



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

**TUOLUMNE COUNTY PLANNING COMMISSION
BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR
COUNTY ADMINISTRATION CENTER
2 SOUTH GREEN STREET
November 20, 2024
6:00 p.m.***

48 Yaney Avenue, Sonora
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Sonora, CA 95370
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***The doors to the County Administration Center will be opened at 5:30 p.m.**

You may submit written comments by U.S. mail at 2 South Green Street, Sonora, CA 95370, or email (CDD@tuolumnecounty.ca.gov) for retention as part of the administrative record. Comments will not be read during the meeting.

PLANNING COMMISSION BUSINESS:

1. Reports from Commissioners and Staff

** Reports are a brief oral report from a Commission member and/or County staff, and no Commission action will occur. This item is not intended to include in-depth presentations or reports, as those matters should be placed on an agenda for discussion**

2. Report from the Agricultural Advisory Committee Representative

3. Update on Housing Projects

PUBLIC COMMENT: 15 minutes

The public may speak on any item not on the printed agenda. No action may be taken by the Commission.

PUBLIC HEARING:

1. **TITLE 17**, Recommendation on an ordinance to update Tuolumne County Ordinance Code, Title 17, Zoning.

The Minutes, Staff Reports, and environmental documents for the items referenced in this Agenda are available for review at the Tuolumne County Community Development Department Monday through Thursday, 8:00 a.m. 3:00 p.m., Fourth Floor, A.N. Francisco Building, 48 Yaney, Sonora, California, and online at www.tuolumnecounty.ca.gov.

Any other materials related to the items referenced in this Agenda that are provided by the County to the Planning Commissioners prior to the meeting are available for review at the Tuolumne County Community Development Department 48 Yaney, Sonora, California, and will be available at the meeting. Any materials provided to the Planning Commissioners during the meeting by the County will be available for review at the meeting, and materials provided by the public will be available for review at the Community Development Department the day following the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (209) 533-5633. Notification 48

hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28CFR Part 35 ADA Title II).

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COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

November 12, 2024

48 Yaley Avenue, Sonora
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To: Tuolumne County Planning Commission

From: Quincy Yaley, AICP, Director
Tamera Blankenship, Housing Development Specialist

RE: Public hearing to make a recommendation on an ordinance to update Tuolumne County Ordinance Code, Title 17, Zoning

1. Tuolumne County updated Title 17, Zoning, of the County Code of Ordinances in April of 2024 to align with the goals of the 2018 General Plan Update. The Zoning Code update also addressed the following goals identified by the County:

- Implement Tuolumne County 2018 General Plan land use policies.
- Meet goals identified in the County's Senate Bill 2 Planning Grants Program application, including addressing Accessory Dwelling Units and streamlining the housing approval process.
- Be consistent with State and federal law.
- Create an intuitive document that is user-friendly.
- Create a standard, transparent, predictable, and consistent process.
- Respond to community concerns.
- Promote infill and mixed-use development in Identified Communities.

2. Since its implementation in May of 2024, County staff have identified several clerical and procedural modifications that are needed to improve the accuracy and implementation of the Zoning Code. Additionally, changes are proposed as a result of the County adopting the 2024 Housing Element. Modifications are proposed in the following chapters:

CHAPTER	DESCRIPTION OF CHANGE
Chapter 17.02 General Provisions	Clarified applicability to public agencies
Chapter 17.04 Definitions	Modified definitions related to communication towers, recreational development
Chapter 17.10 Agriculture and Open Space Zoning Districts	Modified language regarding residential care homes pursuant to Housing Element requirements.
Chapter 17.12 Residential Zoning Districts	Clarified requirements for public water and sewer. Clarified number of permitted housing units per parcels. Modified language regarding residential care homes pursuant to Housing Element requirements.

Chapter 17.14 Commercial and Mixed Use Zoning Districts	Clarified requirements for public water and sewer. Clarified number of permitted housing units per parcels. Modified language regarding residential care homes pursuant to Housing Element requirements. Modified allowed/conditional uses for consistency.
Chapter 17.16 Industrial Zoning Districts	Modified language regarding residential care homes pursuant to Housing Element requirements. Modified allowed/conditional uses for consistency.
Chapter 17.18 Special District Zoning Districts	Modified language regarding residential care homes pursuant to Housing Element requirements.
Chapter 17.22 Standards for All Development and Land Uses	Clarified requirements for garages above 3,500 in elevation. Clarified encroachments into side and rear setbacks.
Chapter 17.30 Off Street Parking	Update parking standards based on Housing Element requirements.
Chapter 17.34 Signs	Clerical changes, no changes to regulations.
Chapter 17.36 Accessory Dwelling Units	Updated to reflect Housing Element requirements and simplified language for implementation.
Chapter 17.42 Animal Keeping	Modified language to allowances for poultry in R and RE districts.
Chapter 17.48 Commercial Events on Agricultural Land	Modified language to improve implementation in response to Board of Forestry rules.
Chapter 17.34 Emergency Shelters	Modified parking requirements for emergency shelters.
Chapter 17.34 Mobile Food Vendors	Modified allowable time for permitted activities.
Chapter 17.88 Solar Energy Systems	Modified language for consistency with State law.
Chapter 17.90 Storage	Modified requirement for screening of storage containers.
Chapter 17.94 Wireless	Modified references to required notifications.
Chapter 17.98 Common Procedures	Clarified notification requirements to adjacent property owners for consistency with department procedures.
Chapter 17.100 Permits and Procedures	Clarified notification requirements to adjacent property owners for consistency with department procedures. Updated Reasonable Accommodation pursuant to Housing Element requirements. Modified language for required findings.

ENVIRONMENTAL REVIEW

3. The County is proposing to adopt a Notice of Exemption for the code modifications. After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the State CEQA Guidelines. This is because CEQA applies only to projects with the potential to cause significant environmental effects. Since it is certain there is no possibility that the proposed activity may have a significant environmental effect, it is not subject to CEQA. These updates, including those required by the County's adoption of the 2024 Housing Element, are procedural in nature and focus on refining definitions, clarifying requirements, and simplifying implementation. The revisions will not impact the environment, nor will they alter the impacts of currently adopted language. Furthermore, the changes enhance internal consistency within the document and ensure alignment with the General Plan's objectives.

RECOMMENDATION

It is requested that the Planning Commission recommend approval of an ordinance to update Title 17 of the Tuolumne County Ordinance Code, based on the following findings:

- A. The proposed changes are consistent with the Tuolumne County General Plan.
- B. The proposed changes are in accordance with the Tuolumne County Ordinance Code.

