	On-Premises, General	--	
	On-Premises, Limited	--	
	Off-Premises	--	
Lodging Services			
	Bed and Breakfast	--	
	Motel	--	
Major Impact Services		U	

TABLE 9-605.2M: USES IN AGRICULTURAL ZONES	
Legend:	
P	Permitted Use
PI	Permitted Use With Improvement Plan
S	Use Permitted Subject to Site Approval
U	Use Permitted Subject to Use Permit
--	Use Not Permitted
Use Types	Agricultural Zones
	AU
Medical Services	--
Nursery Sales and Services	
Wholesale	PI
Retail	--
Landscaping Services	S
Personal Storage	--
Petroleum and Gas Extraction	S
Produce Sales	
Farm Produce Stands	PI
Farm Markets	S
Professional Services	--
Public Services	
Administrative	--
Essential	S
Quarry Operations	--
Recreation	
Campgrounds	U
Indoor Participant	--
Indoor Spectator	--
Marinas	--
Outdoor Entertainment, Large Scale	--
Outdoor Entertainment, Small Scale	--
Outdoor Sports Clubs	--
Parks	U

Table 9-605.2M

TABLE 9-605.2M: USES IN AGRICULTURAL ZONES		
Use Types	Agricultural Zones	
	AU	
Resorts	--	
Recycling Services		
Consumer	--	
Scrap Operations	--	
Religious Assembly		
Neighborhood	--	
Community	--	
Regional	--	
Research and Laboratory Service	--	
Retail Sales and Services		
Primary	--	
Intermediate	--	
General	--	
Signs — Off Premises	--	
Stables		
Neighborhood	S	
Commercial	U	
Transportation Services	--	
Truck Sales and Services		
Parking	--	
Cleaning	--	
Stops	--	
Repairs	--	
Sales	--	

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted	
Use Types	Agricultural Zones AU
Terminals	-
Utility Services	
Minor	PI
Major	PI
Wholesaling and Distribution	
Light	-
Heavy	-

(Ord. 3813 (part), 1994; Ord. 3953 § 3, 1997; Ord. 3974 § 8, 1998; Ord. No. 4385, § 21, 1-12-2010)

TABLE 9-605.3M

ACCESSORY USES AND STRUCTURES IN AGRICULTURAL ZONES

Legend:	
P Permitted Use	
S Use Permitted Subject to Site Approval	
SD Use Permitted Subject to Second-Unit Dwelling Permit	
Accessory Use or Structure	Agricultural Zone AU
Antennae, Radio/TV Dish	P
Barn	P
Biomass Energy Production for use on premises	S
Boathouse, Private (one/lot)	P
Coop	P
Dock, Private (one/lot)	P
Firewood Sales, grown on-site or within a five (5) mile radius of the premises	P
Garage, Private (up to three (3) vehicles)	P
Greenhouse, Private	P
Guesthouse	P
Horse Raising	P
Nonresidential Mobilehome	P
Packing Shed, Private	P
Pump/Pumphouse	P
Second-Unit Dwelling	SD
Silo	P
Stable, Private	P
Storage Building, Private	P
Swimming Pool and Equipment	P
Truck Parking (Agricultural)	S
Water Storage Facility	P
Wind Machine, Private	P
Workshop/Hobby Shop	P

(Ord. 3813 (part), 1994; Ord. No. 4385, § 22, 1-12-2010)

TABLE 9-605.4M

TEMPORARY USES AND STRUCTURES IN AGRICULTURAL ZONES

Legend:	
P Permitted Use	
PI Permitted Use With Improvement Plan	
S Use Permitted Subject to Site Approval	
U Use Permitted Subject to Use Permit	
- Use Not Permitted	
AX Permitted Subject to Agricultural Excavation Permit	
Temporary Use or Structure	Agricultural Zone AU
Agricultural Excavation	AX
Auction, Agricultural Machinery	PI
Auction, Livestock	S
Batch Plant	-
Boutique Sales (limit of two (2) per year)	P
Carnival/Circus	U
Christmas Tree Sales	PI
Corporation Yard	S
Garage Sales (limit of two (2) per year)	P
Halloween Pumpkin Sales	PI
Motion Picture Filming	P
Special Event	PI
Subdivision Sales Office	-
Temporary Building Incidental to Construction Works	P
Temporary Farm Employee Housing	-
Temporary Mobilehome	P
Tent Revival	U

(Ord. 3813 (part), 1994; Ord. No. 4385, § 23, 1-12-2010)

CHAPTER 9-700M

INTENT AND ORGANIZATION OF OTHER ZONES

Sections:

9-700.1M Title and Intent.

9-700.1M TITLE AND INTENT.

The intents of the other zones are amended as follows:

(a) **P-F Zone.** The public facilities (P-F) zone in Mountain House is intended to provide for the establishment of schools meeting State requirements for primary, secondary and higher education; medical facilities; infrastructure facilities, such as the wastewater treatment plant and water treatment plant; police and fire protection facilities and other public buildings; the Transit Center; and places of religious assembly. This zone is intended to implement the public facilities land use category of the General Plan.

(b) **M-X Zone.** The mixed-use (M-X) zone is intended to provide an integration of land use types, including office, retail, recreation, public and residential uses, under a coherent plan; provide a central location for community activities, such as parades, exhibits, shows and other civic functions that serve to give identity and interest to the lifestyle of a community; and otherwise create a focal point of activity within the community. The M-X zone allows for more urban densities, innovative design, and a more efficient land and infrastructure utilization than would be permitted under other traditional designations. The concurrent filing of a Specific Plan shall be required of areas to be zoned Mixed-Use. This zone is intended to implement the mixed-use land use category of the General Plan. (Ord. 3813 (part), 1994)

CHAPTER 9-705M

OTHER ZONES USE REGULATIONS

Sections:

- 9-705.2M Permitted Use Types.**
- 9-705.4M Temporary Uses and Structures.**
- 9-705.5M Special Use Regulations in the M-X Zone.**
- 9-705.6M Special Use Regulations in the P-F Zone.**
- 9-705.9M Design Guidelines.**

Tables:

- 9-705.2M Uses in Other Zones.**
- 9-705.4M Temporary Uses and Structures in Other Zones.**

9-705.2M PERMITTED USE TYPES.

Permitted, not permitted and conditionally permitted use types shall be as provided in Table 9-705.2M. (Ord. 3813 (part), 1994)

9-705.4M TEMPORARY USES AND STRUCTURES.

Permitted, not permitted and conditionally permitted temporary uses and structures shall be as provided in Table 9-705.4M. Temporary uses or structures not specifically listed in Table 9-705.4M may be allowed, subject to an Improvement Plan. (Ord. 3813 (part), 1994)

9-705.5M SPECIAL USE REGULATIONS IN THE M-X ZONE.

In addition to the provisions specified in Section 9-705.5 of the Development Title, the following additional provisions shall be applicable:

(a) Single-family residential units which are not, in the opinion of the Review Authority, accessory dwellings shall be located in back of, or above, other uses permitted or conditionally permitted in the M-X zone.

(b) Two-family residential units which are not, in the opinion of the Review Authority, accessory dwellings shall be located in back of, or above, other uses permitted or conditionally permitted in the M-X zone.

(Ord. 3813 (part), 1994)

**9-705.6M SPECIAL USE REGULATIONS IN
THE P-F ZONE.**

In addition to the provisions specified in Section 9-705.6 of the Development Title, the following additional provisions shall be applicable:

(a) Communications Services Type II may be permitted only on land owned by the Mountain House Community Services District.

(Ord. 4365 § 2, 2008)

9-705.9M DESIGN GUIDELINES.

Design Guidelines shall be submitted for consistency review prior to approval of the final map or parcel map or other Development Permit.

(Ord. 4066 § 9, 2000)

TABLE 9-705.2M

TABLE 9-705.2M

USES IN OTHER ZONES

Legend:		
P Permitted Use		
PI Permitted Use With Improvement Plan		
S Use Permitted Subject to Site Approval		
U Use Permitted Subject to Use Permit		
- Use Not Permitted		
Use Types	Other Zone P-F	Other Zone M-X
Residential Use Types		
Family Residential		
Single-Family	-	PI
Two-Family	-	PI
Small Multifamily	-	PI
Large Multifamily	-	S
Farm Employee Housing	-	-
Small	-	-
Large	-	-
Group Care		
Small	-	P
Large	S	-
Adult Day Care	S	-
Farm Related	-	-
Group Residential	S	U
Mobilehome Park	-	-
Shelters		
Small	-	P
Medium	-	-
Large	-	-
Nonresidential Use Types		
Administrative Offices	-	PI
Administrative Support Service	-	PI
Adult Entertainment	-	S
Aerial Services		
Farm	-	-
Heliport	-	-
Agricultural Organizations	-	-
Agricultural Processing		
Preparation Services	-	-

TABLE 9-705.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted		
Use Types	Other Zone P-F	Other Zone M-X
Food Manufacturing	-	-
Agricultural Sales		
Feed and Grain	-	-
Agricultural Chemicals	-	-
Agricultural Warehousing	-	-
Agricultural Wastes	-	-
Animal Feeding and Sales	-	-
Animal Raising		
Exotic Animals	-	-
General	-	-
Hogs	-	-
Small Animals	-	-
Family Food Production	-	-
Educational Animal Project	-	-
Zoo	U	-
Petting Zoo	U	U
Animal Specialty Services		
Farm	-	-
Pet	-	S
Kennel	-	-
Kennel, Small Breeding	-	-
Auction Sales		
Indoor	-	S
Outdoor	-	-
Automotive Sales and Services		
Automotive Rentals	-	-
Automotive Repairs, Light	-	-
Automotive Repairs, Heavy	-	-
Automotive Sales	-	-
Cleaning	-	-
Inoperable Vehicle Storage	-	-
Operable Vehicle Storage	-	-
Parking	PI	S

TABLE 9-705.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted		
Use Types	Other Zone P-F	Other Zone M-X
Building Maintenance Services	-	-
Child Care Services		
Family Day Care Homes	P	P
Child Care Centers	S	S
Communication Services		
Type I	PI	PI
Type II	S	-
Type III	-	-
Type IV	PI	PI
Community Assembly	PI	S
Construction Sales	-	-
Construction Services		
Light	-	-
Heavy	-	-
Crop Production	P	P
Cultural and Library Services	PI	PI
Custom Agricultural Manufacturing	-	-
Custom Manufacturing	S	-
Dairies	-	-
Eating Establishments		
Convenience	-	PI
Full Service	-	PI
Educational Services		
Commercial	S	S
General	S	S
Equipment Sales and Repair		
Farm Machinery, Sales	-	-
Farm Machinery, Repair	-	-
Heavy Equipment	-	-
Leisure	-	-
Aircraft	-	-
Explosives Handling	-	-

TABLE 9-705.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted		
Use Types	Other Zone P-F	Other Zone M-X
Farm Services	-	-
Funeral and Interment Services		
Cemeteries	S	-
Interring and Cremating	S	-
Undertaking	-	S
Gasoline Sales		
Service	-	-
Combination	-	-
General Industrial		
Limited	-	-
Intermediate	-	-
Heavy	-	-
Hazardous Industrial	-	-
High Technology Industry	-	-
Laundry Services	-	-
Liquor Sales		
On-Premises, General	-	PI
On-Premises, Limited	-	PI
Off-Premises	-	PI
Lodging Services		
Bed and Breakfast	-	-
Motel	-	S
Major Impact Services	U	-
Medical Services	U	PI
Nursery Sales and Services		
Wholesale	-	-
Retail	-	S
Landscaping Services	-	-
Personal Storage	-	-
Petroleum and Gas Extraction	U	U
Produce Sales		
Farm Produce Stands	-	PI
Farm Markets	-	S

TABLE 9-705.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted		
Use Types	Other Zone P-F	Other Zone M-X
Professional Services	-	PI
Public Services		
Administrative	PI	PI
Essential	U	S
Quarry Operations	-	-
Recreation		
Campgrounds	-	-
Indoor Participant	S	S
Indoor Spectator	S	U
Marinas	-	-
Outdoor Entertainment, Large Scale	S	-
Outdoor Entertainment, Small Scale	S	-
Outdoor Sports Clubs	-	-
Parks	S	S
Resorts	-	-
Recycling Services		
Consumer	-	PI
Scrap Operations	-	-
Religious Assembly		
Neighborhood	S	S
Community	S	U
Regional	U	-
Research and Laboratory Service	-	-
Retail Sales and Services		
Primary	-	S
Intermediate	-	PI
General	-	PI
Signs—Off Premise	-	-
Stables		
Neighborhood	-	-
Commercial	-	-
Transportation Services	-	-

TABLE 9-705.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted		
Use Types	Other Zone P-F	Other Zone M-X
Truck Sales and Services		
Parking	-	-
Cleaning	-	-
Stops	-	-
Repairs	-	-
Sales	-	-
Terminals	-	-
Utility Services		
Minor	P	PI
Major	S	-
Wholesaling and Distribution		
Light	-	-
Heavy	-	-

(Ord. 3813 (part), 1994; Ord. 3974 § 9, 1998; Ord. No. 4385, § 24, 1-12-2010)

**TABLE 9-705.4M
TEMPORARY USES AND STRUCTURES IN OTHER ZONES**

Legend:

- P Permitted Use
 PI Permitted Use With Improvement Plan
 S Use Permitted Subject to Site Approval
 U Use Permitted Subject to Use Permit
 - Use Not Permitted
 AX Permitted Subject to Agricultural Excavation Permit

Temporary Use or Structure	Other Zone P-F	Other Zone M-X
Agricultural Excavation	AX (- ¹)	-
Auction, Agricultural Machinery	S (- ¹)	-
Auction, Livestock	-	-
Batch Plant	-	-
Boutique Sales (limit of two (2) per year)	-	P
Carnival/Circus	S	S
Christmas Tree Sales	-	PI
Corporation Yard	S	S
Garage Sales (limit of four (4) per year within Specific Plan III area, two (2) per year otherwise)	P	P
Halloween Pumpkin Sales	-	PI
Motion Picture Filming	P	P
Special Event		
Special Indoor Event	-	PI
Special Outdoor Event	-	PI
Subdivision Sales Office	-	PI
Temporary Building Incidental to Construction Works	P	P
Temporary Mobilehome	-	-
Tent Revival	S	U

Applies within Specific Plan III area of Mountain House.

(Ord. 3813 (part), 1994; Ord. 4276 § 15, 2005)

CHAPTER 9-710M

OTHER ZONE LOT AND STRUCTURE REGULATIONS

Sections:

- 9-710.2M** **Lot Area.**
- 9-710.3M** **Lot Width.**
- 9-710.4M** **Setbacks.**
- 9-710.5M** **Height.**
- 9-710.6M** **Building Coverage.**
- 9-710.7M** **Corner Lots.**

Tables:

- 9-710.2M** **Lot and Structure Standards.**

9-710.2M **LOT AREA.**

The minimum lot area by industrial zone shall be the same as that specified in the development title. For purposes of referral, minimum lot area requirements are included in Table 9-710.2M.
(Ord. 3813 (part), 1994)

9-710.3M **LOT WIDTH.**

The minimum lot width in the M-X and P-F zones shall be as provided in Table 9-710.2M.
(Ord. 3813 (part), 1994)

9-710.4M **SETBACKS.**

Unless otherwise specified, buildings and structures shall meet the setback requirements specified in Table 9-710.2M. Said setback requirements and the following exceptions shall replace the chapter concerning yards and the provisions concerning yard dimensions in the development title (Chapter 9-1010 and Section 9-710.4, respectively).