Attachments:

Attachment A – Proposed Revisions

Attachment B – Notice of Exemption

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ARTICLE 1 - Chapter 17.02

GENERAL PROVISIONS

Sections:

- 17.02.010 Short title, citation.**
- 17.02.020 Purpose.**
- 17.02.030 Authority.**
- 17.02.040 Principles.**
- 17.02.050 Scope.**
- 17.02.060 Applicability of the Zoning Ordinance.**
- 17.02.070 Consistency with the General Plan.**
- 17.02.080 Responsibility for Administration.**
- 17.02.090 Severability.**

17.02.010 Short title, citation. This Title shall be known and may be cited as the "Tuolumne County Uniform Zoning Ordinance."

17.02.020 Purpose. This title is adopted as a zoning ordinance for the county, said title being based on the General Plan for the county and enacted in order to promote the public health, safety, comfort, and general welfare throughout the county.

17.02.030 Authority. This Code is enacted based on the authority vested in the County by the State of California, including, but not limited to: the State Constitution, [Section 65800 and subsequent sections of the Government Code](#), the California Environmental Quality Act, the Subdivision Map Act, the Health and Safety Code, and case law of the State and Federal courts, and as they all may be modified from time to time.

17.02.040 Principles. This title, in order to obtain the greatest benefits from the opportunities that exist in the county, has been prepared in accordance with the following principles:

A. This title is based on the county General Plan with respect to the general pattern of future land uses and the principles for future land development expressed in said plan.

B. This title recognizes the importance to the community for all legitimate uses of land. This title further recognizes the need for all such uses to be protected from other uses that are incompatible. It provides districts for agricultural, residential, recreational, commercial, and industrial activities. Thus, complementary and compatible land uses are permitted to coexist side by side, and they are protected from encroachment by conflicting land uses.

This title recognizes the importance to the public welfare of well-designed and properly integrated developments in all districts of the county. This title implements this principle through provisions to require site plan and landscaping review. It is not the intent of such provisions or regulations to stifle individual initiative or control individuals' tastes, but to provide the minimum amount of direction necessary to encourage orderliness of development and appearance throughout the county.

C. Parcel size, yard, off-street parking, and other standards are based on the best accepted contemporary practice rather than on past practices, since this title will influence future development.

D. Uses that would adversely affect other uses or the public welfare, unless regulated in a particular way or permitted only under certain conditions, may be allowed as "conditional uses" subject to review by the Director of Community Development (Director).

17.02.050 Scope. This title consists of the establishment of various zoning districts within the unincorporated territory of the county within which it is unlawful to erect, construct, alter, or maintain certain structures or to carry on certain occupations or to conduct certain uses of land or of structures, and consists further of appropriate regulations to be enforced in such districts, all as set forth in this title.

17.02.060 Applicability of the Zoning

Ordinance. This Code applies to all land uses, subdivisions, and development within the County, as follows:

A. New Land Uses or Structures, Changes to Land Uses or Structures. It shall be unlawful, and a violation to this Code, for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with this Code.

B. County Permits and Licenses. No Development Permit, Building Permit, or Grading Permit, shall be issued by the County unless the proposed construction or activity complies with all applicable provisions of this Code.

C. Subdivisions. Each subdivision of land approved within the County shall comply with the minimum lot size requirements, the Subdivision Map Act, and all applicable requirements of this Code.

D. Continuation of an Existing Land Use. The requirements adopted in this Code are not retroactive in their effect on a land use that was lawfully established before the effective date of the requirements' adoption, except as otherwise provided by [Chapter 17.32 \(Nonconforming Uses\)](#).

E. Effect of Zoning Code Changes on Projects in Progress. Projects shall be subject to the requirements and standards in this Code except as prohibited by State law.

F. **Applicability to public agencies.** The provisions of this title, to the extent permitted by law, shall apply to all public bodies, districts and agencies, including federal, state, county, municipal and local

(other than the County of Tuolumne). ~~Government Projects. The provisions of this Code shall apply to special district, and State or Federal government or agency projects to the maximum extent allowed by law.~~

G. Minimum Requirements. The provisions of this Code shall constitute the minimum requirements for the promotion of the public health, safety, and general welfare, and additional requirements may be imposed by the review authority through the authorization of a Conditional Use Permit. When this Code provides for discretion on the part of a County official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Code, as determined by the applicable review authority, if it is necessary to promote public health and safety, orderly land use and development, economic growth, job growth, housing growth, and the other purposes of this Code.

H. Other Requirements May Apply. Nothing in this Code eliminates the need for obtaining other permits required by the County; or any permit, approval, or entitlement required by any other applicable special district or agency; and/or the regulations of any State, or Federal agency. No use that is illegal under local or State law shall be allowed in any zone within the County.

17.02.070 Consistency with the General

Plan. Any permit, license, or approval issued pursuant to this Code must be consistent with the Tuolumne County General Plan and any applicable Specific Plan(s). In any case where there is a conflict between this Code and the General Plan, the General Plan shall prevail.

17.02.080 Responsibility for Administration.

A. Responsible Bodies and Individuals. This Code shall be administered by the Board of Supervisors, the Planning Commission,

the Community Development Department Director, and Community Development Department.

B. Exercise of Discretion. In the event that a provision of the Code allows the review authority (responsible body or individual) to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:

1. The proposed project complies with all applicable provisions of the Code;
2. The exercise of discretion will act to ensure the compatibility of the proposed project with its site, surrounding properties, and the community;
3. The decision promotes economic or housing growth with economically viable requirements;
4. The exercise of discretion promotes the public health, safety, and welfare; and
5. The decision is consistent with the General Plan.

C. Delegation of Authority and Responsibility. The Director may delegate any responsibility or authority charged to the Director by any section of the Code to another employee of the County. Any employee or employees so duly designated may act on behalf of the Director in a matter or proceeding in the Code.

fact that any one or more section, subdivisions, sentences, clauses, or phrases had been declared invalid or unconstitutional.

17.02.090 Severability. If any chapter, section, subdivision, sentence, clause, phrase, or portion of this Code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof. The Board of Supervisors declares that it would have passed this Code, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the

ARTICLE 1 - Chapter 17.04

DEFINITIONS

Sections:

- 17.04.010 General rules for interpretation.**
- 17.04.020 Accessory dwelling unit.**
- 17.04.030 Adjacent.**
- 17.04.040 Adjacent property owner.**
- 17.04.050 Advertising media.**
- 17.04.060 Affordable housing.**
- 17.04.070 Affordable housing cost.**
- 17.04.080 Affordable housing developer.**
- 17.04.090 Affordable housing unit.**
- 17.04.100 Affordable rent.**
- 17.04.110 Aggrieved party.**
- 17.04.120 Agricultural by-product processing facility.**
- 17.04.130 Agricultural hospitality facility.**
- 17.04.140 Agricultural laborer housing.**
- 17.04.150 Agricultural marketing.**
- 17.04.160 Agricultural processing facility.**
- 17.04.170 Agricultural products.**
- 17.04.180 Agricultural support services.**
- 17.04.190 Agriculture.**
- 17.04.200 Airport and heliport.**
- 17.04.210 Airstrip.**
- 17.04.220 Alley.**
- 17.04.230 Animal hospital.**
- 17.04.240 Animal processing facility.**
- 17.04.250 Antenna**
- 17.04.260 Antique.**
- 17.04.270 Applicant.**
- 17.04.280 Archive.**
- 17.04.290 Area to perimeter ratio.**
- 17.04.300 Attached.**
- 17.04.310 Auction yard.**
- 17.04.320 Auto wrecking and junk storage.**
- 17.04.330 Automotive repair, major.**
- 17.04.340 Automotive repair, minor.**
- 17.04.350 Banner.**
- 17.04.360 Bar.**
- 17.04.370 Bed and breakfast.**
- 17.04.380 Biomass facility.**
- 17.04.390 Board.**
- 17.04.400 Boardinghouse.**
- 17.04.410 Bona fide effort.**
- 17.04.420 Building.**

17.04.430 Building, accessory.
17.04.440 Building height.
17.04.450 Campground.
17.04.460 Camping cabin.
17.04.470 Camping party.
17.04.480 Campsite.
17.04.490 Cemetery.
17.04.500 Christmas tree farm.
17.04.510 Civic event.
17.04.520 Clear Sight Triangle.
17.04.530 Clubhouse.
17.04.540 Commercial Coach
17.04.550 Commercial events on agricultural land.
17.04.560 Commercial laundry or dry cleaning plant.
17.04.570 Commercial recreation and amusement center.
17.04.580 Commission.
17.04.590 Common interest development.
17.04.600 Condominium.
17.04.610 Condominium conversion project.
17.04.620 Corner parcel.
17.04.630 Cottage food operation.
17.04.640 County.
17.04.650 Cultural Resource.
17.04.660 Day care center.
17.04.670 Demolition.
17.04.680 Demonstration garden.
17.04.690 Density bonus.
17.04.700 Density bonus units.
17.04.710 Development of aggregate resources.
17.04.720 Development standard.
17.04.730 Director.
17.04.740 Discretionary land use approval.
17.04.750 District.
17.04.760 Dormitory.
17.04.770 Drive-Through Facilities.
17.04.780 Duplex.
17.04.790 Dwelling.
17.04.800 Dwelling group.
17.04.810 Dwelling, multiple-family.
17.04.820 Dwelling, single-family.
17.04.830 Dwelling, single-family, primary.
17.04.840 Dwelling unit.
17.04.850 Easement.
17.04.860 Eligible housing development.
17.04.870 Enclosed storage of equipment or materials.
17.04.880 Emergency shelter.
17.04.890 Equipment repair facilities.
17.04.900 Family.

17.04.910 Family day care home.
17.04.920 Farmers market.
17.04.930 Farm or ranch tour.
17.04.940 Farm stay.
17.04.950 Feasible.
17.04.960 Feed yard.
17.04.970 Fitness studio.
17.04.980 Flea market.
17.04.990 Floor area ratio.
17.04.1000 Floor area ratio bonus.
17.04.1010 Foster home.
17.04.1020 Garage, private.
17.04.1030 General farming and ranching.
17.04.1040 General manufacturing, processing, and refining.
17.04.1050 General non-commercial recreational use.
17.04.1060 Grade.
17.04.1070 Green waste.
17.04.1080 Gross acreage.
17.04.1090 Growing and harvesting of forest products.
17.04.1100 Guesthouse.
17.04.1110 Guest ranch.
17.04.1120 Harvesting of timber.
17.04.1130 Health care facility.
17.04.1140 High-water mark.
17.04.1150 Highway.
17.04.1160 Home occupation.
17.04.1170 Hotel.
17.04.1180 Household.
17.04.1190 Household, extremely low-income.
17.04.1200 Household, low-income.
17.04.1210 Household, median-income.
17.04.1220 Household, moderate income.
17.04.1230 Household, very low-income.
17.04.1240 Housing development.
17.04.1250 Incentive.
17.04.1260 Incidental camping area.
17.04.1270 Incidental use
17.04.1280 Inclusionary unit.
17.04.1290 Industry.
17.04.1300 Junior accessory dwelling unit.
17.04.1310 Junk.
17.04.1320 Kennel.
17.04.1330 Kitchen.
17.04.1340 Landscaping.
17.04.1350 Living area
17.04.1360 Livestock.
17.04.1370 Located within one-half-mile of a major transit stop.
17.04.1380 Log deck.

17.04.1390 Lot line adjustment.
17.04.1400 Low Barrier Navigation Center.
17.04.1410 Main building.
17.04.1420 Maintenance and repair.
17.04.1430 Major Tower
17.04.1440 Major Wireless Communication Facility
17.04.1450 Major Transit Stop.
17.04.1460 Market-rate unit.
17.04.1470 Maximum allowable residential density.
17.04.1480 Merger.
17.04.1490 Mills Act.
17.04.1500 Mineral resources.
17.04.1510 Mini-mart.
17.04.1520 Mini-storage facilities.
17.04.1530 Minimum affordable housing component.
17.04.1540 Minor Tower
17.04.1550 Minor Wireless Communication Facility
17.04.1560 Mobile food vendor.
17.04.1570 Mobile home.
17.04.1580 Mobile home park.
17.04.1590 Mortuaries, funeral homes, mausoleums, columbaria, and crematoria.
17.04.1600 Motel.
17.04.1610 Music festival.
17.04.1620 Net acreage.
17.04.1630 Nuisance.
17.04.1640 Nurseries and greenhouses.
17.04.1650 Object.
17.04.1660 Objective standards.
17.04.1670 Organizational Camp.
17.04.1680 Other incentives of equivalent financial value.
17.04.1690 Outdoor advertising structure.
17.04.1700 Outdoor seating.
17.04.1710 Outdoor storage and outdoor sales.
17.04.1720 Owner.
17.04.1730 Parcel of land.
17.04.1740 Parking area.
17.04.1750 Parking space.
17.04.1760 Personal services.
17.04.1770 Persons and/or families of lower income.
17.04.1780 Pet.
17.04.1790 Petting zoo.
17.04.1800 Photodocument, Photodocumentation.
17.04.1810 Places of worship.
17.04.1820 Places of public assembly, social clubs, lodges.
17.04.1830 Portable sawmill or planing mill.
17.04.1840 Poultry.
17.04.1850 Professional office.
17.04.1860 Prospecting.