(a) **Side and Rear Setback Exceptions.** Buildings on lots zoned P-F, or designated P on the Master Plan, shall maintain a forty-five degree (45°) clear setback when adjacent to lots zoned or designated on the Master Plan for residential use.

(b) **Setback Exceptions for Off-Street Parking Areas.**

(1) The minimum setback for off-street parking areas adjacent to streets shall be ten (10) feet in the P-F zone.

(2) The minimum setback for off-street parking areas adjacent to lots zoned or designated on the Master Plan for residential use shall be ten (10) feet.

(c) **Setback Exceptions for Other Specified Structures.**

(1) **Fire Escapes.** Fire escapes shall not extend or project more than four (4) feet beyond the setback line.

(2) **Stairways and Balconies.** Open, unenclosed stairways or balconies not covered by a roof or canopy, shall not extend or project more than four (4) feet beyond the side or rear setback line, and shall not extend or project more than thirty (30) inches beyond the front setback line.

(3) **Porches.** Porches, platforms or landing places which do not extend above the level of the first floor of the building shall not extend or project more than five (5) feet beyond the setback line; however, any open work railing, no 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 Chapter 49 of the Uniform Building Code, may be located within three (3) feet of the rear or side property line.

(5) **Eaves, Roof Overhangs and Similar Features.** Eaves, roof overhangs and other similar architectural features may extend or project up to:

(A) Thirty (30) inches beyond the setback line, provided said architectural feature is no closer than thirty (30) inches to the property line where the setback requirement is ten (10) feet or less;

(B) Ten (10) feet beyond the setback line, where the setback requirement is more than ten (10) feet.

(6) **Fireplaces, Air Conditioning Equipment, Water Softener Units.** Fireplaces, air conditioning units and water softening units may extend or project up to thirty (30) inches beyond the setback line, provided said structure is no closer than thirty (30) inches to the property line.

(7) **Pools.** Pools shall not be located closer than three (3) feet from any side or rear property line.

(d) **Setback Exceptions for Specified Land Uses or Features.**

(1) **Power Line Easements.** Buildings shall maintain a minimum setback of ten (10) feet from the Rio Oso-Tesla powerline easement.

(2) **Mountain House Creek Corridor.** Buildings shall maintain a minimum setback of fifty (50) feet from the Mountain House Creek Corridor.

(3) **Wetlands.** Buildings and structures shall maintain a minimum setback from wetlands in accordance with the setback requirements for wetlands specified in the Wetlands Management Plan.

(4) **Wastewater Storage Ponds and Sludge Basins.** Wastewater storage ponds and sludge basins shall be setback from property lines a minimum of twenty (20) feet.

(Ord. 3813 (part), 1994)

9-710.5M HEIGHT.

Buildings and structures in the P-F and M-X zones shall not exceed the maximum building heights specified in Table 9-710.2M, except as provided below. (See Table 4.1 of the Master Plan.) Said exceptions shall be limited by any ordinance relating to airports, and shall serve to replace the chapter on height limits for special structures and the general provisions on building height in the development title (Chapter 9-1005 and Section 9-710.5, respectively).

(a) Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building;

(b) Skylights and chimneys;

(c) Flagpoles; and
 (d) Church towers/steeple.
 (Ord. 3813 (part), 1994)

9-710.6M BUILDING COVERAGE.

The maximum building coverage for the P-F and M-X zones shall be as provided in Table 9-710.2M.

(Ord. 3813 (part), 1994)

9-710.7M CORNER LOTS.

In the M-X zone, corner lots shall have a minimum width and depth of sixty-five (65) feet.

(Ord. 3813 (part), 1994)

**TABLE 9-710.2M
LOT AND STRUCTURE STANDARDS***

Zoning District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Maximum Building Height (stories)	Maximum Building Coverage (percent)
P-F	-	-	-	100 (60 ¹)
M-X	-	50	4	100

Setback Requirements**

Zoning District	Arterial Street (feet)	Collector and Local Streets (feet)	Side Setback (feet)	Rear Setback (feet)
P-F	15	15	-	-
M-X	-	-		

* See Sections 9-710.3M through 9-710.7M for exceptions and modifications.

** Unless otherwise specified, setbacks shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the Master Plan or on any applicable Specific Plan.

¹ Applies within Specific Plan III area of Mountain House.

(Ord. 3813 (part), 1994; Ord. 4276 § 16, 2005)

CHAPTER 9-803M**GENERAL PLAN AMENDMENTS****Sections:****9-803.3.1M Required Studies.****9-803.4M Approval.****9-803.3.1M REQUIRED STUDIES.**

Prior to taking action on an application for a General Plan Amendment, the impact of the proposed General Plan Amendment on the jobs/housing program and on housing affordability shall be determined. In addition, the consistency with the policies of the Public Financing Plan shall be analyzed and the potential impact of the General Plan Amendment on the financial and fiscal resources of the community and the County shall be determined.

(a) If the Director decides that private consulting services are required, the Director shall select a consultant.

(b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the Board of Supervisors.

(Ord. 3813 (part), 1994)

9-803.4M APPROVAL.

Prior to approving an application for a General Plan Amendment, the Planning Commission and the Board of Supervisors shall determine that all the following are true:

(a) The internal consistency of the General Plan is maintained in the adoption of the General Plan Amendment;

(b) The General Plan Amendment shall not adversely affect the jobs/housing program and housing affordability;

(c) The General Plan Amendment shall not adversely affect the Public Financing Plan; and

(d) All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-804M**MASTER PLANS****Sections:****9-804.3.1M Required Studies.****9-804.4M Approval.****9-804.3.1M REQUIRED STUDIES.**

Prior to taking action on an application for a Master Plan Amendment, the impact of the proposed Master Plan Amendment on the jobs/housing program and on housing affordability shall be determined. In addition, the consistency with the policies of the Public Financing Plan shall be analyzed and the potential impact of the Master Plan Amendment on the financial and fiscal resources of the community and the County shall be determined.

(a) If the Director decides that private consulting services are required, the Director shall select a consultant.

(b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the Board of Supervisors.

(Ord. 3813 (part), 1994)

9-804.4M APPROVAL.

Prior to approving an application for a Master Plan Amendment, the Planning Commission and the Board of Supervisors shall determine that the following are true:

(a) The Master Plan Amendment is consistent with the General Plan and the Public Financing Plan;

(b) The Master Plan Amendment shall not adversely affect the jobs/housing program and housing affordability; and

(c) All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-805M

PUBLIC FINANCING PLANS

Sections:

- 9-805.3.1M Required Studies.**
- 9-805.4M Approval.**

9-805.3.1M REQUIRED STUDIES.

Prior to taking action on an application for a Public Financing Plan Amendment, the impact of the proposed Public Financing Plan Amendment on the jobs/housing program and on housing affordability shall be determined. In addition, the potential impact of the Public Financing Plan Amendment on the financial and fiscal resources of the community and the County shall be determined.

(a) If the Director decides that private consulting services are required, the Director shall select a consultant.

(b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the Board of Supervisors.

(Ord. 3813 (part), 1994)

9-805.4M APPROVAL.

Prior to approving an application for a Public Financing Plan Amendment, the Planning Commission and the Board of Supervisors shall determine that the following are true:

(a) The Public Financing Plan Amendment is consistent with the General Plan and the Master Plan;

(b) The Public Financing Plan Amendment shall not adversely affect the jobs/housing program and housing affordability; and

(c) All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-806M

SPECIFIC PLANS

Sections:

- 9-806.3.1M Required Studies.**
- 9-806.4M Approval.**

9-806.3.1M REQUIRED STUDIES.

Prior to taking action on an application for a Specific Plan or Specific Plan Amendment, the impact of the proposed Specific Plan or Specific Plan Amendment on the jobs/housing program and on housing affordability shall be determined. In addition, the consistency with the policies of the Public Financing Plan shall be analyzed and the potential impact of the Specific Plan or Specific Plan Amendment on the financial and fiscal resources of the community and the County shall be determined.

(a) If the Director decides that private consulting services are required, the Director shall select a consultant.

(b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the Board of Supervisors.

(Ord. 3813 (part), 1994)

9-806.4M APPROVAL.

Prior to approving an application for a Specific Plan or Specific Plan Amendment, the Planning Commission and the Board of Supervisors shall determine that the following are true:

(a) The Specific Plan or Specific Plan Amendment is consistent with the General Plan the Master Plan and the Public Financing Plan;

(b) The Specific Plan or Specific Plan Amendment shall not adversely affect the jobs/housing program and housing affordability; and

(c) All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-809M**MOUNTAIN HOUSE DEVELOPMENT TITLE
TEXT AMENDMENTS****Sections:**

9-809.3.1M Required Studies.
9-809.4M Approval.

9-809.3.1M REQUIRED STUDIES.

Prior to taking action on an application for a Mountain House Development Title Text Amendment (MHDTA), the impact of the proposed MHDTA on the jobs/housing program and on housing affordability shall be determined. In addition, the consistency with the policies of the Public Financing Plan shall be analyzed and the potential impact of the MHDTA on the financial and fiscal resources of the community and the County shall be determined.

(a) If the Director decides that private consulting services are required, the Director shall select a consultant.

(b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the Board of Supervisors.
(Ord. 3813 (part), 1994)

9-809.4M APPROVAL.

Prior to approving an application for a MHDTA, the Planning Commission and the Board of Supervisors shall determine that the following are true:

(a) The MHDTA is consistent with the General Plan, the Master Plan and the Public Financing Plan;

(b) The MHDTA shall not adversely affect the jobs/housing program and housing affordability; and

(c) All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-812M**ZONE RECLASSIFICATIONS****Sections:**

9-812.3.1M Required Studies.
9-812.4M Approval.

9-812.3.1M REQUIRED STUDIES.

Prior to taking action on an application for a Zone Reclassification, the impact of the proposed Zone Reclassification on the jobs/housing program and on housing affordability shall be determined. In addition, the consistency with the policies of the Public Financing Plan shall be analyzed and the potential impact of the Zone Reclassification on the financial and fiscal resources of the community and the County shall be determined.

(a) If the Director decides that private consulting services are required, the Director shall select a consultant.

(b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the Board of Supervisors.
(Ord. 3813 (part), 1994)

9-812.4M APPROVAL.

Prior to approving an application for a Zone Reclassification, the Planning Commission and the Board of Supervisors shall determine that all of the following are true:

(a) The zone district is consistent with the General Plan, the Master Plan, any applicable Specific Plan and the Public Financing Plan;

(b) The zone district is reasonable and beneficial at the time;

(c) The zone district shall not adversely affect the jobs/housing program and housing affordability; and

(d) All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-815M

SPECIAL PURPOSE PLANS

Sections:

9-815.5.1M Required Studies.

9-815.6M Approval.

9-815.5.1M REQUIRED STUDIES.

Prior to taking action on an application for a Special Purpose Plan, the impact of the proposed Special Purpose Plan on the jobs/housing program and on housing affordability shall be determined. In addition, the consistency with the policies of the Public Financing Plan shall be analyzed and the potential impact of the Special Purpose Plan on the financial and fiscal resources of the community and the County shall be determined.

(a) If the Director decides that private consulting services are required, the Director shall select a consultant.

(b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the Board of Supervisors.

(Ord. 3813 (part), 1994)

9-815.6M APPROVAL.

Prior to approving an application for a Special Purpose Plan, the Planning Commission and the Board of Supervisors shall determine that the following are true:

(a) The Special Purpose Plan is consistent with the General Plan, the Master Plan, any applicable Specific Plan, and the Public Financing Plan;

(b) The Special Purpose Plan shall not adversely affect the jobs/housing program and housing affordability; and

(c) All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-818M

SITE APPROVALS

Sections:

9-818.6M Findings.

9-818.6M FINDINGS.

Prior to approving an application for a Site Approval, the Review Authority shall find that all of the following are true:

(a) **Consistency.** The proposed use is consistent with the goals, policies, standards and maps of the General Plan, the Master Plan, any applicable Specific Plan, any applicable Special Purpose Plan, the Public Financing Plan and any other applicable plan adopted by the County;

(b) **Improvements.** 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;

(c) **Site Suitability.** The site is physically suitable for the type of development and for the intensity of development;

(d) **Issuance Not Detrimental.** Issuance of the permit will not be significantly detrimental to the public health, safety or welfare, or be injurious to the property or improvements of adjacent properties;

(e) **Compatibility.** The use is compatible with adjoining land uses; and

(f) **Development Agreement.** All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-821M

USE PERMITS

Sections:

9-821.7M

Findings.

9-821.7M FINDINGS.

Prior to approving an application for a Use Permit, the Review Authority shall find that all of the following are true:

(a) **Consistency.** The proposed use is consistent with the goals, policies, standards and maps of the General Plan, the Master Plan, any applicable Specific Plan, any applicable Special Purpose Plan, the Public Financing Plan and any other applicable plan adopted by the County;

(b) **Improvements.** 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;

(c) **Site Suitability.** The site is physically suitable for the type of development and for the intensity of development;

(d) **Issuance Not Detrimental.** Issuance of the permit will not be significantly detrimental to the public health, safety or welfare, or be injurious to the property or improvements of adjacent properties;

(e) **Compatibility.** The use is compatible with adjoining land uses; and

(f) **Development Agreement.** All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-824M

DEVIATIONS

Sections:

9-824.5M

Findings.

9-824.5M FINDINGS.

Prior to approving an application for a deviation, the Review Authority shall find that all of the following are true:

(a) **Not Detrimental.** The granting of the deviation will not be materially detrimental to other properties or land uses in the area;

(b) **Exceptional Circumstances.** There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended uses that do not apply to other properties in the same zoning district in the vicinity;

(c) **Denial of Privileges.** The strict application of the regulation deprives the property of privileges enjoyed by other properties in the vicinity;

(d) **Consistency.** The proposed use is consistent with the goals, policies, standards and maps of the General Plan, the Master Plan, any applicable Specific Plan, any applicable Special Purpose Plan, the Public Financing Plan and any other applicable plan adopted by the County; and

(e) **Development Agreement.** All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-827M

VARIANCES

Sections:

9-827.5M Findings.

9-827.5M FINDINGS.

Prior to approving an application for a variance, the Review Authority shall find that all of the following are true:

(a) **Special Circumstances.** Because of the special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the regulation deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

(b) **No Special Privileges.** The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated;

(c) **Use Authorized.** The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and

(d) **Development Agreement.** All applicable provisions of the Mountain House Development Agreement have been met.
(Ord. 3813 (part), 1994)

CHAPTER 9-830M

SECOND UNIT DWELLINGS

Sections:

9-830.1M Intent.
9-830.1.1M Permit Requirements.
9-830.2M Permitted Zones.
9-830.3M Requirements for Second Unit Dwelling Permit Application.
9-830.5M Development Requirements.

9-830.1M INTENT.

The intent of this Chapter is to provide methods for approving second unit dwellings on lots with primary single-family dwellings in order to increase housing opportunities.
(Ord. 3974 § 10 (part), 1998)

9-830.1.1M PERMIT REQUIREMENTS.

A Second Unit Dwelling Permit shall be required for a second unit dwelling proposed on a lot that has not been designated on a parcel map or a final map to contain a second unit dwelling. For a second unit dwelling proposed on a lot that has been previously designated on a parcel map or a final map to contain a second unit dwelling, a Second Unit Dwelling Permit shall not be required.
(Ord. 3974 § 10 (part), 1998)

9-830.2M PERMITTED ZONES.

Second unit dwellings shall be permitted in the R-VL, R-L, R-M and R-MH zones. Second unit dwellings may be permitted in the AU-20 zone, provided the underlying Master Plan designation is R/VL, R/L, R/M or R/MH.
(Ord. 3813 (part), 1994; Ord. 3974 § 10 (part), 1998; Ord. 4066 § 10, 2000; Ord. 4333 § 7, 2007)

9-830.3M REQUIREMENTS FOR SECOND UNIT DWELLING PERMIT APPLICATION.