17.04.1870 Public agency.
17.04.1880 Public safety facility.
17.04.1890 Public sewer system.
17.04.1900 Public utility distribution facility.
17.04.1910 Public utility uses.
17.04.1920 Public water system.
17.04.1930 Qualified housing development.
17.04.1940 Qualified land.
17.04.1950 Qualified Professional.
17.04.1960 Recreation.
17.04.1970 Recreational development.
17.04.1980 Recreational vehicle.
17.04.1990 Recreational vehicle park.
17.04.2000 Recycling facility.
17.04.2010 Rendering plant.
17.04.2020 Residential care home.
17.04.2030 Restaurant.
17.04.2040 Restaurant, take-out.
17.04.2050 Resubdivision.
17.04.2060 Retail sales.
17.04.2070 Retail sales, indoor.
17.04.2080 Retail sales, outdoor.
17.04.2090 Retail services.
17.04.2100 Retail services, indoor.
17.04.2110 Retail services, outdoor.
17.04.2120 Reverse vending machine.
17.04.2130 Riding club.
17.04.2140 Right of Way.
17.04.2150 Roadside stand.
17.04.2160 Rummage sale.
17.04.2170 Sawmill.
17.04.2180 Secretary of the Interior Standards.
17.04.2190 Senior citizen housing development.
17.04.2200 Senior citizen housing development unit.
17.04.2210 Sensitive Use.
17.04.2220 Setback.
17.04.2230 Setback line.
17.04.2240 Shared housing building.
17.04.2250 Shopping Center.
17.04.2260 Short-Term Rental.
17.04.2270 Sign.
17.04.2280 Single room occupancy.
17.04.2290 Site.
17.04.2300 Skilled nursing facility.
17.04.2310 Space.
17.04.2320 Specific, adverse impact.
17.04.2330 Stable, commercial.
17.04.2340 State Historical Building Code (SHBC).

17.04.2350 Stockyard.
 17.04.2360 Storage containers.
 17.04.2370 Street.
 17.04.2380 Structure.
 17.04.2390 Structural alterations.
 17.04.2400 Supportive Housing.
 17.04.2410 Target Population.
 17.04.2420 Timber.
 17.04.2430 Timber harvesting, commercial.
 17.04.2440 Timberland.
 17.04.2450 Total units and total dwelling units.
 17.04.2460 Tourist information facilities.
 17.04.2470 Transient.
 17.04.2480 Transitional housing.
 17.04.2490 Transmission line.
 17.04.2500 Tuolumne County Register of Cultural Resources.
 17.04.2510 Tuolumne County Database of Cultural Resources.
 17.04.2520 U-Pick operations.
 17.04.2530 Use.
 17.04.2540 Use, accessory.
 17.04.2550 Use, nonconforming.
 17.04.2560 Use, principal.
 17.04.2570 Use, public.
 17.04.2580 Use, quasi-public.
 17.04.2590 Utility provider.
 17.04.2600 Utility trailer.
 17.04.2610 Warehouse.
 17.04.2620 Wholesaling.
 17.04.2630 Yard.
 17.04.2640 Zoning district.

17.04.010 General rules for interpretation.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this title, and words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; and the word "shall" is mandatory and not directory. Whenever reference is made to any portion of this title or any other ordinance or law, the reference shall apply to all amendments and additions now or hereafter made.

17.04.020 Accessory Dwelling Unit.

"Accessory Dwelling Unit" means an attached or a detached residential dwelling unit which provides independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, eating, sleeping, cooking, and sanitation on the same parcel where the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home as defined in Section 18007 of the Health and Safety Code.

17.04.030 Adjacent. "Adjacent" means adjoining or having a common boundary.

17.04.040 Adjacent property owner.

"Adjacent property owner," when used in this title to describe the type of notice of an action which must be given, means the owner of any real property, as shown in the latest information available in the county assessor's records, lying within the distance of the exterior boundary of the parcel for which an entitlement is sought, specified as follows:

Total Areas of Parcels Subject to Entitlement Distance for Notification

Less than 2 gross acres	300 feet
2 gross acres to	
less than 10 gross acres	500 feet
10 gross acres or larger	1,000 feet

17.04.050 Advertising media. "Advertising media" means any structure, object, device, display, balloon, or graphic on or attached to any land, building, vehicle, vessel, or structure and that is used to communicate any message or that advertises or promotes any business, product, activity, person, or interest.

17.04.060 Affordable housing. "Affordable housing" means housing capable of being purchased or rented by a household with extremely low, very low, low, or median income, based on a household's ability to make monthly payments necessary to obtain housing. Housing is considered affordable when a household pays less than 30 percent of its gross monthly income for housing.

17.04.070 Affordable housing cost.

"Affordable housing cost" means the definition set forth in Health and Safety Code Section 50052.5 (Government Code Section 65915(c)(2)).

17.04.080 Affordable housing developer.

"Affordable housing developer" means the applicant or permittee of a qualified housing development and its assignees or successors in interest.

17.04.090 Affordable housing unit.

"Affordable housing unit" means a dwelling

unit that meets the standards specified in Chapter 17.28 (Inclusionary Housing) of this Code and is affordable to households having extremely low, very low, low, or median income.

17.04.100 Affordable rent.

"Affordable rent" means the definition set forth in Health and Safety Code Section 50053

17.04.110 Aggrieved party. "Aggrieved party" means any person whose happiness or peace of mind is disturbed by the granting or denial of any permit.

17.04.120 Agricultural by-product processing facility. "Agricultural by-product processing facility" means a facility for processing by-products from the growing, raising, harvesting, or processing of agricultural products, for example, composting facilities.

17.04.130 Agricultural hospitality facility.

"Agricultural hospitality facility" means a facility that provides rest, relaxation, or food to travelers or local residents for compensation, including but not limited to transient lodging facilities and restaurants, and is on a parcel that supports an agricultural use. Tents and recreational vehicles may not be used for transient lodging facilities.

17.04.140 Agricultural laborer housing.

"Agricultural laborer housing" means temporary or permanent accommodations for employees engaged in agricultural operations on a working farm or ranch. The employees must obtain the majority of their compensation from the farm or ranch on which they reside during the time they reside there. Accommodations shall include any living quarters as provided in the Health and Safety Code. Agricultural laborer housing on Williamson Act contract land is subject to recommendation by the Agricultural Advisory Committee and approval by the Board of Supervisors.

17.04.150 Agricultural marketing.

"Agricultural marketing" means a facility or activity that promotes the sale of agricultural products grown, processed, or produced on the farm or ranch where the facility or activity is located, including but not limited to tasting rooms, accessory gift shops, retail sales of the agricultural products, retail sales of other agricultural products produced in Tuolumne County, accessory retail sales of food products not produced on the farm or ranch for on-site consumption, and farm or ranch tours.

17.04.160 Agricultural processing facility.

"Agricultural processing facility" means a facility for processing, packing, canning, or otherwise preparing agricultural products for sale or distribution. Agricultural processing facility includes water systems, on-site wastewater treatment and disposal systems, and other services related to the processing of the agricultural product.

17.04.170 Agricultural products.

"Agricultural products" are commodities resulting from the practice of agriculture and value-added products as a result of processing agricultural commodities.

17.04.180 Agricultural support services.

"Agricultural support services" are land uses that support agricultural land uses by providing services or supplies necessary to the operation of an agricultural land use.