An application for a Second Unit Dwelling Permit may be initiated by the property owner or the property owner's authorized agent. Applications shall be filed with the Community Development Department. A fee, as specified by resolution of the Board of Supervisors, shall be required. The following minimum requirements shall be met when filing an application for a Second Unit Dwelling Permit and shall replace those specified in the Development Title:

(a) **Existing Residence.** There shall be no more than one (1) existing single-family dwelling on the property.

(b) **Number of Units.** There shall be no more than one (1) second unit dwelling per parcel. (Ord. 3974, § 10 (part), 1998)

9-830.5M DEVELOPMENT REQUIREMENTS.

The development requirements provided by this Chapter shall be applicable to all second unit dwellings, including those designated on a Second Unit Dwelling Plan submitted with the subdivision map application. The following development requirements shall replace those specified in the Development Title.

(a) **Size of Unit.**

(1) The second unit dwelling shall not exceed eight hundred (800) square feet of floor area in R-VL, R-L, R-M and R-MH zones.

(2) Within the AU-20 zone, the second unit dwellings are allowed if the underlying Master Plan designation is R/VL, R/L, R/M or R/MH and the second unit does not exceed five hundred (500) square feet of floor area.

(b) **Off-Street Parking.** One (1) off-street parking space shall be provided for the second unit dwelling.

(c) **Access.** A second unit dwelling may be accessed by a common driveway serving both the second unit dwelling and the primary single-family dwelling, a second driveway when the second unit dwelling is located on a corner lot, or a rear alley, providing such access is in keeping with the character of the neighborhood.

(d) **Compatibility.** The second unit dwelling shall be of the same architectural style and constructed of the same materials as the garage and the primary single-family dwelling. If attached to the primary single-family dwelling or to the garage, the second unit dwelling shall be visually and physically integrated into said primary single-family dwelling or garage.

(e) **Entries.** The entry into a second unit dwelling shall be visually subordinate or secondary to the entry into the primary single-family dwelling.

(f) **Lot Characteristics.** The lot upon which a second unit dwelling is located shall be appropriately located and sized to accommodate the second unit dwelling.

(g) **Building Permits.** If a second unit dwelling is to be constructed on a lot that has been designated on a Second Unit Dwelling Plan to serve as a site

for the second unit dwelling, or the second unit dwelling is integral to the structure of the primary residential unit, the building permit for said second unit dwelling shall be issued concurrently with the building permit for the primary dwelling on the lot. In such instances, the final inspection for the second unit dwelling shall take place concurrently with the final inspection for the primary dwelling.

(h) **Required Number of Lots.** For a Second Unit Dwelling Plan, the number of lots upon which second unit dwellings will be located shall be at least six and one-half percent (6.5%) of the total number of residential lots depicted on the relevant tentative map, rounded to the nearest whole number, unless the required number of lots for second unit dwellings has been provided elsewhere in the neighborhood on previously approved tentative maps.

(i) **Setbacks.** The second unit dwelling shall comply with all yard requirements for a primary single-family dwelling in the zone as well as the following requirements:

(1) Except as provided in Subsections (i)(2) and (i)(3), the second unit dwelling shall not extend beyond the front of the primary single-family dwelling.

(2) In areas zoned AU, the second unit dwelling, if not a mobile home, may extend beyond the front of the primary single-family dwelling, provided it does not extend into the front yard setback.

(3) In areas zoned R-L or R-M, a second unit dwelling may extend beyond the front of the primary single-family dwelling.

(4) For the purpose of this Section, the front of the primary single-family dwelling is defined as that part of the primary single-family dwelling that is nearest to the front yard setback.

(Ord. 3813 (part), 1994; Ord. 3974, § 10 (part), 1998; Ord. 4066, § 11, 2000; Ord. 4242, §§ 7, 8, 2005; Ord. 4333, § 8, 2007; Ord. No. O-15-4460, 3-10-2015)

CHAPTER 9-836M

DWELLING CLUSTERS

Sections:

9-836.1M General.

9-836.1M GENERAL.

Chapter 9-836 in the development title concerning dwelling clusters shall not be applicable to the Mountain House New Town. Dwelling clusters as defined in the Development Title shall not be allowed in Mountain House.

(Ord. 3813 (part), 1994)

CHAPTER 9-839M

HOME OCCUPATION PERMIT

Sections:

9-839.5M Development Requirements.

9-839.5M DEVELOPMENT REQUIREMENTS.

The Development Requirements concerning Home Occupation Permits shall be as specified in the Development Title with the following modifications:

(a) **Permitted Home Occupations.** Only home occupations subject to the Staff Review Procedure shall be permitted.

(b) **Size Limits.** Up to four hundred (400) square feet and no more than one-third ($\frac{1}{3}$) of any residence, including a second unit dwelling, may be used for the home occupation.

(c) **Commercial Vehicle.** Any commercial vehicle used in a home occupation business shall be parked within a garage or carport of the residence.

(d) **Objectionable Impacts.** Work that produces noise, vibration, glare, fumes, odors, dust or electrical interference outside of the residence or structure is prohibited.

(Ord. 3813 (part), 1994; Ord. 3953, § 4, 1997)

CHAPTER 9-851M

AGRICULTURAL EXCAVATION PERMITS

Sections:

9-851.5M Findings.

9-851.5M FINDINGS.

Prior to approving an application for an Agricultural Excavation Permit, the Review Authority shall find that all of the following are true:

- (a) The amount of the material being removed is the least amount required to enhance the agricultural suitability of the property;
 - (b) The excavation will not have a detrimental effect on any surrounding agricultural lands;
 - (c) Issuance of the permit shall not be significantly detrimental to the public health, safety or welfare, or be injurious to the property or improvements in the vicinity; and
 - (d) All applicable provisions of the Mountain House Development Agreement have been met.
- (Ord. 3813 (part), 1994 ; Ord. 4241 § 8, 2005)

CHAPTER 9-854M

QUARRY EXCAVATION PERMITS

Sections:

9-854M General.

9-854M GENERAL.

Chapter 9-854 in the development title concerning quarry excavation permits, shall not be applicable to the Mountain House New Town. Quarry Excavations as defined in the Development Title shall not be allowed in Mountain House. (Ord. 3813 (part), 1994)

CHAPTER 9-857M**MAJOR SUBDIVISIONS****Sections:**

9-857.2M	Requirements for Application.
9-857.4M	Findings.
9-857.7M	Preliminary Maps.
9-857.8M	Major Subdivisions Not Within Master Plan Density Range.
9-857.9M	Approval of Specified Major Subdivision Plan Attachments.
9-857.10M	Amendment of Second Unit Dwelling Plan.

9-857.2M REQUIREMENTS FOR APPLICATION.

In addition to the application requirements specified in Section 9-857.2 and Chapters 9-905 and 9-905M of the Development Title, the application requirements listed below shall be applicable. The Community Development Director may waive one or more of the application requirements if inapplicable to the project, or valid information has been previously submitted.

(a) **Reports.** The following reports/documents shall be submitted with the Major Subdivision Application:

(1) Cultural Resources Report, specifying the method of preserving significant architectural and/or historic cultural resources within the boundaries of the proposed subdivision;

(2) Canal Report, evaluating the safety of open canals within one-half (1/2) mile of the boundaries of the proposed subdivision, and specifying the means to be taken to reduce the attractive nuisance of such canals to the future residents of the proposed subdivision;

(3) Special Status Species Survey, consisting of a survey conducted by a qualified biologist of special status species within the boundaries of the proposed subdivision;

(4) Tree Survey, specifying the location, species, and condition of all mature trees within the proposed subdivision;

(5) Nesting Site Survey, consisting of a survey conducted by a qualified biologist of occupied raptor nests in trees and of burrowing owl nesting sites within the boundaries of the proposed subdivision;

(6) Noise Study, conducted pursuant to Section 9-1025.9M, consisting of an assessment of existing and proposed noise contours, and proposed measures to control noise;

(7) Farm Irrigation Drainage Report, consisting of a map of existing farm drains that traverse the proposed subdivision, identified by type, location and function; an

analysis of the impacts of the proposed subdivision on the existing farm irrigation drainage system; a determination of the planned dispossession of the system, including the abandonment of specific pipes and drains; a determination of whether the farm irrigation drainage system could be integrated into the storm system for the proposed subdivision; and an estimate of the costs associated with reconstructing or rerouting irrigation waters caused by the proposed subdivision.

(b) **Attachments.** The following attachments shall be submitted with the Major Subdivision Application.

(1) Will Serve Letters for all public services and utilities from the CSD and other service providers;

(2) If a Development Agreement has been executed for the subject area, letter acknowledging completion of all required plans and programs as specified in said Development Agreement;

(3) Vehicle Circulation Plan and Roadway Improvement Plan;

(4) Typical sections, including standards, for streets, alleys, bicycle paths/lanes, and pedestrian sidewalks/paths;

(5) Pedestrian, Bicycle, and Transit Connections Plan;

(6) Fencing and Edge Treatment Plan, showing community walls and community edge treatments and including community edge buffers;

(7) Soundwall Plan;

(8) Street Landscaping Plan, including neighborhood and community entries, showing implementation of CSD Roadway Landscaping Plan;

(9) Street Lighting Plan;

(10) Second Unit Dwelling Plan, showing the location of all required second unit dwellings on a lot by lot basis, in accordance with Section 9-830.5M;

(11) Open Space, Recreation, and Trails Plan;

(12) Sensitive Habitats Map, showing sensitive habitats, waterways, wetlands, and riparian areas;

(13) Conceptual Site Design Plan, showing sidewalks, driveways, pathways, off-street parking, building footprints, setbacks and building coverage, landscaping, and internal circulation (for nonresidential uses), for each specific land use type; and

(14) Neighborhood Center Special Purpose Plan, if applicable, with illustrative drawings and map of the Neighborhood Center showing land use and building types (including child care centers), sidewalks, driveways, pathways, internal circulation, off-street parking, building footprints, setbacks, building coverage, landscaping, recreational uses, activity areas, and transit stops; and including related documents, specifically, the School

Facilities Plan, the Neighborhood Park Plan, and Joint Powers Agreement for joint use of school and park facilities.

(c) **Project Description.** A project description shall be submitted with the Major Subdivision Application. The project description shall provide sufficiently detailed information, as identified on the application form, to provide for comprehensive consistency findings with the Master Plan, Specific Plan, Development Title, EIR mitigations and monitoring program, and any applicable Special Purpose Plans or CSD Plans. (Ord. 4066 § 12, 2000)

9-857.4M FINDINGS.

Prior to approving an application for a major subdivision, the Review Authority shall find that all of the following are true:

(a) **Plan Consistency.** The proposed subdivision is consistent with the General Plan, the Master Plan, any applicable Specific Plan, any applicable Special Purpose Plan, the Public Financing Plan, and any other applicable plan adopted by the County;

(b) **Design or Improvement.** The design or improvement of the proposed subdivision is consistent with the General Plan, the Master Plan, any applicable Specific Plan and any applicable Special Purpose Plan;

(c) **Type of Improvement.** The site is physically suitable for the type of development proposed;

(d) **Density of Development.** The site is physically suitable for the proposed density of development;

(e) **Fish or Wildlife.** Neither the design of the subdivision nor any proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat;

(f) **Public Health.** The design of the subdivision or type of improvement is not likely to cause significant public health problems;

(g) **Access.** The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision;

(h) **Dedications.** Any land or improvement to be dedicated to a public agency is consistent with the General Plan, the Master Plan, any applicable Specific Plan, any applicable Special Purpose Plan, and any other applicable plan adopted by the County;

(i) **Energy.** The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as required by Government Code Section 66473.1; and

(j) **Development Agreement.** All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994; Ord. 3974 § 11, 1998; Ord. 4066 § 13, 2000)

9-857.7M PRELIMINARY MAPS.

A Preliminary Map that is a Major Subdivision application may, at the discretion of the Director, be required to meet all or some of the requirements for tentative maps specified by the Mountain House Master Plan and the Development Title.

(Ord. 3953 § 5 (part), 1997)

9-857.8M MAJOR SUBDIVISIONS NOT WITHIN MASTER PLAN DENSITY RANGE.

A Major Subdivision Application in which the subdivision exceeds or falls below the density range for any given land use designation specified by the Mountain House Master Plan may be approved, provided the density of development for said land use designation is within the General Plan density range and the Mountain House Master Plan density range for that land use district will be maintained for the neighborhood.

(Ord. 3953 § 5 (part), 1997; Ord. 4066 § 14, 2000)

9-857.9M APPROVAL OF SPECIFIED MAJOR SUBDIVISION PLAN ATTACHMENTS.

The following attachments to a Major Subdivision Application shall be approved using the Staff Review procedure specified in Chapter 9-210 of the Development Title:

(a) Vehicle Circulation Plan and Roadway Improvement Plan;

(b) Pedestrian, Bicycle, and Transit Connections Plan;

(c) Fencing and Edge Treatment Plan;

(d) Soundwall Plan;

(e) Street Landscaping Plan;

(f) Street Lighting Plan;

(g) Second Unit Dwelling Plan; and

(h) Open Space, Recreation and Trails Plan.

The Director shall approve or deny these attachments, based upon consistency with the Master Plan, and other applicable community plans and development standards. (Ord. 4066 § 15, 2000)

9-857.10M AMENDMENT OF SECOND UNIT DWELLING PLAN.

An approved Second Unit Dwelling Plan may be

amended using the Staff Review procedure specified in Chapter 9-210 of the Development Title, provided the following conditions are met:

(a) For each second unit dwelling that is to be relocated from an original designated parcel on the Second Unit Dwelling Plan, a replacement parcel shall be designated to provide a site for said second unit dwelling;

(b) All replacement parcels noted in Subsection (a) shall be clearly indicated on the revised Second Unit Dwelling Plan; and

(c) The replacement parcels specified in Subsection (a) shall be within the same neighborhood.

(Ord. 4066 § 16, 2000)

CHAPTER 9-860M

MINOR SUBDIVISIONS

Sections:

9-860.2M	Requirements for Application.
9-860.4M	Findings.
9-860.7M	Preliminary Maps.
9-860.8M	Minor Subdivisions Not Within Master Plan Density Range.
9-860.9M	Approval of Specified Minor Subdivision Plan Attachments.
9-860.10M	Amendment of Second Unit Dwelling Plan.

9-860.2M REQUIREMENTS FOR APPLICATION.

In addition to the application requirements specified in Section 9-860.2 and Chapters 9-905 and 9-905M of the Development Title, the additional application requirements specified in Section 9-857.2M for Major Subdivision Applications shall be required for Minor Subdivision Applications.

(Ord. 4066 § 17, 2000)

9-860.4M FINDINGS.

Prior to approving an application for a Minor Subdivision, the Review Authority shall find that all of the following are true:

(a) **Plan Consistency.** The proposed subdivision is consistent with the General Plan, the Master Plan, any applicable Specific Plan, any applicable Special Purpose Plan, the Public Financing Plan and any other applicable plan adopted by the County;

(b) **Design or Improvement.** The design or improvement of the proposed subdivision is consistent with the General Plan, the Master Plan, any applicable Specific Plan and any applicable Special Purpose Plan;

(c) **Type of Improvement.** The site is physically suitable for the type of development proposed;

(d) **Density of Development.** The site is physically suitable for the proposed density of development;

(e) **Fish or Wildlife.** Neither the design of the subdivision nor any proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat;

(f) **Public Health.** The design of the subdivision or type of improvement is not likely to cause significant public health problems;

(g) **Access.** The design of the subdivision or the type of improvements will not conflict with easements ac-

quired by the public at large for access through or use of property within the proposed subdivision;

(h) **Dedications.** Any land or improvement to be dedicated to a public agency is consistent with the General Plan, the Master Plan, any applicable Specific Plan, any applicable Special Purpose Plan and any other applicable plan adopted by the County;

(i) **Energy.** The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as required by Government Code Section 66473.1; and

(j) **Development Agreement.** All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994; Ord. 3974 § 12, 1998; Ord. 4066 § 18, 2000)

9-860.7M PRELIMINARY MAPS.

A Preliminary Map that is a Minor Subdivision application may, at the discretion of the Director, be required to meet all or some of the requirements for tentative maps specified by the Mountain House Master Plan and the Development Title.

(Ord. 3953 § 6 (part), 1997)

9-860.8M MINOR SUBDIVISIONS NOT WITHIN MASTER PLAN DENSITY RANGE.

A Minor Subdivision Application in which the subdivision exceeds or falls below the density range for any given land use designation specified by the Mountain House Master Plan may be approved, provided the density of development for said land use designation is within the General Plan density range and the Mountain House Master Plan density range for that land use district will be maintained for the neighborhood.

(Ord. 3953 § 6 (part), 1997; Ord. 4066 § 19, 2000)

9-860.9M APPROVAL OF SPECIFIED MINOR SUBDIVISION PLAN ATTACHMENTS.

The following attachments to a Minor Subdivision Application shall be approved using the Staff Review procedure specified in Chapter 9-210 of the Development Title:

- (a) Vehicle Circulation Plan and Roadway Improvement Plan;
- (b) Pedestrian, Bicycle, and Transit Connections Plan;
- (c) Fencing and Edge Treatment Plan;
- (d) Soundwall Plan;
- (e) Street Landscaping Plan;

(f) Street Lighting Plan;

(g) Second Unit Dwelling Plan; and

(h) Open Space, Recreation, and Trails Plan.

The Director shall approve or deny these attachments, based upon consistency with the Master Plan, and other applicable community plans and development standards. (Ord. 4066 § 20, 2000)

9-860.10M AMENDMENT OF SECOND UNIT DWELLING PLAN.

An approved Second Unit Dwelling Plan may be amended using the Staff Review procedure specified in Chapter 9-210 of the Development Title, provided the following conditions are met:

(a) For each second unit dwelling that is to be relocated from an original designated parcel on the Second Unit Dwelling Plan, a replacement parcel shall be designated to provide a site for said second unit dwelling;

(b) All replacement parcels noted in Subsection (a) shall be clearly indicated on the revised Second Unit Dwelling Plan; and

(c) The replacement parcels specified in Subsection (a) shall be within the same neighborhood.

(Ord. 4066 § 21, 2000)

CHAPTER 9-878M

REVISIONS OF APPROVED ACTIONS

Sections:

9-878.4M Findings.

9-878.4M FINDINGS.

The following modification or amendment to the findings required for revisions of approved actions for major or minor subdivisions shall be applicable:

(a) **Major or Minor Subdivisions.** For amendments to conditions of a tentative map or a vesting tentative map of an approved Major or Minor Subdivision application, the Review Authority shall find the following are true:

(1) There are changes in circumstances which make any or all of the conditions of the tentative map or the vesting tentative map no longer appropriate or necessary; and

(2) The conditions of the tentative map or the vesting tentative map shall conform to the findings of Chapter 9-857M, if a major subdivision, or to the findings of Chapter 9-860M, if a minor subdivision.
(Ord. 3813 (part), 1994)

CHAPTER 9-890M

PARCEL MAP WAIVERS

Sections:

9-890.4M Findings.

9-890.4M FINDINGS.

Prior to approving an application for a Parcel Map Waiver, the Review Authority shall find that all of the following are true:

(a) **Conformity with Laws.** The proposed minor subdivision conforms with the Subdivision Map Act, the San Joaquin Development Title and the Mountain House Development Title;

(b) **Conformity with Regulations.** The proposed minor subdivision:

(1) Conforms to State and County requirements as to area, improvement and design, and flood water drainage control,

(2) Has appropriate improved public roads available,

(3) Has adequate sanitary disposal facilities available, and

(4) Has adequate water supply available;

(c) **Environmental Effects.** The proposed minor subdivision will not have an adverse effect on the environment;

(d) **Conformity with Plans.** The proposed minor subdivision conforms to the General Plan, the Master Plan, any applicable Specific Plan, any applicable Special Purpose Plan and any other plans adopted by the County;

(e) **Conformity with Other Ordinances.** The proposed minor subdivision conforms with all other County ordinances;

(f) **Lack of Need.** A parcel map is not necessary to insure proper legal description of property, location of property lines and monumenting of property lines;

(g) **Size.** The proposed minor subdivision shall result in all parcels being not less than forty (40) acres gross or a quarter of a quarter section;

(h) **Certificate of Compliance.** A Certificate of Compliance has been obtained, or assurances have been given by the applicant that a Certificate of Compliance will be obtained;

(i) **Facilities.** Appropriate improved public roads, adequate sanitary disposal facilities, and adequate water supplies are available; and

(j) **Development Agreement.** All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-896M

Repealed by Ord. 3939.

CHAPTER 9-905M

GENERAL PROVISIONS

Sections:

- 9-905.9M Lot Requirements.**
- 9-905.12M Surface and Subsurface Contamination Report.**
- 9-905.13M Design Guidelines.**

9-905.9M LOT REQUIREMENTS.

The following shall amend the provisions concerning Section 9-905 lot requirements of the Development Title:

(a) **Angle of Lot Side Line.** Lot or parcel side lines shall be approximately normal to the street right-of-way lines to the extent practical.

(Ord. 4276 § 17, 2005)

9-905.12M SURFACE AND SUBSURFACE CONTAMINATION REPORT.

In addition to the provisions concerning the Surface and Subsurface Contamination Report specified in the Development Title, the following provisions shall be applicable:

(a) **Site Assessment.** The Surface and Subsurface Contamination Report shall include a site assessment prepared in accordance with ASTM standards to assess the presence of any fuel, pesticide, herbicide or chemical residue on or under the soil that is listed on the State or Federal list of toxic materials.

(1) A component of the required site assessment shall be an investigation of the location and condition of currently used and abandoned water wells and gas wells.

(2) If the Surface and Subsurface Contamination Report indicates the presence of residues in excess of allowable limits within the affected area, corrective actions shall be undertaken, as recommended in the report and concurred with by the County. Said corrective actions shall be conducted in accordance with the requirements of the County and the applicable State agency.

(3) Corrective actions shall be completed prior to approval of the final map or parcel map.

(Ord. 3813 (part), 1994; Ord. 3953 § 7, 1997)

9-905.13M DESIGN GUIDELINES.

Design Guidelines with development standards shall be submitted for review by the Community Development Department Director and Mountain House Design Consistency Review Committee. Said Design Guidelines shall be found by the Community Development Director to be consistent with the Mountain House Master Plan, Mountain House

CSD Design Manual and other applicable, adopted community plans prior to approval of the final map or parcel map. Design Guidelines shall not be required for preliminary maps.

(Ord. 3813 (part), 1994; Ord. 4066 § 22, 2000)

**CHAPTER 9-1015M
PARKING AND LOADING**

Sections:

- 9-1015.3M Required Parking Spaces.**
- 9-1015.5M Design of Parking Areas.**
- 9-1015.6M Truck Parking and Loading.**
- 9-1015.7M Bicycle Parking.**
- 9-1015.9M Modification of Requirements.**

Tables:

- 9-1015.3M Minimum and Maximum Parking Requirements.**

9-1015.3M REQUIRED PARKING SPACES.

The following provisions shall replace the requirements specified in the Development Title concerning required parking spaces:

(a) **Applicability.** All development in the Mountain House New Town shall conform to the parking requirements specified in Table 9-1015.3M.

(b) **Requirements Cumulative.**

(1) Whenever more than one (1) use type is proposed for a given project, the parking spaces calculated for each use type shall be summed to determine total minimum and maximum spaces needed for said project.

(2) Where more than one (1) parking requirement is specified for a given use type, the parking spaces calculated and corresponding to each requirement shall be summed to determine total minimum and maximum spaces for that use type.

(c) **Spaces Based on Square Footage.** The square footage requirements used in Table 9-1015.3M 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 9-1015.3M 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.

(e) **Spaces Required When Use Type Not Specified.** Whenever the use type for a proposed project is not specified or is unknown, the Director shall determine which use type parking standard to apply in calculating the required parking spaces for said project.

(Ord. 3813 (part), 1994)

9-1015.5M DESIGN OF PARKING AREAS.

The design of off-street parking facilities shall be as provided in the Development Title, with the following modifications:

(a) **Parking Lot Design.** Parking lot design and dimensions shall be in accordance with the Mountain House Design Manual.

(b) **Parking Space Size.** The Director may approve a reduction in standard parking stall dimensions for all parking spaces to serve both full-sized and compact cars. Said parking stalls shall not be less than eight and one-half (8½) feet by eighteen (18) feet.

(c) **Compact Spaces.** If parking stalls are not designed to accommodate both full-sized and compact cars, as specified in (b), compact spaces shall comprise a minimum of twenty-five percent (25%) of the total parking spaces required.

(d) **Parking Spaces for Carpools.** In areas zoned for Public, Office Commercial (C-O) or Industrial uses, a minimum of ten percent (10%) of all parking areas with more than ten (10) spaces shall be allocated to carpool vehicles and cleaner fuel vehicles. Said spaces shall be located close to building entrances.

(e) **Passenger Loading Areas for Rideshare Vehicles.** In areas zoned for Public, Office Commercial (C-O) or Industrial uses, passenger-loading areas for ridesharing vehicles shall be located near the main employee entrances to buildings.

(1) For every two hundred (200) parking spaces provided, one (1) ridesharing vehicle space, measuring nine (9) feet by twenty (20) feet, shall be provided.

(2) The area set aside for the ridesharing vehicle shall be covered and signed.

(3) Carpool vehicles may use the ridesharing vehicle space, but said use shall be limited to passenger drop-off and pickup only.

(f) **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) Parking lot luminaries shall be metal halide with ninety (90) degree cut-off and flat lenses, unless specified differently in the applicable Mountain House Design Manual.

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

(1) Access driveways shall have a width of no less than twenty-four (24) 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.

(Ord. 3813 (part), 1994; Ord. 3953 § 8, 1997; Ord. 4242 §§ 9, 10, 2005)

9-1015.6M TRUCK PARKING AND LOADING.

The requirements for truck parking and loading shall be as provided in the Development Title, with the following modification:

Areas for receiving and loading of materials on the premises of commercial and industrial uses shall be located away from the public street to which the use is oriented.

(Ord. 3813 (part), 1994)

9-1015.7M BICYCLE PARKING.

The following provisions shall replace the section in the Development Title concerning bicycle parking:

(a) Each industrial and commercial site shall provide secure bicycle facilities, consisting of bicycle lockers or racks as appropriate, free of charge to all employees.

(b) Bicycle storage for commercial, industrial, office and public uses shall be provided at a rate of five (5) spaces per building complex plus one (1) space for every fifteen (15) automobile parking spaces.

(c) Office buildings or office complexes that are fifty thousand (50,000) net rentable square feet or larger or that contain one hundred (100) or more employees shall provide at least one (1) shower and seven (7) lockers each for men and women. For every fifteen (15) additional employees over one hundred (100), one (1) additional locker shall be provided. For every one hundred (100) additional employees over one hundred (100) one (1) additional shower shall be provided.

(d) Secure bicycle storage facilities shall be provided at all park-and-ride lots and the Transit Center.

(Ord. 3813 (part), 1994; Ord. 3953 § 9, 1997)

9-1015.9M MODIFICATION OF REQUIREMENTS.

In addition to the provisions specified in the Development Title, the following additional provision relative to the modification of parking requirements shall be applicable:

(a) **Mixed-Use District.** Within the Mixed-Use Zone, the most recent shared parking guidelines published by the Urban Land Institute may be used as an option to Table 9-1015.3M to reduce total parking supply.

(b) **Reduction in Specified Minimums.** Up to twenty-five percent (25%) reduction in specified minimums for required parking spaces may be approved by the Director.

(c) **Increase in Specified Maximums.** Up to ten percent (10%) increase in specified maximums for required parking may be approved by the Planning Commission.

(d) **Deferred Parking.** Where the expected need for off-site parking is uncertain, where future phases of a project are yet to be completed, or where there is no available data to establish parking space need, the Director may authorize that construction and provision of not more than fifty percent (50%) of the minimum required spaces specified by this Chapter be deferred, provided the following conditions are met:

(1) The area where the deferred parking spaces are to be located shall be maintained in reserve and clearly identified on the Site Plan.

(2) The area where the deferred parking spaces are to be located shall be landscaped, but said landscaping shall not prevent the ultimate provision of the parking spaces which have been deferred.

(Ord. 3813 (part), 1994; Ord. 3953 § 10, 1997)

**TABLE 9-1015.3M
MINIMUM AND MAXIMUM PARKING REQUIREMENTS**

Use Type or Use	Spaces Required Minimum	Spaces Required Maximum	Unit of Measurement
Residential			
Family Residential			
Single-family	2.0	na	per dwelling unit
Two-family	2.0	na	per dwelling unit
Small multifamily	1.5	2.0	per dwelling unit
Large multifamily	1.5	2.0	per dwelling unit
Farm Labor Camp	0.25	0.33	per bed
Group Care	0.25	0.33	per bed
Group Residential	0.25	0.33	per bed
Second Unit Dwelling	1.0	na	per dwelling unit
Shelters	0.25	0.33	per bed
Nonresidential			
Administrative Offices	2.5	4.5	per 1000 sq. ft.
Administrative Support Services	2.5	4.5	per 1000 sq. ft.
Agricultural Organizations	2.5	4.5	per 1000 sq. ft.
Agricultural Processing	0.67	2.5	per 1000 sq. ft.
Agricultural Warehousing	0.67	2.5	per 1000 sq. ft.
Automotive Services	0.67	2.5	per 1000 sq. ft.
Community Assembly	0.25	0.33	per seat
Construction Services	0.67	2.5	per 1000 sq. ft.
Custom Manufacturing	0.67	2.5	per 1000 sq. ft.
Eating Establishments			
Convenience	4.0	8.0	per 1000 sq. ft.
Full Service	8.0	12.0	per 1000 sq. ft.
Educational Services			
Commercial	3.0	4.0	per 1000 sq. ft.
General (elementary and middle schools)	0.9	1.0	per employee
General (high schools and colleges)	0.2	0.25	per student
Equipment Sales and Repair	0.67	2.5	per 1000 sq. ft.
Explosives Handling	0.67	2.5	per 1000 sq. ft.
Funeral and Interment Services			
Undertaking	0.25	0.33	per seat
General Industrial	0.67	2.5	per 1000 sq. ft.