17.04.190 Agriculture. "Agriculture" means the use of land for the production of food, feed, fiber, nursery and apiary commodities, and their necessary accessory uses.

17.04.200 Airport and heliport. "Airport and heliport" means facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, aircraft hangar and related facilities, including, but not limited to, fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, and airport administrative facilities, including airport offices, operations buildings,

communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

17.04.210 Airstrip. "Airstrip" means any area designated and set aside for the landing and taking off of any aircraft.

17.04.220 Alley. "Alley" means a public thoroughfare not more than thirty feet in width that affords a means of access to abutting property and a link between streets, and includes the following:

A. "Improved pedestrian alleyway" means an alley that has been improved in accordance with the standards established in the *Tuolumne Parking & Alleyway Study* dated October 15, 2010, as it may be amended by the Board of Supervisors, including a minimum 14' wide paved surface to provide an enjoyable and safe nonvehicular link between streets and incorporate the functional use of the alley as a utility corridor with aesthetic treatment. Vehicles for emergency and maintenance services are allowed through the pedestrian alleyway, but other vehicle use is prohibited except during emergencies.

B. "Improved vehicular alleyway" means an alley that has been improved in accordance with the standards established in the *Tuolumne Parking & Alleyway Study* dated October 15, 2010, as it may be amended by the Board of Supervisors, including a minimum 16' wide asphalt paved surface to provide for the functional use of the alley for one-way vehicular access in an aesthetically pleasing manner.

17.04.230 Animal hospital. "Animal hospital" means a place where animals are given medical care and where the boarding of animals is limited to short-term care incidental to the medical care.

17.04.240 Animal processing facility.

"Animal processing facility" means a facility where animals are killed and/or their carcasses are cut and may be wrapped for

consumption as food products. "Animal processing facility" does not include the onsite slaughtering of animals raised by the owner or tenant.

17.04.250 Antenna. "Antenna" means a device used in communications that transmits and/or receives radio, television, or other electromagnetic signals, including but not limited to dish panel, parabolic, and whip antennas.

17.04.260 Antique. "Antique" is any handmade or manufactured product, such as an automobile, a work of art, piece of furniture, jewelry, clothing, or decorative object, having high value because of its considerable age that is indicative of a specific period of craftsmanship and design. Further, a collectible is any mass-produced product, no longer manufactured and of limited availability, such as coins, books, stamps, clothing, bric-a-brac, curios, or similar objects, regardless of its age, which represents an earlier period, style, or fad, and which, when originally produced, carried an inexpensive retail price but has taken on an intrinsic value greater than that original value and which continues to appreciate with time.

17.04.270 Applicant. "Applicant" means any owner or his/her authorized agent who files an application for a permit or change in land use pursuant to the provisions of this title.

17.04.280 Archive. "Archive" means the official repository, located within Tuolumne County, for cultural resources artifacts and documents.

17.04.290 Area to perimeter ratio. "Area to perimeter ratio" means the number achieved by dividing the total area of the parcel by the total perimeter of the parcel boundary. The units to be used are square feet for area and linear feet for perimeter, and the resultant ratio has no units.

17.04.300 Attached. "Attached" means a structure that shares a common load-bearing wall with another structure that is at least 30

percent of the secondary structure's load-bearing wall.

17.04.310 Auction yard. "Auction yard" means a yard, pen, corral, building, or premise permanently devoted to assembling livestock for sale, resale, exchange, or transfer, the primary purpose of which is to facilitate transfer of ownership of the livestock. "Auction yard" does not include a yard, pen, corral, building, or premise on a farm or ranch used to sell livestock.

17.04.320 Auto wrecking and junk storage. "Auto wrecking and junk storage" means storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

17.04.330 Automotive repair, major. "Automotive repair, major" means a facility which provides heavy repair of automobiles and/or trucks including but not limited to body and fender repair, automotive painting, transmission and/or engine rebuilding, or other repair services which include the removal of major automotive mechanical components of a vehicle.

17.04.340 Automotive repair, minor. "Automotive repair, minor" means a facility which provides light repair of automobiles and/or light trucks, including but not limited to engine tune-up, oil change, brake repair and replacement, muffler replacement, and the sale and/or installation of tires, batteries and accessories.

17.04.350 Banner. "Banner" means any sign printed on cloth, paper, plastic, or similar material that is not permanently attached to a building or structure for the purpose of advertising, announcing, declaring, demonstrating, displaying, or attracting the attention of the public, excluding official notices issued by a court or public officer.

17.04.360 Bar. "Bar" means premises used primarily for the dispensing of alcoholic beverages for on-site consumption.

17.04.370 Bed and breakfast. "Bed and breakfast" means a dwelling unit that provides lodging and breakfast for temporary overnight occupants for compensation. This is different from a short-term transient room rental.

17.04.380 Biomass Facility. "Biomass Facility" means a facility that processes wood waste, agricultural waste, and/or biogenic materials, excluding human/animal waste, to create renewable organic materials.

17.04.390 Board. "Board" means the Board of Supervisors of the County.

17.04.400 Boardinghouse. "Boardinghouse" means a dwelling other than a hotel where lodging and meals for three or more persons are provided for compensation. Boardinghouse includes rooming house.

17.04.410 Bona fide effort. "Bona fide effort" means the process undertaken by a project proponent to find alternatives to demolition or relocation of a cultural resource, including but not limited to:

A. Marketing the property for sale or lease; or

B. Pursuing alternative funding sources for preservation, such as local tax incentives and state and/or federal tax credits, loans, redevelopment agency loans, CDBG grants, or similar financial incentives; and

C. Obtaining written statements from licensed building contractors or architects detailing the actual costs to rehabilitate the property.

17.04.420 Building. "Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter of or enclosure of persons, animals, or property.

17.04.430 Building, accessory. "Accessory building" means a subordinate building, the

use of which is incidental and accessory to a principal use on the same parcel.

17.04.440 Building height. "Building height" means the vertical distance from grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

17.04.450 Campground. "Campground" means any area or tract of land where one or more spaces are rented or leased or held out for rent or lease for temporary recreational occupancy.

17.04.460 Camping cabin. "Camping cabin" means a relocatable hard sided shelter with a floor area less than 400 square feet (37 square meters) without plumbing that is designed to be used within a recreational vehicle park only by a camping party. A camping cabin may contain an electrical system and electrical space conditioning equipment complying with the electrical and mechanical regulations adopted pursuant to this part and supplied by the lot service equipment. A camping cabin may be installed or occupied only in special occupancy parks or in state parks and other state property pursuant to Chapter 1 (commencing with Section 5001) of Division 5 of the Public Resources Code.

17.04.470 Camping party. "Camping party" means no more than 10 people can occupy a campsite or camping cabin for not more than 30 days annually.