TABLE 9-1015.3M: MINIMUM AND MAXIMUM PARKING REQUIREMENTS			
Use Type or Use	Spaces Required		Unit of Measurement
	Minimum	Maximum	
High Technology Industry	2.5	4.5	per 1000 sq. ft.
Laundry Services	0.67	2.5	per 1000 sq. ft.
Liquor Sales			
Off-premises	3.5	4.5	per 1000 sq. ft.
On-premises, general	8.0	12.0	per 1000 sq. ft.
On-premises, limited	4.0	8.0	per 1000 sq. ft.
Lodging Services	0.75	1.0	per room
Medical Services	4.0	5.0	per 1000 sq. ft.
Professional Services	2.5	4.5	per 1000 sq. ft.
Public Services			
Administrative	2.5	4.5	per 1000 sq. ft.
Essential (hospitals only)	.5	1.0	per bed
Essential (other)	4.0	4.5	per 1000 sq. ft.
Recreation			
Indoor spectator	0.25	0.33	per seat
Religious Assembly	0.25	0.33	per seat
Research and Laboratory Services	2.5	4.5	per 1000 sq. ft.
Retail Sales and Services			
Primary	3.0	4.5	per 1000 sq. ft.
Intermediate	3.5	4.5	per 1000 sq. ft.
General	3.5	4.5	per 1000 sq. ft.
Truck Services	0.67	2.5	per 1000 sq. ft.
Wholesaling and Distribution	0.67	2.5	per 1000 sq. ft.
Other Use Types — As specified in Tables 9-1015(a) and 9-1015(b) of the Development Title			

(Ord. 3813 (part), 1994; Ord. 4066 § 24, 2000)

CHAPTER 9-1020M

LANDSCAPING REGULATIONS

Sections:

- 9-1020.3M Landscaping Standards.
- 9-1020.4M Street Trees.
- 9-1020.5M Requirements for Parking Areas.

9-1020.3M LANDSCAPING STANDARDS.

The following regulations concerning landscaping standards shall supplement those specified in the Development Title:

(a) **Irrigation.** All landscaped areas shall be irrigated with automatic irrigation systems. Low volume spray heads and drip irrigation systems shall be used, and systems shall be compatible with any reclaimed water systems.

(b) **Timing of Installation.** All required landscaping and irrigation shall be installed prior to the issuance of the Certificate of Occupancy or final inspection, unless a delay is granted by the Director.

(c) **Plant Selection.** Plant selection for non-residential development shall be in accordance with the plant list maintained by the Mountain House Community Services District.
(Ord. 3974 § 14 (part), 1998)

9-1020.4M STREET TREES.

The following regulations concerning the planting of trees along streets shall supplement or amend, as appropriate, those specified in the Development Title:

(a) **Developer Responsibility.** Developers shall be responsible for the landscaping of local streets and those collector streets that are not in the Public Land Equity Program, in accordance with the Master Plan, the Specific Plan and the Mountain House CSD Design Manual.

(b) **Requirements in Industrial and Commercial Areas.** In industrial and commercial areas, along collector streets, two (2) rows of large canopy shade trees shall be planted on each side of the roadway, flanking the sidewalks.

(1) Said trees shall be spaced an average of thirty (30) feet or less on center and shall be placed no closer than eight (8) feet to street light standards.

(2) One (1) row of trees shall be planted within the parkway strip and one (1) row shall be planted within the front or side yard, five (5) feet from the edge of the sidewalk.

(3) The Director may modify the requirement for plantings in the front or side yard to permit clustering

of planting, or the Director may eliminate the requirement for plantings in commercial areas where the structures have minimal setbacks.

(c) **Tree List.** Tree selection shall be in accordance with the tree list maintained by the Mountain House Community Services District.
(Ord. 3974 § 14 (part), 1998)

9-1020.5M REQUIREMENTS FOR PARKING AREAS.

The following regulations concerning landscaping requirements for parking areas shall supplement or amend, as appropriate, those specified in the Development Title:

(a) Parking lots shall be surrounded by hedges, shrubs and/or berms to mitigate the visual impacts on adjacent streets or uses. Hedges and shrubs shall be mature. The height of hedges or shrubs shall be maintained to provide visibility for safety.

(b) Planting islands within parking areas shall be adequately sized to allow parking lot trees and shrubs to thrive, and to allow adequate clearance for car doors, bumper overhangs and visibility.
(Ord. 3974 § 14 (part), 1998)

CHAPTER 9-1022M

FENCING AND SCREENING

Sections:

- 9-1022.2M General Standards.**
9-1022.4M Screening Standards.

9-1022.2M GENERAL STANDARDS.

(a) **Height Limits in Required Yards.** Unless otherwise specified, 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.

(b) **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.

(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 elevation.

(3) Where a fence is located along an arterial street or a collector street or along a streetside side yard, the height of the fence shall be determined by measurement from the adjoining level of finished grade at the lowest side of said fence.

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

(Ord. 4242 § 11, 2005)

9-1022.4M SCREENING STANDARDS.

The following regulations concerning screening standards shall supplement those specified in the Development Title:

(a) **Screening in Community Commercial Zones.** Service, mechanical, trash storage and loading areas in areas zoned Community Commercial (C-C) shall be located away from public streets or use areas, and screened from view to the extent feasible.

(b) **Screening in Residential Areas.** Trash receptacles for single-family residential dwellings shall be screened by enclosures or landscaping and concealed from view. Trash receptacles for multiple-family dwellings shall be fully enclosed, and screened from view.

(1) Enclosures shall be compatible with the building architecture and shall be constructed of masonry or other permanent materials.

(2) Gates shall be of solid construction, and entirely block the view of the trash receptacle.

(3) All enclosures shall be landscaped with a combination of trees, shrubs and/or vines.

(Ord. 3974 § 15, 1998)

CHAPTER 9-1025M

PERFORMANCE STANDARDS

Sections:

- 9-1025.6M** **Light and Glare.**
- 9-1025.9M** **Noise.**

Tables:

- 9-1025.9M** **Exterior Nontransportation
Noise Level Standards.**

9-1025.6M LIGHT AND GLARE.

The regulations concerning light and glare shall be as specified in the development title with the following modifications:

- (a) **Shielding or Recessing.** Exterior lighting shall be shielded or recessed to minimize direct glare and reflections.
- (b) **Prohibitions.** Lighting of unusually high intensity or brightness is prohibited.
(Ord. 3813 (part), 1994)

9-1025.9M NOISE.

The regulations concerning noise shall be as specified in the development title with the following modifications:

- (a) **Standards for Commercial and Industrial Uses.** For new commercial uses, industrial uses or utilities, the exterior, non-transportation noise level performance standards specified in Table 9-1025.9M shall be applicable.
- (b) **Standards for Residential Uses.**
 - (1) New residential development shall not be allowed where noise levels due to stationary noise sources would exceed the exterior noise level standards set forth in Table 9-1025.9M.

(2) Noise levels from mobile noise sources in primary outdoor use areas of new residential development shall not exceed an Ldn of sixty (60) dB unless the project design includes mitigation measures to reduce noise in outdoor activity areas to sixty (60) dB, or as reasonably close to sixty (60) dB as is possible. Where it is not possible to reduce noise in outdoor activity areas to an Ldn of sixty (60) dB or less, an exterior noise level of up to, but not exceeding, an Ldn of sixty-five (65) dB may be allowed by the Review Authority.

(3) Exterior noise levels shall not create an interior noise level exceeding forty-five (45) dB.

(4) Noise studies for specific residential projects proposed in areas with noise levels from mobile sources above Ldn sixty (60) dB shall address how noise

levels in outdoor areas could be maintained at or below an Ldn of sixty-five (65) dB.

(c) **Standards for Other Specified Uses.**

(1) Noise-sensitive land uses other than residential uses shall not be allowed where noise levels due to stationary noise sources would exceed the exterior noise level standards set forth in Table 1025.9M.

(2) On school sites and other noise-sensitive land uses, any outdoor instructional areas or areas which require speech audibility shall be located outside the sixty (60) dB Ldn noise contour from mobile sources or shielded from mobile noise in excess of sixty (60) dB Ldn.

(3) Exterior noise levels shall not create an interior noise level exceeding forty-five (45) dB.

(4) Noise studies prepared for noise-sensitive land uses shall address how noise levels in outdoor areas from mobile sources shall be maintained at or below an Ldn of sixty (60) dB.

(d) **Noise-Attenuation Measures.** In addition to the noise-attenuation measures specified in the development title, the following additional measures shall be applicable:

(1) Until such time as residential, school or other noise-sensitive development is proposed within one thousand (1000) feet of the railroad tracks in Mountain House, or until such time as rail use is initiated within the community, noise mitigation shall be limited to a sound wall along the tracks between the proposed transit station and Marina Boulevard.

(2) Residential development shall be set back from the centerline of I-205 a sufficient distance to satisfy Master Plan noise policies after the inclusion of sound mitigation improvements such as berms and soundwalls.
(Ord. 3813 (part), 1994; Ord. 3939 § 4, 1997)

TABLE 9-1025.9M: EXTERIOR NONTRANSPORTATION NOISE LEVEL STANDARDS		
Noise Level Descriptor	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
Hourly Leq	55 dB	50 dB
Note: Each of the above noise levels may be lowered by five (5) dB for simple tone noises or for noises consisting primarily of speech or music.		

(Ord. 3813 (part), 1994)

Chapter 9-1053M

HISTORIC RESOURCE PRESERVATION

Sections:

- 9-1053.8M Subsurface Features.**
- 9-1053.9M Buried Prehistoric Resources.**

9-1053.8M SUBSURFACE FEATURES.

If, during the course of construction, including any grading activity associated with said construction, subsurface archaeological features are uncovered anywhere within the project site, work shall be immediately halted in the vicinity of the finding and a qualified archaeologist consulted for an on-site evaluation.
(Ord. 3953 § 11 (part), 1997)

9-1053.9M BURIED PREHISTORIC RESOURCES.

If artifacts or evidence of materials such as bone, shell or nonnative stone are uncovered during construction activities, work shall immediately be halted in the vicinity of the finding and a qualified archaeologist consulted for an on-site evaluation. Said evaluation may entail archaeological test excavation and/or mitigative data recovery.
(Ord. 3953 § 11 (part), 1997)

CHAPTER 9-1100M

INFRASTRUCTURE STANDARDS INTENT AND ORGANIZATION

Sections:

- 9-1100.4M Service by an Existing Agency.**

9-1100.4M SERVICE BY AN EXISTING AGENCY.

Prior to the submittal of an application for a Development Permit, the following requirements shall be met:

(a) Unless otherwise specified, land that is subject of the Development Permit shall have been approved by the San Joaquin County Local Agency Formation Commission (LAFCO) for annexation into the Mountain House Community Services District (MHCS D), if said land is not currently within the boundaries of the MHCS D. Any required annexation shall be completed prior to establishment of the use, issuance of a building permit for said use, or recording of the map for said use, whichever occurs first.

(1) Land improved with existing structures shall not be obligated to annex to the MHCS D unless the owner(s) of said land elects to annex to the MHCS D to obtain MHCS D provided services.

(2) Land that is the subject of a Preliminary Map application shall not be required to annex to the MHCS D.

(3) Land zoned Agriculture-Urban Reserve may or may not be required to annex to the MHCS D, at the discretion of the MHCS D.

(b) Unless otherwise specified, a Will Serve Letter shall be obtained from the MHCS D indicating that the MHCS D can and will provide the services required under the Master Plan and appropriate Specific Plan. A Will Serve Letter shall not be required for Preliminary Map applications or for Development Permit applications on land zoned Agriculture-Urban Reserve.

(Ord. 3813 (part), 1994; Ord. 3953 § 12, 1997)

CHAPTER 9-1120M

WATER SYSTEMS

Sections:

9-1120.2M General Requirements.

9-1120.2M GENERAL REQUIREMENTS.

The general requirements for water systems shall be as specified in the Development Title, with the following modifications:

(a) **Annexation to BBID.** Prior to map recordation, annexation to Byron Bethany Irrigation District (BBID) shall be required for any area outside the boundaries of BBID that will require delivery of BBID water for urban use. Annexation into BBID shall be completed prior to the required annexation of the subject land to the Mountain House Community Services District (CSD).

(b) **BBID Agreement with CSD.** Prior to map recordation, for a major or minor subdivision that proposes the use of riparian or other water sources, an agreement between BBID and the CSD shall be executed. Said agreement shall indicate that the parties have agreed to the terms under which BBID will wheel riparian water through their pumping and conveyance facilities to the Mountain House Community.

(c) **Annexation to CSD Prior to BBID Water Delivery.** All lands requiring urban BBID water must be annexed to the CSD before any BBID water can be delivered.

(Ord. 3813 (part), 1994)

CHAPTER 9-1150M

ROADWAYS

Sections:

9-1150.3M Roadway Functional Classification.
 9-1150.7M Alleys.
 9-1150.8M Bikeways.
 9-1150.9M Pedestrian Paths.
 9-1150.19M Deceleration/Turning Lanes.
 9-1150.20M Rail Crossings.

9-1150.3M ROADWAY FUNCTIONAL CLASSIFICATION.

The roadway functional classifications and characteristics shall be as provided in the Development Title, with the following modifications:

(a) Major Arterials.

(1) Major arterials shall have a minimum right-of-way width of ninety-eight (98) feet and a maximum right-of-way width of one hundred fifty-two (152) feet.

(2) Excluding pre-existing residential areas within the Mountain House New Town, access to residential lots from major arterials shall be prohibited.

(3) On-street parking shall be prohibited.

(4) Major arterials shall be planned to accommodate approximately thirty-five thousand (35,000) to forty-five thousand (45,000) vehicles per day.

(b) Minor Arterials.

(1) Except for Main Street, minor arterials shall have a minimum right-of-way width of one hundred four (104) feet and a maximum right-of-way width of one hundred thirty-four (134) feet. Main Street, from De Anza Boulevard to Central Parkway and at Village Green, shall have a maximum right-of-way width of two hundred fifty-eight (258) feet.

(2) Access to residential lots fronting on Central Parkway shall be from local streets, common driveways, or alleys.

(3) On-street parking shall be prohibited, except for Main Street within the Town Center area.

(4) Minor arterials shall be planned to accommodate approximately twenty-five thousand (25,000) vehicles per day.

(c) Collectors.

(1) Residential Collectors.

(A) A residential collector shall have a minimum right-of-way width of sixty-two (62) feet.

(B) Access to adjacent lots from residential collectors is permitted.

(C) On-street parking on both sides of a residential collector shall be allowed.

(D) Residential collectors shall be planned to accommodate approximately seven thousand (7,000) vehicles per day.

(2) Commercial/Industrial Collectors.

(A) Commercial/industrial collectors shall have a minimum right-of-way width of sixty-four (64) feet and a maximum right-of-way width of eighty-four (84) feet.

(B) On-street parking shall be limited to automobile and light truck use only.

(C) Commercial/industrial collectors shall be planned to accommodate between seven thousand (7,000) and ten thousand (10,000) vehicles per day.

(d) Local Residential Roads.

(1) Local Residential Type I Roads.

(A) Local residential Type I roads shall have a minimum right-of-way width of forty-five (45) feet and a maximum right-of-way width of fifty (50) feet.

(B) Local residential Type I roads shall be planned to accommodate approximately three hundred (300) vehicles per day.

(C) On-street parking may be allowed on one (1) or both side(s) of the street as determined by the CSD.

(2) Local Residential Type II Roads.

(A) Local residential Type II roads shall have a minimum right-of-way width of forty-nine (49) feet and a maximum right-of-way width of fifty-four (54) feet.

(B) Local residential Type II roads shall be planned to accommodate approximately six hundred (600) vehicles per day.

(C) On-street parking on both sides of the street shall be allowed.

(3) Local Residential Type III Roads.

(A) Local residential Type III roads shall have a minimum right-of-way width of fifty-three (53) feet and a maximum right-of-way width of fifty-eight (58) feet.

(B) Local residential Type III roads shall be planned to accommodate approximately one thousand five hundred (1,500) vehicles per day.

(C) On-street parking on both sides of the street shall be allowed.

(e) Local Commercial and Industrial Roads.

(1) Local commercial and industrial roads shall have a minimum right-of-way width of sixty (60) feet and a maximum right-of-way width of eighty-four (84) feet.

(2) On-street parking shall be limited to automobile and light truck use only and shall be prohibited near intersections and driveways.

(f) **Conformance with Roadway Section.** All roadways shall conform to the applicable roadway section specified in the Master Plan.

(Ord. 3813 (part), 1994; Ord. 4066 § 25, 2000)

9-1150.7M ALLEYS.

Alleys serving individual or group residential units may be permitted.

(a) Alleys shall be designed, constructed and maintained in accordance with the standards developed for Mountain House and approved by the County.

(b) All alleys shall be designed to meet or exceed the minimum standards for pavement design, drainage and lighting appropriate for the type of development being served.

(Ord. 3813 (part), 1994)

9-1150.8M BIKEWAYS.

(a) **Conformance with Bicycle Path Section.** Bikeways, including Class I paths, Class II lanes, and Class III routes, shall conform to the applicable bicycle path cross-section specified in the Master Plan.

(b) **Timing.** All bikeways shall be constructed concurrent with the roadway.

(1) All bikeways shall be part of the roadway development/design when said bikeways are within the road right-of-way.

(2) All multipurpose Class I paths shall have curb ramps and crosswalk striping for crossing streets.

(3) Where bikeways intersect signalized roadways, the traffic signals at such locations shall include equipment to permit cyclist actuation.

(c) **Required Dedication.** A developer may be required to dedicate land for bicycle paths for use by the residents of a subdivision in accordance with Section 66475.1 of the Subdivision Map Act.

(Ord. 3813 (part), 1994; Ord. 3939 § 5, 1997)

9-1150.9M PEDESTRIAN PATHS.

(a) **Conformance with Pedestrian Path Section.** Pedestrian paths, consisting of multiuse paths and walks, shall conform to applicable pedestrian walk/path cross-section specified in the Master Plan.

(b) **Multi-use Paths.**

(1) Excluding the Old River multi-use path, multi-use paths shall be at least eight (8) feet in width, except it shall be ten (10) feet in width where constructed on only one side of the road where no Class II bike lanes

are planned. The Old River multi-use path shall be at least twelve (12) feet in width.

(2) Multi-use paths may be constructed of decomposed granite, asphalt or concrete.

(c) **Walks.**

(1) Walks along collector streets shall be a minimum of five (5) feet in width, except where adjacent to rolled curbs where they shall be a minimum of six (6) feet in width, excluding the curb. Walks along local streets shall be a minimum of four (4) feet in width.

(2) Commercial and industrial collector streets shall have walks on at least one (1) side of the street, and on both sides of the street where the street supports commercial frontage.

(3) Unless otherwise specified, residential collector and local streets shall have a walk on each side of the street. Cul-de-sacs that are five hundred (500) feet or shorter in length may have walks on one (1) side of the street. Where special conditions apply, walks may be permitted on one (1) side of the street.

(d) **Pedestrian Crossings.** At each signalized intersection where pedestrians are expected to cross, pedestrian-actuated traffic signals shall be provided.

(Ord. 3813 (part), 1994; Ord. 3974 § 16, 1998; Ord. 4066 § 26, 2000)

**9-1150.19M DECELERATION/TURNING
LANES.**

Deceleration or turning lanes shall be required along existing and proposed streets, as determined by a traffic study.

(Ord. 3813 (part), 1994)

9-1150.20M RAIL CROSSINGS.

The following provisions concerning rail crossings at public roadways shall be applicable to the Mountain House New Town:

(a) All at-grade rail crossings shall include a pull-out lane for specially designated vehicles that are required to stop at crossings.

(b) All at-grade rail crossings shall include crossing gates, flashing lights and available signals.

(Ord. 3813 (part), 1994)

CHAPTER 9-1230M

**LOCAL PARK AND RECREATION FACILITIES
FINANCING**

Sections:

9-1230.1M General.

9-1230.1M GENERAL.

Chapter 9-1230 in the development title, concerning local park and recreation facilities financing, is not applicable to the Mountain House New Town. Financing requirements for local parks and recreation facilities are included in Chapter 9-1245M, Public Land Equity Program, of this Mountain House Development Title (to be written).

(Ord. 3813 (part), 1994)

CHAPTER 9-1240M

LAND RESERVATION FOR PUBLIC UTILITIES

Sections:

9-1240.1M General.

9-1240.1M GENERAL.

Chapter 9-1240 in the development title, concerning land reservation for public facilities, shall not be applicable to the Mountain House New Town. Land reservation for public facilities is included in Chapter 9-1245M, Public Land Equity Program, of this Mountain House Development Title (to be written).
(Ord. 3813 (part), 1994)

CHAPTER 9-1245M

PUBLIC LAND EQUITY PROGRAM

Sections:

- 9.1245.1M Intent.**
- 9-1245.2M Findings.**
- 9-1245.3M Public Land Percentage.**
- 9-1245.4M Determinations for Discretionary Permit Application.**
- 9-1245.5M General Requirements for Development.**
- 9-1245.6M Special Development Regulations.**
- 9-1245.7M Early Dedication of Land by Landowner.**
- 9-1245.8M Selection of Compensation Option by Landowner.**
- 9-1245.9M Requirements for Land Dedication and Transfers.**
- 9-1245.10M Land Voucher Regulations.**
- 9-1245.11M Mountain House Public Land Acquisition Fund.**
- 9-1245.12M Annual Report.**
- 9-1245.13M Use of Surplus Private Lands or Funds.**
- 9-1245.14M Inapplicability.**

9-1245.1M INTENT.

Development within the Mountain House Community will necessitate the acquisition of Public Land for public facilities and improvements. The Mountain House Public Land Equity Program was conceived to ensure that lands required for public purposes are available to public agencies in a timely and cost-effective manner, that Landowners who wish to develop land within the Community share equitably in the provision of Public Lands, that Landowners receive fair compensation for the land which they provide for public purposes in excess of their proportional share requirement, and that wide swings in Public Land values over time and across locations are minimized or avoided. In accordance with these objectives, it is the intent of this Chapter to establish the procedures, requirements and other measures necessary to implement the Mountain House Public Land Equity Program.

(Ord. 3951 § 3 (part), 1997)

9-1245.2M FINDINGS.

In implementing the Public Land Equity Program by means of this Chapter, the Board of Supervisors finds as follows:

(a) Following extensive planning, environmental impact analysis, and public review, the Board of Supervisors adopted the Mountain House Master Plan as an implementing measure of the San Joaquin County General Plan. The Master Plan sets forth a comprehensive plan for the Mountain House Community.

(b) The Master Plan includes a Land Use Plan which designates and will guide the location and amount of land for various uses including residential, commercial, industrial, institutional, and recreational land uses. The Master Plan also shows the general location and size of major public facilities required to serve the Mountain House Community including arterial roads, community parks and open spaces, drainage ways, schools, and other public buildings and facilities. As a result, Mountain House will be a well-planned community with each land use dependent on the other land uses, balanced and timed to correspond with the orderly construction of the public facilities.

(c) The adoption of this Chapter is necessary to implement the Mountain House Public Financing Plan, which was previously approved by the Board of Supervisors.

(d) The type, scale and location of land uses and the type, size and location of public facilities shown in the Mountain House Master Plan is the result of the extensive planning and environmental mitigation, as reflected in the Mountain House Master Plan Environmental Impact Report. These public facilities are required to meet Federal, State, and local statutes, ordinances, and regulations.

(e) The public facilities planned for the Mountain House Community are part of an integrated infrastructure and service system essential to assure the public health, safety and welfare of all Landowners, residents, businesses, and employees within the Mountain House Community.

(f) A substantial portion of land is required upon which to build public facilities required by the Mountain House Master Plan. The amount and locations of these lands are entirely based upon the need for public facilities for the Mountain House Community with respect to other planned land uses, without regard for parcel or ownership patterns within the Mountain House Community.

(g) In order to assure equity in the distribution of costs associated with the provision of land for public facilities, it is necessary to create and implement a mechanism for equalizing the differential amounts of land required for public uses from each parcel or ownership located within the Mountain House Community.
(Ord. 3951 § 3 (part), 1997)

9-1245.3M PUBLIC LAND PERCENTAGE.

The Public Land Percentage for the Public Land Equity Program is twenty-one and two-tenths percent (21.2%), as calculated in the Public Land Equity Program Technical Report. Said Public Land Percentage shall remain fixed for the life of the Public Land Equity Program and shall be used to determine the Public Land Acreage Requirement for each parcel in the Mountain House Community.

(Ord. 3951 § 3 (part), 1997)

9-1245.4M DETERMINATIONS FOR DISCRETIONARY PERMIT APPLICATION.

Upon submission of a discretionary Development Permit application to develop a parcel in the Mountain House Community, the County shall do the following:

(a) Determine whether the amount and location of Public Lands on the subject parcel are consistent with the Mountain House Master Plan, a Specific Plan, or a Special Purpose Plan and acceptable to the public agency(s) that is(are) to receive said lands.

(b) Determine the Public Land Acreage Requirement for the subject parcel.

(c) Determine whether the subject parcel has a Public Land Deficit or a Public Land Surplus.

(Ord. 3951 § 3 (part), 1997)

9-1245.5M GENERAL REQUIREMENTS FOR DEVELOPMENT.

(a) **Parcels Subject to Chapter.** All parcels within the Mountain House Community for which a discretionary Development Permit application has been made, or, at the discretion of the County, for which a Preliminary Map application has been made, shall be subject to the provisions of this Chapter, unless said parcel has previously fully met the requirements of this Chapter.

(b) **Dedication of Public Land.** As a condition of final approval for a discretionary Development Permit application for a parcel in the Mountain House Community, a Landowner shall dedicate any Public Land on said parcel, including Public Land Surplus lands, to the Applicable Public Agency.

(c) **Fulfillment of Public Land Acreage Requirement.** As a condition of final approval for a discretionary Development Permit application for a parcel in the Mountain House Community, a Landowner shall meet the Public Land Acreage Requirement for said parcel. If the parcel has a Public Land Deficit, the Landowner shall correct such Public Land Deficit by:

(1) Dedicating Public Land which is not on the subject parcel but which is within the Mountain House

Community to the Applicable Public Agency, sufficient in acreage to meet said Public Land Deficit; and/or

(2) Transferring fee title ownership of Private Land which is not needed for public facilities or services but which is within the Mountain House Community to the Mountain House Community Services District (hereinafter referred to as the MHCS D), sufficient in acreage to meet said Public Land Deficit; and/or

(3) Submitting land vouchers to the MHCS D, sufficient in acreage to meet said Public Land Deficit; and or

(4) Using any combination of the actions specified in (c)(1) through (c)(3).

(Ord. 3951 § 3 (part), 1997)

9-1245.6M SPECIAL DEVELOPMENT REGULATIONS.

In addition to the provisions of Section 9-1245.5M, the following Special Development Regulations shall be applicable for the development of property in the Mountain House Community.

(a) **Irrevocable Offers of Dedication.** If required by an Applicable Public Agency, a Landowner shall execute an irrevocable offer of dedication with respect to Public Land.

(1) The MHCS D shall acknowledge that the irrevocable offer of dedication satisfies on an acre-per-acre basis the Public Land Acreage Requirement on the subject parcel by noting said fact either on the irrevocable offer of dedication or on a separate instrument which is to be recorded.

(2) The MHCS D shall issue a Land Voucher to the Landowner equivalent in acreage to the acreage specified in the irrevocable offer of dedication, if agreed to by the Landowner and if an application for a discretionary Development Permit has not been submitted for the subject parcel.

(b) **Special Calculation of Public Land Acreage Requirement.** In instances in which fee title ownership of Public Land on a parcel within the Mountain House Community has been acquired from a Landowner for cash payment prior to the submission of a discretionary Development Permit application on said parcel, the following special regulations shall be applicable concerning the Public Land Acreage Requirement of the resulting parcel:

(1) The Public Land Acreage Requirement of the resulting parcel shall be calculated by multiplying the sum of the gross acreage of the resulting parcel and the Public Land acquired from the Landowner by the Public Land Percentage.

(2) The Public Land Acreage Requirement for the resulting parcel shall be indicated on the subdivision map at the time the Public Land is acquired from the Landowner. If a subdivision map is not utilized, the Public Land Acreage Requirement for the resulting parcel shall be indicated by a separate instrument which is to be recorded.

(c) **Land Vouchers for Advances.** A Landowner who has provided cash advances to the MHCS D for the purpose of purchasing Public Land shall be issued a Land Voucher by the MHCS D equivalent in acreage to the land being acquired.

(Ord. 3951 § 3 (part), 1997)

9-1245.7M EARLY DEDICATION OF LAND BY LANDOWNER.

A Landowner within the Mountain House Community may, prior to submitting an application for a discretionary Development Permit for a parcel, dedicate Public Land on said parcel to the MHCS D, provided the conditions for dedication specified in Section 9-1245.9M are met.

(Ord. 3951 § 3 (part), 1997)

9-1245.8M SELECTION OF COMPENSATION OPTION BY LANDOWNER.

A Landowner who is to receive compensation from the MHCS D for Public Land Surplus land, and/or other Public Land that is required before an application for a discretionary Development Permit has been made with respect to the parcel containing such land, may choose any of the following compensation options:

(a) The exchange of said land for available Private Land held by the MHCS D, provided the Private Land is equivalent in acreage to said land;

(b) The exchange of said land for a Land Voucher provided by the MHCS D, provided the Land Voucher is equivalent in acreage to said land;

(c) The exchange of said land for both available Private Land held by the MHCS D and a Land Voucher provided by the MHCS D, provided the Private Land and the Land Voucher together are equivalent in acreage to said land;

(d) The sale of said land to the MHCS D for a price which is mutually agreed to or which is determined as a result of eminent domain proceedings.

(Ord. 3951 § 3 (part), 1997)

9-1245.9M REQUIREMENTS FOR LAND DEDICATIONS AND TRANSFERS.

In dedicating Public Land in the Mountain House Community to an Applicable Public Agency, or in transferring fee title ownership of Private Land in the Moun-

tain House Community to the MHCS D, the Landowner shall pay all transaction costs. The MHCS D may accept or refuse proposed transfers of Private Lands which are within the boundaries of the Mountain House Community but not within the boundaries of the MHCS D. The MHCS D shall accept proposed transfers of Private Lands which are within the boundaries of the MHCS D, provided said Private Lands meet the conditions for transfer specified in subsections (a) through (c) of this Section. The MHCS D or the Applicable Public Agency may accept or refuse proposed dedications of Public Lands which are within the Mountain House Community but not within the boundaries of the MHCS D. For Public Lands which are within the boundaries of the MHCS D, the MHCS D or the Applicable Public Agency shall accept such proposed dedications, provided the Public Lands to be dedicated meet the conditions for dedication specified in subsections (a) through (c) of this Section.

All lands to be transferred or dedicated within the boundaries of the MHCS D shall be:

(a) Free of liens and encumbrances, excluding any of the following:

(1) Liens and encumbrances waived by the MHCS D or the Applicable Public Agency;

(2) A development agreement between one or more private parties and the County;

(3) The Mountain House Master Covenants, Conditions, and Restrictions;

(4) Oil, gas, and other mineral interests which do not encumber the surface, or the first one hundred (100) feet below the surface; and

(5) Public utility easements that do not negatively affect the use of said land, for either the public use which is planned for said land or any use permitted in the zone in which said land is located.

(b) Used exclusively for the purposes of the Public Land Equity Program; and

(c) Part of a recorded subdivision map filed after November 28, 1997, or meets the minimum requirements of the zone in which said land is located at the time of dedication or transfer.

(Ord. 3951 § 3 (part), 1997)

9-1245.10M LAND VOUCHER REGULATIONS.

The following regulations shall be applicable to Land Vouchers issued by the MHCS D:

(a) **Assignability.** A Land Voucher may be assigned from one Landowner to another Landowner, subject to the approval of the MHCS D.