17.04.480 Campsite. "Campsite" means an area within an incidental camping area occupied by a camping party.

17.04.490 Cemetery. "Cemetery" means establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

17.04.500 Christmas tree farm. "Christmas tree farm" means the commercial growing and harvesting of trees for sale as Christmas trees. A Christmas tree farm may feature either wholesale or on-site retail sales or both.

Christmas tree farms may also sell accessory items for Christmas trees. Christmas tree farms do not include facilities for the manufacture of artificial Christmas trees.

17.04.510 Civic event. "Civic event" means any significant celebration or program receiving area-wide recognition and staged for the amusement, entertainment, or education of the public. Civic events are not special events and sales.

17.04.520 Clear Sight Triangle. "Clear Sight Triangle" means a triangular area in the public right of way or a private driveway that defines a zone necessary for the clear view by the driver of a motor vehicle or a bicyclist of oncoming cross-street motor vehicle, bicycle, or pedestrian traffic.

17.04.530 Clubhouse. "Clubhouse" means any building or premises used for regular or periodic meetings of a group or persons organized for a nonprofit purpose, exclusive of groups organized to render a service customarily carried on as a business.

17.04.540 Commercial coach. "Commercial coach" means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is required to be moved under a permit, and shall include a trailer coach as defined in Section 635 of the Vehicle Code. "Commercial coach" also means a special-purpose commercial coach as defined in Section 18012.5 of the Health and Safety Code, which is not required to be moved under a permit.

17.04.550 Commercial events on agricultural land. "Commercial events on agricultural land" means the use of land and/or facilities

for meetings, gatherings, and events, including, but not limited to, weddings, parties, and similar uses, for which a fee is charged.

17.04.560 Commercial laundry or dry cleaning plant. "Commercial laundry or dry cleaning plant" means a facility that operates a system to clean clothing and/or fabrics with chemical solvents that have little or no water.

17.04.570 Commercial recreation and amusement center. "Commercial recreation and amusement center" means facilities or uses that provide participant or spectator recreation. This classification includes sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, golf driving ranges, pool rooms, dance halls, ice/roller skating rinks, golf courses (daily fee), miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, pinball arcades or electronic games centers; it also includes health and fitness clubs, gymnastic facilities and similar uses

17.04.580 Commission. "Commission" means the Planning Commission of the county.

17.04.590 Common interest development. "Common interest development" means any of the following: a community apartment project, a condominium project, a planned development, and a stock cooperative pursuant to Civil Code Section 1351(c) and pursuant to Civil Code Section 4100. All common interest development units must be offered to the public for purchase (Government Code Section 65915(i)).

17.04.600 Condominium. "Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property. A condominium may include, in addition, a separate interest in other portions of such real property.

17.04.610 Condominium conversion project. "Condominium conversion project" means a residential project in which the applicant proposes to convert apartment units to condominiums pursuant to Government Code Section 65915.5(a).

17.04.620 Corner parcel. "Corner parcel" means any parcel abutting two streets at the point of intersection.

17.04.630 Cottage food operation. "Cottage food operation" means an enterprise conducted within a permitted single-family dwelling where low risk food products are prepared or packaged for sale to consumers as defined in Section 113758 of the California Health and Safety Code.

17.04.640 County. "County" means the Tuolumne County Board of Supervisors; the Planning Commission; the Community Development Department; the Public Works Department; and all advisory agencies, appeals boards, officers, agents, consultants, contractors, and employees of Tuolumne County.

17.04.650 Cultural Resource. "Cultural resource" means any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering, or architectural significance to the citizens of Tuolumne County, the State of California, or the nation that is 50 years of age or older or has been listed on the National Register of Historic Places, the California Register of Historical Resources, or the Tuolumne County Register of Cultural Resources. The term "cultural resource" includes historical resources and historic properties.

17.04.660 Day care center. "Day care center" means a facility, other than a family day care home, that provides nonmedical care to persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a

24-hour basis. Day care center also includes infant centers, preschools, and adult day care facilities.

17.04.670 Demolition. "Demolition" means any intentional act or process that results in the destruction of 50 percent or more of an individual building, structure, object, or site. Demolition excludes maintenance and repair, activities that involve interior features only, and activities that do not require a building permit.

17.04.680 Demonstration garden. "Demonstration garden" means land used by multiple users, often an organization, for the cultivation of fruits, vegetables, plants, flowers, or herbs with an outreach or education component.

17.04.690 Density bonus. "Density bonus" means a process by which the County can increase the density within a development project by a percentage established by law or through which the County offers incentives that support economic viability in return for guarantees with respect to the preservation of the rights of use or sale for affordable housing purposes.

17.04.700 Density bonus units. "Density bonus units" means dwelling units granted pursuant to Chapter 17.26 that exceed the otherwise maximum allowable residential density.

17.04.710 Development of aggregate resources. "Development of aggregate resources" means commercial excavation and processing of earth or building materials together with necessary buildings, apparatuses, and incidental appurtenances.

17.04.720 Development standard. "Development standard" means a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio, that applies to a residential development pursuant to the Development Code, the

General Plan, or other County condition, law, policy, resolution, or regulation (Government Code Section 65915(o)(2)).

17.04.730 Director. "Director" means the director of the County Community Development Department.

17.04.740 Discretionary Land Use Approval. "Discretionary land use approval" means any decision of the County approving a request of an applicant, including but not limited to: a General Plan amendment, rezoning, tentative map, vesting tentative map, parcel map, final map, final map modification or amendment, time extension, boundary line adjustment, certificate of compliance, conditional use permit, administrative use permit, use permit modification, use permit extension, variance or variance modification, minor exception, temporary use permit, reclamation plan, site development permit, or any other land use, public works, or engineering entitlement requiring the County's exercise of judgment to impose or not to impose conditions of approval, and any accompanying CEQA determination pertaining to any such approval.

17.04.750 District. "District" means a grouping of resources (including historic properties, historical resources, and cultural resources) linked either by geography or by association and function; the district may have been planned or designed as a unit (e.g., a neighborhood or college campus) or through association has been historically united (e.g., central business districts, transportation networks). Other examples of districts are residential neighborhoods, commercial areas, industrial complexes, civic centers, defined communities, water distribution systems, groups of habitations and associated activity areas, large ranches or estates, and large parks.

17.04.760 Dormitory. "Dormitory" means a residence hall providing sleeping accommodations for individuals or for groups, usually without private baths.

17.04.770 Drive-Through Facilities. "Drive-Through Facilities" means a component of a retail or service business building or development intended to allow service direct from the building through a window, kiosk or automated delivery system to vehicle occupants. Such facilities include but are not limited to food service windows, automatic teller machines or similar service systems.

17.04.780 Duplex. "Duplex" means a building on a single parcel containing two primary single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof, except that common entry ways may be provided.

17.04.790 Dwelling. "Dwelling" means any building or portion thereof designed or used as the residence of one or more persons. Dwelling does not include dormitory.

17.04.800 Dwelling group. "Dwelling group" means two or more detached dwelling units on one parcel.

17.04.810 Dwelling, multiple-family. "Multiple-family dwelling" means a building arranged or designed to be occupied by more than two families in individual dwelling units.

17.04.820 Dwelling, single family. "Single-family dwelling" means one dwelling unit.

17.04.830 Dwelling, single-family primary. "Primary single-family dwelling" means the principal and largest dwelling unit on a parcel.

17.04.840 Dwelling unit. "Dwelling unit" means a room or group of rooms, including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen, that constitutes an independent housekeeping unit, occupied or intended for occupancy by one household. Dwelling unit does not include a recreational vehicle.

17.04.850 Easement. "Easement" means an interest in real property giving a person or public entity other than the owner of a parcel

a right to use that parcel or a portion or to prevent the owner's use, for some specific purpose. Such specific purposes may include streets, alleys, bicycle paths, pedestrian facilities, equestrian trails, sanitary sewers, drainage, utilities, or other public or private uses.

17.04.860 Eligible housing development.

"Eligible housing development" means a development that satisfies all of the following criteria:

A. The development is a multifamily housing development that contains five or more residential units, exclusive of any other floor area ratio bonus or incentive or concession awarded

B. The development is located within one of the following:

1. An urban infill site that is within a transit priority area.
2. One-half mile of a major transit stop.

C. The site of the development is zoned to allow residential use or mixed use with a minimum planned density of at least 20 dwelling units per acre and does not include any land zoned for low-density residential use or for exclusive nonresidential use.

D. The applicant and the development satisfy the replacement requirements specified in subdivision (c) of Government Code Section 65915.

E. The development includes at least 20 percent of the units (excluding any additional units allowed under a floor area ratio bonus or other incentives or concessions provided), with a housing cost or rent affordable to, and occupied by, persons with a household income equal to or less than 50 percent of the area median income, and subject to an affordability restriction for a minimum of 55 years

F. The development complies with the height requirements applicable to the underlying zone. A development shall not be eligible to use a floor area ratio bonus or other incentives or concessions provided to relieve the development from a maximum height limitation.

17.04.870 Enclosed storage of equipment or materials. "Enclosed storage of equipment or materials" means an enclosed structure used to house equipment and materials.

17.04.880 Emergency shelter. "Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy for six months or less by a homeless person. **Emergency shelters include interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care.**

17.04.890 Equipment repair facilities.

"Equipment repair facilities" means truck and heavy equipment sales, service, repair and rental. Sales, servicing, rental, fueling, servicing, repairing, and washing of trucks and trailers, and heavy equipment. Sales of new or used automobiles or pickup trucks are excluded from this classification.

17.04.900 Family. "Family" means one or more persons living together as a single housekeeping unit in a dwelling, not including any group occupying a rooming house or boardinghouse or hotel or motel.

17.04.910 Family day care home. "Family day care home" means a home that regularly provides care, protection, and supervision for children under 18 years of age in the provider's own home for periods of less than 24 hours per day while the parents or guardians are away, and includes the following:

A. "Large family day care home" means a home that regularly provides day care to 7 to 12 children, including children under the age of 10 years who reside at the home. A large family day care home may provide day care for more than 12 and up to 14 children if the criteria in Section 1597.465 of the Health and Safety Code are met.

B. "Small family day care home" means a home which provides family care to 6 or fewer children, including children under the age of 10 years who reside at the home. A small family day care home may provide day

care for more than 6 and up to 8 children if the criteria in Section 1597.44 of the Health and Safety Code are met.

17.04.920 Farmers market. "Farmers market" means a location where farmers may transport and sell to the public agricultural products that they produced. A certified farmers market is a farmers market that is approved by the Tuolumne County Agricultural Commissioner, is operated in accordance with regulations in the Food and Agricultural Code, and where the agricultural products sold are exempt from the established grade, size, labeling, packaging, and other such requirements for fruits, nuts, and vegetables.

17.04.930 Farm or ranch tour. "Farm or ranch tour" means a visit to a farm or ranch, whether guided or not.

17.04.940 Farm stay. "Farm stay" means a farm or ranch which produces agricultural products as its primary source of income and which provides overnight transient accommodations as an accessory use to the commercial agricultural use so that members of the public may experience a rural lifestyle. Food service is limited to registered guests, with the price of food included in the price of the overnight transient occupancy accommodation. The establishment can have no more than six guest bedrooms. Tents and recreational vehicle may not be used for transient lodging facilities.

17.04.950 Feasible. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.

17.04.960 Feed yard. "Feed yard" means a confined area where large numbers of livestock are kept with limited space per animal to prepare them for market and where 60 percent or more of the feed for those animals is not from grazing. Feed yard includes feed lot. "Feed yard" does not

include a yard, pen, corral, building, or premise on a farm or ranch used to sell livestock.

17.04.970 Fitness Studio. "Fitness Studio" means a small-scale facility typically accommodating a few groups of students at a time. Examples of these facilities include individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; yoga studios; martial arts training studios; gymnastics instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

17.04.980 Flea market. "Flea market" means an outdoor market or sale featuring temporary individuals stalls or concessions set up for the purpose of selling merchandise.

17.04.990 Floor area ratio. "Floor area ratio" means the ratio of gross building area, excluding structured parking areas, proposed for the project divided by the net lot area. For purposes of this paragraph, "gross building area" means the sum of all finished areas of all floors of a building included within the outside faces of its exterior walls.

17.04.1000 Floor area ratio bonus. "Floor area ratio bonus" means an allowance for an eligible housing development to use a floor area ratio over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the General Plan.

17.04.1010 Foster home. "Foster home" means a home licensed for the care of children.

17.04.1020 Garage, private. "Private garage" means a building designed, used, or intended to be used for the storage of automobiles belonging to the owner or

tenant of the property on which the garage is located; a carport.

17.04.1030 General farming and ranching.

"General farming and ranching" means growing, cultivating, raising, breeding, or producing plants or animals for commercial or domestic purposes, including but not limited to, livestock, dairy, furbearing animals, poultry, aquaculture, apiculture, grains, herbs, vegetables, fruit, horticultural plants, and Christmas trees, and the accessory structures related to these activities, such as barns and greenhouses. "General farming and ranching" includes agriculture and agricultural production but does not include landscaping, gardens, or pets that are accessory to a residential use.

17.04.1040 General manufacturing, processing, and refining. "General manufacturing, processing and refining" means the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products and the blending of materials.

17.04.1050 General non-commercial recreational use. "General non-commercial recreational use" means recreation area or facility operated and controlled by an association, corporation, private individual or nonprofit group and limited to members or owners and their guests.

17.04.1060 Grade. "Grade" means the average existing slope adjacent to the exterior of a building.

17.04.1070 Green waste. "Green waste" means organic waste generated by landscape garden or agricultural operations, consisting of lawn clippings, tree and shrub prunings, wood, and miscellaneous soil material. This is categorized as material that can be processed into compost or wood chips for reuse.