(b) **Redemption by MHCS D.** The MHCS D may redeem a Land Voucher, or portion thereof, by exchanging an equivalent amount of Private Land, held in fee title

by the MHCS D, for said Land Voucher. At its sole discretion, the MHCS D may redeem any outstanding Land Voucher with a cash payment to the holder of the Land Voucher.

(1) Land Vouchers shall be redeemed in the order in which they were issued. If the holder of a Land Voucher does not desire to have said Land Voucher redeemed, the MHCS D shall redeem the Land Voucher next in the order issued.

(2) Land Vouchers may be redeemed by the MHCS D at any time prior to the expiration of the mandatory retirement period, as specified in this Section, provided both the holder of the Land Voucher and the MHCS D agree to said redemption.

(3) All Land Vouchers shall be retired by the MHCS D within fifteen (15) years from the first day of March succeeding its date of issuance. Said period of time shall hereinafter be referred to as the mandatory retirement period. On each succeeding March 1st, one (1) year shall automatically be added to the mandatory retirement period unless written notification is received from the holder of the Land Voucher at least ninety (90) days prior to March 1st, requesting redemption of the Land Voucher by the MHCS D by the end of the mandatory retirement period. Any further extension of the mandatory retirement period shall be provided by mutual agreement between the holder of the Land Voucher and the MHCS D.

(4) If the MHCS D elects to redeem a Land Voucher by means of a cash payment, the amount of the cash payment shall be determined by multiplying the number of acres represented by the Land Voucher by the average value per acre of undeveloped land within the Mountain House Community, as established by fair market appraisal. The MHCS D may use the latest fair market appraisal of undeveloped land within the Mountain House Community to establish said average value per acre, provided the fair market appraisal has been computed no more than two (2) years prior to the date of the cash redemption of said Land Voucher.

(d) **Content of Land Vouchers.** A Land Voucher shall specify the number of acres for which it was issued, the reason for its issuance, the conditions for acceptance of said Land Voucher including the requirement that the holder of the Land Voucher agree to the method for determining its cash payment value, and any other information deemed essential by the MHCS D.

(Ord. 3951 § 3 (part), 1997)

9-1245.11M MOUNTAIN HOUSE PUBLIC LAND ACQUISITION FUND.

A Mountain House Public Land Acquisition Fund shall be established by the MHCS D for the purposes of this Chapter. Money generated as a consequence of the provisions of this Chapter shall be deposited within said fund. Money within said fund, and any interest generated therein, may be used solely for the following purposes:

- (a) Acquiring Public Land;
 - (b) Redeeming Land Vouchers;
 - (c) Providing reimbursements for the administrative costs accrued in administering the Mountain House Public Land Equity Program; and
 - (d) Providing reimbursements for any inter-fund transfers and advances that may be necessary to assure adequate cash flow and for timely accomplishment of the necessary land acquisitions.
- (Ord. 3951 § 3 (part), 1997)

9-1245.12M ANNUAL REPORT.

The disposition of unexpended Public Land Acquisition Fund money and lands acquired by the MHCS D shall be included in the Mountain House Annual Report to the Board of Supervisors. The section of the Mountain House Annual Report concerning the Public Land Acquisition Program shall set forth the total amount of all money deposited in the Public Land Acquisition Fund in the year prior to the date of said report, a summary of the use of such revenues including the use of such revenues to redeem or retire Land Vouchers, and the funds which remain unexpended. The lands acquired by the MHCS D shall be enumerated, and a summary of the exchange of said lands for Land Vouchers, if any, shall be provided.

(Ord. 3951 § 3 (part), 1997)

9-1245.13M USE OF SURPLUS PRIVATE LANDS OR FUNDS.

In the event that the MHCS D acquires more Private Lands, or funds generated from the sale of Private Lands held in fee title by the MHCS D and designated specifically for the redemption of Land Vouchers, than is actually determined to be needed for Public Lands identified in the Public Land Equity Program Technical Report, the MHCS D shall use said surplus Private Lands or funds only for projects or activities that provide a community-wide benefit.

(Ord. 3951 § 3 (part), 1997)

9-1245.14M INAPPLICABILITY.

This Chapter shall not be applicable to lands required for a public use which are not included in the Public Land Equity Program Technical Report.

(Ord. 3951 § 3 (part), 1997)

CHAPTER 9-1260M

SPECIFIC PLAN REIMBURSEMENT FEES

Sections:

- 9-1260.1M Intent.
- 9-1260.2M Findings.
- 9-1260.3M Reimbursement Fees.
- 9-1260.4M Applicability and Timing of Fees.
- 9-1260.5M Exemptions from Fees.
- 9-1260.6M Creation of Fee Funds.
- 9-1260.7M Use of Fees.
- 9-1260.8M Termination of Fees.
- 9-1260.9M Refund of Fees Paid.

9-1260.1M INTENT.

It is the intent of this chapter to establish Specific Plan reimbursement fees, in accordance with Section 65456 of the Government Code, and to set forth the responsibilities of the parties involved in implementing the Specific Plan Reimbursement Program as provided in the Mountain House Public Financing Plan.

(Ord. 4033 § 3 (part), 1999)

9-1260.2M FINDINGS.

In establishing Specific Plan reimbursement fees, the Board of Supervisors finds as follows:

(a) Following extensive planning, environmental impact analysis, and public review, the Board of Supervisors adopted the Mountain House Master Specific Plan as an implementation measure to the San Joaquin County General Plan.

(b) The Master Specific Plan sets forth a comprehensive plan for the Mountain House Community, including a Land Use Plan which designates and guides the location and amount of land for residential, commercial, industrial, institutional, and recreational uses. As a result of this Land Use Plan, Mountain House will be a well-planned community with each land use dependent on the other.

(c) The Board of Supervisors has also adopted Specific Plan I and will adopt subsequent Specific Plans, as the primary implementation documents for the Master Specific Plan.

(d) Specific Plans are both policy and regulatory documents, providing detailed information and instruction regarding the types, locations and densities of land uses; development phasing; zoning regulations; public infrastructure and services; development standards; and design guidelines. Adopted Specific Plans are critical

precursors to actual physical on-site development, making possible the granting of land use entitlements.

(e) Those developing property in the Mountain House Community will derive benefit from the adopted Master Specific Plan and subsequent Specific Plans, including the Supporting Documents, whose preparation and adoption has been paid for by the Master Developer and/or other Developers.

(f) The Board of Supervisors has adopted the Mountain House Public Financing Plan which includes policies for reimbursing Developers, including the Master Developer, for the cost of preparing and adopting the Mountain House Master Specific Plan and subsequent Specific Plans, including the Supporting Documents.

(g) In order to establish equity among Developers who benefit from the adopted Master Specific Plan and subsequent Specific Plans, including the Supporting Documents, it is necessary to create and implement a mechanism whereby the Master Developer and other Developers who have paid for the cost of said documents can recover their costs, in accordance with Section 65456 of the Government Code.

(Ord. 4033 § 3 (part), 1999)

9-1260.3M REIMBURSEMENT FEES.

Two types of reimbursement fees are authorized in the Mountain House Community: the Master Specific Plan Reimbursement Fee, and a Specific Plan Reimbursement Fee.

(a) Each reimbursement fee shall be established by a resolution adopted by the County, pursuant to this Chapter and to the Mountain House Public Financing Plan. The resolution shall describe the area of coverage for the respective reimbursement fee.

(b) Reimbursement fees shall be based on the amended Specific Plan Reimbursement Program Technical Report which specifies the methodology and serves as the basis of the fee computation. The Specific Plan Reimbursement Program Technical Report is incorporated herein, as part of this Chapter, by this reference, and is on file with the San Joaquin County Community Development Department.

(c) The amount owed on property subject to reimbursement fees shall be determined by multiplying the gross acreage of said property by each applicable reimbursement fee. The sum of the products from this calculation shall equal the total amount owed from reimbursement fees for said property.

(d) A Developer who has paid for the cost of preparing and adopting a Specific Plan may request that

the County establish a Specific Plan Reimbursement Fee for the area covered by said Specific Plan.

(e) Reimbursement fees shall be automatically adjusted, commencing on July 1st of each succeeding year following adoption of said fees, by the change, if any, in the Consumer Price Index (CPI), San Francisco-Oakland-San Jose Index for Urban Wage Earners and Clerical Workers—All items, published by the Bureau of Labor Statistics, U.S. Department of Labor (1967=100). The adjustment in reimbursement fees shall be calculated by multiplying each applicable reimbursement fee by a fraction having a numerator equal to the most recent June CPI and having a denominator equal to the June 2001 CPI. (Ord. 4033 § 3 (part), 1999; Ord. 4126 § 1, 2001)

9-1260.4M APPLICABILITY AND TIMING OF FEES.

Unless otherwise specified, all property within the Mountain House Community shall be subject to the Master Specific Plan Reimbursement Fee and any applicable Specific Plan Reimbursement Fee. The applicable reimbursement fee or fees shall be payable as a condition of, and upon the issuance of, any Development Permit, or any zoning or rezoning, affecting real property within the area covered by the Mountain House Master Specific Plan that (i) subdivides land under the California Subdivision Map Act or applicable local ordinance, or creates a new parcel of real property, or (ii) creates, authorizes, permits or allows any use that affords the beneficial owner of any such real property access to, or use of, development entitlements provided by or pursuant to the Mountain House Master Specific Plan, or any Specific Plan, including Specific Plan I. For the purposes of this section, "development entitlements" means the ability to develop or use real property in a manner created by, or allowed pursuant to, the Mountain House Master Specific Plan, or any Specific Plan, including Specific Plan I, which did not exist prior to the adoption of such plan(s). (Ord. 4033 § 3 (part), 1999)

9-1260.5M EXEMPTIONS FROM FEES.

Property shall be exempt from the Master Specific Plan Reimbursement Fee or the applicable Specific Plan Reimbursement Fee or both said fees under any of the following circumstances:

(a) If the subject property has previously fully met the fee requirements of this Chapter, the property shall be exempt from said fees;

(b) If the Development Permit to develop the subject property is for a public facility, and the applicant for the Development Permit is a public entity, and the subject

property is owned by the public entity the Development Permit shall not result in the imposition of said fees on the property, except in cases where the public entity obtains land through condemnation;

(c) If the Master Developer or the Master Developer's assignee submits a Development Permit application to the County to develop property within the area covered by the Mountain House Master Specific Plan, the property shall be exempt from the Master Specific Plan Reimbursement Fee;

(d) If a Developer, or the Developer's assignee, who has paid for the cost of preparing and adopting a Specific Plan submits a Development Permit application to the County to develop property in said Specific Plan area, the property shall be exempt from the applicable Specific Plan Reimbursement Fee.

(Ord. 4033 § 3 (part), 1999)

9-1260.6M CREATION OF FEE FUNDS.

Reimbursement fees shall be deposited in either the Master Specific Plan Reimbursement Fee Fund or the relevant Specific Plan Reimbursement Fee Fund, whichever is applicable, that is established by the County to hold the revenue generated by the fees. Revenue within such funds, and any interest generated therein, shall be used solely for the purposes set forth in Section 9-1260.7M.

(Ord. 4033 § 3 (part), 1999; Ord. 4126 § 2, 2001)

9-1260.7M USE OF FEES.

(a) Revenues generated from the Master Specific Plan Reimbursement Fee shall be used for the following purposes:

(1) To reimburse the Master Developer for the costs incurred by the Master Developer in the preparation and adoption of the Mountain House Master Specific Plan and the Supporting Documents, as specified in the Specific Plan Reimbursement Program Technical Report; and

(2) To reimburse the County for the costs incurred in the administration of the Master Specific Plan Reimbursement Fee.

(b) Revenues generated from a Specific Plan Reimbursement Fee shall be used for the following purposes:

(1) To reimburse a Developer for the costs incurred by the Developer in the preparation and adoption of the applicable Specific Plan and the Supporting Documents, as specified in the Specific Plan Reimbursement Program Technical Report; and

(2) To reimburse the County for the costs incurred in the administration of the applicable Specific Plan Reimbursement Fee.

(Ord. 4033 § 3 (part), 1999; Ord. 4126 § 3, 2001)

9-1260.8M TERMINATION OF FEES.

Once the Master Developer or any other Developer has been fully reimbursed for all cost incurred by the Master Developer or any other Developer in preparing and adopting the Mountain House Master Specific Plan or the applicable Specific Plan, and the Supporting Documents, the applicable reimbursement fees shall cease to be collected and this Chapter shall be repealed. Any monies remaining in the Master Specific Plan Fee Fund or in the applicable Specific Plan Fee Fund shall be paid into the General Fund of the County.

(Ord. 4033 § 3 (part), 1999)

9-1260.9M REFUND OF FEES PAID.

There shall be no refund of monies generated from the imposition of any reimbursement fees on property.

(Ord. 4033 § 3 (part), 1999)

CHAPTER 9-1270M

AFFORDABLE HOUSING IMPACT FEE

Sections:

- 9-1270.1M Intent.
- 9-1270.2M Findings.
- 9-1270.3M Affordable Housing Impact Fee.
- 9-1270.4M Applicability of Fee.
- 9-1270.5M Affordable Housing Impact Fee Exemptions.
- 9-1270.6M Timing of Fee.
- 9-1270.7M Mountain House Housing Trust Fund.
- 9-1270.8M Mountain House Housing Advisory Board.
- 9-1270.9M Refund of Fees Paid.
- 9-1270.10M Annual Report.

9-1270.1M INTENT.

It is the intent of this Chapter to establish an Affordable Housing Impact Fee in order to promote the development of housing that is affordable to low income households within the Mountain House Community through the use or application of fee revenues, as specified in the Mountain House Master Plan. (Ord. 3975 § 3 (part), 1998)

9-1270.2M FINDINGS.

In establishing the Affordable Housing Impact Fee, the Board of Supervisors finds as follows:

(a) Following extensive planning, environmental impact analysis, and public review, the Board of Supervisors adopted the Mountain House Master Plan as an implementation measure to the San Joaquin County General Plan.

(b) One of the principal objectives of the Mountain House Master Plan is to ensure that those who work in the community are able to afford to live in the community. By providing housing for all income groups who work within the community, certain benefits to the environment and residents will occur: reduced traffic congestion, improved air quality, increased opportunity for transit and bicycle use, and increased opportunity for pedestrian use throughout the community.

(c) The presence of a housing supply affordable to all income groups also means that the commu-

nity will be more likely to attract the employment base needed to achieve the jobs/housing balance required by the Mountain House Master Plan. This is critical to the success of the community. Prospective employers consider the availability of affordable housing for their employees as a highly desirable attribute in deciding where to locate their business. Consequently, the availability of a diverse and affordable housing stock will facilitate the development of employment opportunities, thereby helping to implement the concept of a balanced community as provided in the Mountain House Master Plan.

(d) Although the market alone is anticipated to provide housing that is both available and affordable to all income groups, it is anticipated that there will be low income and medium income persons working in the community who will be unable to live in the community without some form of housing assistance.

(e) Since residential development in the Mountain House Community will be dependent to some extent on the services provided by low income and medium income persons, it is essential that such residential development assume a reasonable share of the responsibility for providing a sufficient number of units which are affordable to these individuals.

(f) In order to ensure the development of residential units which are affordable to low income and medium income persons who work in the Mountain House Community, it is necessary to assess an Affordable Housing Impact Fee against residential development, and to create and implement a mechanism whereby revenues generated from said fee can be utilized to fill affordability gaps for such income groups.

(g) For certain categories of residential development, it is inappropriate to assess an Affordable Housing Impact Fee and therefore these categories are excluded from paying said Affordable Housing Impact Fee. These categories include second unit dwellings, Density Bonus Units, and Additional Town Center Units, that are specifically meant to provide affordable housing opportunities for low income and medium income persons; residential units in Pre-Existing Residential Areas that do not receive municipal utility services provided by the Mountain House Community

Services District; and remodeling projects and projects involving the replacement of existing residential structures up to the total livable area of said structures. (Ord. 3975 § 3 (part), 1998)

9-1270.3M AFFORDABLE HOUSING IMPACT FEE.

An Affordable Housing Impact Fee is hereby authorized in the Mountain House Community.

(a) The Affordable Housing Impact Fee shall be established by a Resolution adopted by the County pursuant to this Chapter and to the Mountain House Public Financing Plan.

(1) The Affordable Housing Impact Fee and any revisions thereto shall be based on the Affordable Housing Impact Fee Technical Report (AHFTR) which specifies the methodology and serves as the basis for the fee computation.

(2) The Affordable Housing Impact Fee shall consist of two (2) components: a fee per dwelling unit square foot and a fee per lot square foot. Said fees shall be revised in accordance with the provisions of Subsections (c) of this Section.

(b) The total amount owed on property subject to the Affordable Housing Fee shall be determined as follows:

(1) For new construction, the total amount owed shall be determined by multiplying the livable area of the residential unit and the square footage of the subject property by the applicable fee components of the Affordable Housing Impact Fee and summing the results.

(2) For additions to an existing residence, the total amount owed shall be determined by multiplying the liable area of the addition by the applicable fee component of the Affordable Housing Impact Fee.

(3) For projects involved the replacement of an existing residential structure, the total amount owed shall be determined by multiplying the livable area exceeding the livable area of the prior structure by the applicable fee component of the Affordable Housing Impact Fee.

(c) The components of the Affordable Housing Impact Fee shall automatically be adjusted on July 1st of each year based on the percentage change in the

Mountain House Housing Index, as set forth in the Resolution pertaining to the Fee adopted by the County, for (MH Housing Index) the preceding fiscal year. (Ord. 3975 § 3 (part), 1998; Ord. No. 4427, § 1, 12-11-2012)

9-1270.4M APPLICABILITY OF FEE.

Unless otherwise specified, all residential construction within the Mountain House Community shall be subject to the Affordable Housing Impact Fee. Non-residential development shall not be subject to said fee. (Ord. 3975 § 3 (part), 1998)

9-1270.5M AFFORDABLE HOUSING IMPACT FEE EXEMPTIONS.

The following categories of residential development shall be exempted from the Affordable Housing Impact Fee:

- (a) Additional Town Center Units;
- (b) Density Bonus Units;
- (c) Projects involving the replacement of an existing residential structure but only up to the total livable area of the prior residential structure;
- (d) Remodeling projects;
- (e) Residential developments in Pre-Existing Residential Areas in which the zoning is AU-20; and
- (f) Second unit dwellings.

(Ord. 3975 § 3 (part), 1998)

9-1270.6M TIMING OF FEE.

The total amount owed on property subject to the Affordable Housing Impact Fee shall be payable prior to the issuance of a building permit. The Director shall determine the total amount which is owed.

(Ord. 3975 § 3 (part), 1998)

9-1270.7M MOUNTAIN HOUSE HOUSING TRUST FUND.

A Mountain House Housing Trust Fund (MHHTF) shall be established by the County for the purposes of this Chapter. Money generated as a consequence of the provisions of this Chapter shall be deposited within said fund. Money within said fund, and any interest

generated therein, shall be used solely for the implementation and administration of the Affordable Housing Program for the Mountain House Community. (Ord. 3975 § 3 (part), 1998)

9-1270.8M MOUNTAIN HOUSE HOUSING ADVISORY BOARD.

A Mountain House Housing Advisory Board (MH-HAB) shall be established by the County.

(a) The MHHAB shall be responsible for preparing and updating a Five Year Strategic Plan for Housing within the Mountain House Community that describes the programs to be funded with MHHTF moneys, forecasts the MHHTF cash flow, and sets forth the anticipated costs of managing the MHHTF and administering the housing programs recommended for funding. The Five Year Strategic Plan for Housing shall be a component of the San Joaquin County Consolidated Plan that is reviewed and approved by the Board of Supervisors.

(b) The MHHAB shall consist of five (5) members, as follows:

(1) The Director of the San Joaquin County Housing Authority;

(2) One (1) member of the Mountain House Community Services District Board; and

(3) Three (3) members, appointed by the San Joaquin County Board of Supervisors, who have demonstrated expertise in the field of housing and/or a commitment to ensuring that housing within Mountain House is affordable.

(Ord. 3975 § 3 (part), 1998; Ord. No. 4399, § 11, 9-14-2010)

9-1270.9M REFUND OF FEES PAID.

If a building permit lapses and becomes void, then the payer of the Affordable Housing Impact Fee amount shall be entitled to a refund, without interest, of said fee amount; provided that the portion of any fee amount received by the County as reimbursement of its costs in administering the provisions of this Chapter shall not be refunded.

(a) The fee payer shall submit an application for a refund of the Affordable Housing Impact Fee amount paid to the County within ninety (90) calendar days of the expiration of the building permit.

(b) Failure of the fee payer to submit a timely application for refund of the Affordable Housing Impact Fee amount shall constitute an absolute waiver of any right to a refund.

(Ord. 3975 § 3 (part), 1998)

9-1270.10M ANNUAL REPORT.

The disposition of Mountain House Housing Trust Fund money shall be included in the Mountain House Annual Community Report to the Board of Supervisors. The section of the Mountain House Annual Report concerning the Affordable Housing Program shall set forth the total amount of all money deposited in the Mountain House Housing Trust Fund in the year prior to the date of said report, an itemized summary of the use of such revenues, including the amount and involvement of other public or private funds that have been leveraged with MHHTF money, and the funds which remain unexpended.

(Ord. 3975 § 3 (part), 1998)

CHAPTER 9-1405M

**GRADING AND EXCAVATION
REQUIREMENTS**

Sections:

- 9-1405.4M General Requirements.**
- 9-1405.9M Grading Adjacent to Watercourses.**

9-1405.4M GENERAL REQUIREMENTS.

The following exceptions to Section 9-1405.4 of the development title shall be applicable:

(a) Sites developed adjacent to undeveloped property shall establish perimeter grades no lower than the adjacent land, and no more than one (1) foot higher, unless accommodated within a landscaped area. Slopes within these areas shall not exceed three to one (3:1) horizontal to vertical.

(b) Perimeter grades adjacent to developed properties shall match the adjacent grade, plus or minus one-half (½) foot, unless occurring within a landscaped area.

(c) Residential lots shall be graded so that the finished floor elevation is at least twelve (12) inches above the street curb.

(d) Grading associated with arterial streets shall comply with the following standards:

(1) Curb grades shall be established six (6) to twelve (12) inches below the finished grade at the right of way line;

(2) Roadway median strips shall be graded with a crown height six (6) to twelve (12) inches above the curb, for a typical fourteen (14) foot wide median.

(Ord. 3813 (part), 1994)

**9-1405.9M GRADING ADJACENT TO
WATERCOURSES.**

The following grading requirements shall be applicable to grading operations along the watercourses and watercourse types identified below:

(a) **Old River.**

(1) Prior to any grading operations adjacent to Old River, all habitats to be either preserved or salvaged shall be delineated by an ecologist and staked with easily observable flagging.

(2) Grading operations shall be conducted so that soil does not spill into Old River.

(b) **Marshes and Wetlands.**

(1) Grading operations shall be conducted so that soil does not spill into existing marshes, fill existing wetlands, restrict flooding of the habitat or reduce water quality.

(2) During grading, a berm may be left between the existing marsh and the construction area. Said berm shall be removed in the last stages of construction. Alternatively, the overburden may be removed from the wetland edge backwards towards the uplands to create the marsh.

(Ord. 3813 (part), 1994)

**CHAPTER 9-1700M, CHAPTER 9-1705M,
CHAPTER 9-1710M**

Repealed by Ord. 3939.

CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a chronological listing of the development ordinances of San Joaquin County, California, beginning with Supplement No. 87, included in this Code.

Ordinance Number	Date	Description	Section	Section this Code	
4399	9-14-2010	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Sections 9-305.6, 9-405.5, 9-505.5, 9-605.6, 9-705.8, 9-710.4, 9-881.4, 9-1085.21, 9-1415.3, and 9-1270.8M, and Table 9-310.3 concerning rear yard setbacks in the residential zone, change in existing uses in residential, commercial, industrial, agricultural, and other zones, structures in required yards in other zones, time extensions for tentative maps, findings for entertainment permit, performance guarantee for quarry operations, and Mountain House Housing Advisory Board	1	Added	9-305.6(f)
			2		Table 9-310.3
			3		9-405.5(c)
			4		9-505.5(b)
			5	Added	9-605.6(v)
			6		9-705.8(c)
			7		9-710.4(c)
			8		9-881.4(b)(1)
			9		9-1085.21
			10		9-1415.3(r)
			11		9-1270.8M(b)
4404	12-14-2010	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin, relative to Section 9-605.6 and Table 9-605.2, concerning truck parking in the AL Zone	1	Added	9-605.6(w)
			2		Table 9-605.2
4413	8- 9-2011	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin, relative to Sections 9-110.4, 9-125, 9-125.1, 9-125.2, 9-125.3, and table of contents concerning definitions, medical marijuana dispensary regulations, and table of contents	1		Ch. 9-125(tit.)
			2		9-110.4
			3		Ch. 9-125(tit.)
			4		9-125.1
			5		9-125.2
			6		9-125.3
4419	12-13-2011	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Sections 9-310.5M and 9-310.6M, Table 9-310.3M, and adding Section 9-310.9M, concerning side yard setbacks, corner lot streetside side setback, building separation, building height, and floor area ratio (FAR)	1		9-310.5M(a)(2), (4), (6)
			2		9-310.6M(g)
			3	Added	9-310.9M

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Ordinance Number	Date	Description	Section	Section this Code
			4	Table 9-310.3M
4420	12-13-2011	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin, relative to Tables 9-305.2 and 9-605.2, concerning uses in residential and agricultural zones	1	Table 9-305.2
			2	Table 9-605.2
4427	12-11-2012	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Section 9-1270.3M, concerning the Mountain House affordable housing impact fee	1	9-1270.3M
4439	7-23-2013	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Section 9-310.5M concerning side yard fence setbacks and front and rear setbacks	1	Added 9-310.5M(a)(7)
			2	Added 9-310.5M(e)(9)(G)
4440	8-13-2013	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Section 9-115.575, Table 9-305.2, Table 9-405.2, Table 9-505.2, Section 9-505.2, Table 9-605.2, Table 9-705.2, and Table 9-1015.3(b), concerning uses in industrial zones	1	Added 9-115.575(g)
			2	Table 9-305.2
			3	Table 9-405.2
			4	Table 9-505.2
			5	Added 9-505.5(d)
			6	Table 9-605.2
			7	Table 9-705.2
			8	Table 9-1015.3(b)
4443	10- 8-2013	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Sections 9-110.4, 9-125.1, and 9-125.2 concerning definitions and medical marijuana dispensary regulations	1	9-110.4
			2	9-125.1
			3	9-125.2
O-15-4460	3-10-2015	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin, relative to Section 9-830.5M concerning second unit dwellings.		9-830.5M(i)(3)
4471	12-15-2015	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin, relative to Table of Contents, Sections 9-110.4, 9-115.135, 9-115.140, 9-200.2, 9-245,9-300.2, 9-305, 9-315, 9-320,9-405, 9-505, 9-605, 9-705, and 9-1015.3 concerning Table of Contents, definitions, emergency shelters, single-room occupancy, administrative provisions: organization, reasonable accommodation, residential zones: organization, uses in residential zones table, residential zones: density bonus, residential zones: single-room occupancy, uses in commercial zones table, uses in industrial zones table, uses in agricultural zones table, uses in other zones table, and residential parking spaces requirements	2	9-110.4
			3—5	Added 9-115.135—9-115.140
			1, 6, 7	Added 9-245.1—9-245.6
			1, 8, 14	Added 9-320.1—9-320.3
			9	9-305.2

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			10—13	9-315.2—9-315.4
			14 Added	9-320.1—9-320.3
			15	9-405.2
			16	9-505.2
			17	9-605.2
			18	9-705.2
			19	9-1015.3(a)
4472	1-26-2016	An interim ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin, relative to Section 9-605.7 concerning the use of large tracts of AG Designated Land for Flooded Habitat. Applicable countywide	1 Added	9-605.7
4476	4-12-2016	A text amendment application to amend Title 9 of the Ordinance Code of the County of San Joaquin, relative to Section 9-110.4 concerning definitions and Chapter 9-1905 concerning enforcement regulations.	1	9-110.4
			2 Rpld	9-1905.1—9-1905.6
			Added	9-1905.1—9-1905.30
4486	9-13-2016	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin, relative to Section 9-110.4 concerning definitions; Table 9-605.3 concerning Accessory Uses and Structures in Agricultural Zones; and Section 9-605.6 regarding special use regulations	1	9-110.4
			2	Table 9-605.3
			3 Added	9-605.6(x)
4487	8-23-2016	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Section 9-110.4 and Chapter 9-1075 Wineries and Related Facilities	1	9-110.4
			2	9-1075.3
			3	9-1075.4
			4	9-1075.5
			Rpld	9-1075.6—9-1075.9
			Added	9-1075.6—9-1075.9
4488	10-11-2016	An ordinance amending Title 9 of the Code of the County of San Joaquin relative to Section 9-110.4 Definitions, Chapter 9-848 Flood Variance Procedures and Chapter 9-1605 Flood Hazards	1	9-110.4
			2	Ch. 9-848, tit.
			Rpld	9-848.1—9-848.3
			Added	9-848.1—9-848.3
			3 Rpld	9-1605.1
			Added	9-1605.1
				9-1605.2
				9-1605.3(a)
			Added	9-1605.3(j), (k)

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Ordinance Number	Date	Description	Section	Section this Code
				9-1605(b), (f)
				9-1605.14
				9-1605.15(e)
4500	11- 7-2017	An ordinance amending Development Title 9, Division 1, Chapter 9-125, Cannabis Dispensary Regulations	3	9-125.1—9-125.3
			Rpld	9-125.4
4501	12-12-2017	An ordinance amending Development Title 9, Chapter 9-1650, § 9-1650.5.1, Special Flood Protection Findings Required by State Law	Added	9-1650.5.1
4508	6- 6-2018	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Section 9-110.4 and Chapters 9-305 (Residential Zones), 9-405 (Commercial Zones), 9-505 (Industrial Zones), 9-605 (Agricultural Zones) and 9-705 (Other Zones) concerning definitions and temporary uses and special use regulations of the Development Title	1	9-110.4
			2	9-305.4, Table
			Added	9-305.6(g)
				9-405.4, Table
			Added	9-405.4(g)
				9-505.4, Table
			Added	9-505.5(d)
				9-605.4, Table
			Added	9-605.6(y)
				9-705.4, Table
			Added	9-705.8(d)
4523	1- 8-2019	An ordinance amending Title 9 of the county of San Joaquin, relative to section 9-110.4 and Chapter 9-1075 (Wineries and Related Facilities)	1	9-110.4
			2	9-1075.3(b), (c)
			Rpld	9-1075.3(c)(1)(B)
				9-1075.4(b), (c)
			Rpld	9-1075.4(c)(1)(B)
				9-1075.5(b), (c)
			Rpld	9-1075.5(c)(1)(B)
				9-1075.7(b), (c)
			Rpld	9-1075.7(c)(1)(B)
				9-1075.9(a), (b), (c), (c)(1), (d), (f)—(j), (k), (l) (l)(5)

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