17.04.1080 Gross acreage. "Gross acreage" means the total area of a parcel, including easements, rights-of-way, lakes, and streams.

17.04.1090 Growing and harvesting of forest products. "Growing and harvesting of forest products" means the operation and harvesting of timber tracts, tree farms, forest nurseries, whether planted or of natural growth, standing or down, including nursery stock for restocking commercial forest land and related activities such as reforestation services; also the gathering of gums, barks, sap, moss and other forest products.

17.04.1100 Guesthouse. "Guesthouse" means a detached building occupied by guests without compensation of any kind as a condition of occupancy and used as sleeping quarters only, without cooking or housekeeping facilities.

17.04.1110 Guest ranch. "Guest ranch" means a farm or ranch where the primary use is a commercial agricultural operation and where members of the public may stay for compensation to experience a rural lifestyle as an accessory use to the commercial agricultural use and where guest facilities, including but not limited to the lodge, bunkhouse or cottages, recreational activities, food and beverage service, and entertainment, are limited to use or consumption by registered overnight guests of the guest ranch. Tents and recreational vehicles may not be used for transient lodging facilities.

17.04.1120 Harvesting of timber. "Harvesting of timber" means the cutting of trees for commercial purposes. "Harvesting" does not include cutting of trees necessary for a homesite or a road or the cutting of dead, dying, or diseased timber pursuant to county ordinance.

17.04.1130 Health care facility. "Health care facility" means an institution providing medical or surgical care and treatment.

17.04.1140 High-water mark. "High-water mark" means the highest level to which water will rise in a reservoir, lake, or pond before it overflows, unless otherwise established by county ordinance or by the agency having jurisdiction over the reservoir, lake, or pond.

17.04.1150 Highway. "Highway" means any street designated and maintained as part of the state highway system.

17.04.1160 Home occupation. "Home occupation" means any use conducted entirely within a dwelling or private garage, and carried on exclusively by the inhabitants thereof and which that is merely incidental to the residential use of the parcel and does not change its residential character or appearance. Home occupation does not include cottage food operations.

17.04.1170 Hotel. "Hotel" means a building containing six or more bedrooms where overnight lodging without individual cooking facilities is offered to the public for compensation, primarily for the accommodation of transient guests unless the room is used for single room occupancy. A hotel is not a motel or dormitory or boardinghouse. Tents and recreational vehicles may not be used for transient lodging facilities (i.e. hotel).

17.04.1180 Household. "Household" means all the persons, related or unrelated, who occupy a single dwelling unit. Persons not living in households are classified as living in group quarters.

17.04.1190 Household, extremely low-income. "Extremely low-income household" means a household with an annual income no greater than 30 percent of the County median income, adjusted by household size, as determined by the California Department of Housing and Community Development.

17.04.1200 Household, low-income. "Low-income household" means a household with an annual income of at least 50 percent of the

County median income but less than 80 percent of the County median income, adjusted by household size, as determined by the California Department of Housing and Community Development.

17.04.1210 Household, median-income. "Median-income household" means a household with an annual income equal to the County median income, adjusted by household size, as determined by the California Department of Housing and Community Development.

17.04.1220 Household, moderate-income. "Moderate-income household" means a household with an annual income of at least 80 percent of the County median income but less than 120 percent of the County median income, adjusted by household size, as determined by the California Department of Housing and Community Development.

17.04.1230 Household, very low-income. "Very low-income household" means a household with an annual income no greater than 50 percent of the County median income, adjusted by household size, as determined by the California Department of Housing and Community Development.

17.04.1240 Housing development. "Housing development" means a development project of five or more residential units and includes a subdivision or common interest development that is approved by the County and consists of residential units or unimproved residential lots, and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in available residential units (Government Code Section 65915(i)).

17.04.1250 Incentive. "Incentive" means "incentives and concessions" as that phrase is used in Government Code Section 65915.

17.04.1260 Incidental camping area.

"Incidental camping area" means any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes, and where two or more campsites used for camping are rented or leased or held out for rent or lease. The density of usage shall not exceed 25 camping parties within a radius of 265 feet from any campsite within the incidental camping area.

17.04.1270 Incidental use. "Incidental use" means a use that is subordinate and of minor consequence to the primary use on the same site and occupies not more than 25 percent of the gross floor area and less than 25 percent of the outdoor storage area.

17.04.1280 Inclusionary unit. "Inclusionary unit" means an affordable housing unit provided by the developer of a residential housing project pursuant to the provisions of Chapter 17.28 of this code.

17.04.1290 Industry. "Industry" means the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof resulting in a change of form, character, or appearance. Industry also includes the storage, sales, repair, refinishing, or warehousing of such materials or commodities.

17.04.1300 Junior Accessory Dwelling Unit. "Junior Accessory Dwelling Unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. For the purposes of life/safety regulations and providing utilities such as water, sewer, power, or other utilities, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

17.04.1310 Junk. "Junk" means discarded or salvaged materials or waste.

17.04.1320 Kennel. "Kennel" means any parcel, structure, enclosure, or premises whereupon or wherein are kept dogs or cats in the following numbers for more than five weeks in any calendar year, whether such keeping is for pleasure, profit, breeding, or exhibiting:

A. Five or more dogs; or

B. Seven or more cats; or

C. Seven or more dogs and cats in any combination provided that a combination that includes five or more dogs constitutes a kennel.

A kennel does not include a parcel zoned A (Agricultural) on which are kept five or more dogs used for herding or other purposes in conjunction with a commercial agricultural operation.

17.04.1330 Kitchen. "Kitchen" means an area with appliances or other facilities for the preparation or preservation of food that includes a gas or electric range, oven, or stovetop. A kitchen does not include wet bars or specialized home canning or preserving facilities.

17.04.1340 Landscaping. "Landscaping" means the improvement of any real property through the use of shrubs, hedges, trees, grass or other plants with or without decorative or functional fences, railings, statues, curbs, and similar structures to enhance the appearance of the property, reduce soil erosion, or provide screening for light or sound.

17.04.1350 Living area. "Living area" means the space within a dwelling for sleeping, eating, cooking, and other activities of the persons who occupy the dwelling. Living area includes bathrooms, hallways, stairwells, storage areas, utility spaces, and similar areas. Living area does not include exterior decks, open porches, carports, or garages. The size of the living area is measured from the exterior wall of the dwelling.

17.04.1360 Livestock. "Livestock" means poultry, horses, cattle, sheep, pigs, and

similar animals, not including dogs or other small household pets.

17.04.1370 Located within one-half-mile of a major transit stop. "Located within one-half-mile of a major transit stop" means any point on a proposed development for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio, that is within one-half-mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

17.04.1380 Log deck. "Log deck" means Temporary outdoor storage of logs, trees, or other raw forest or timber product.

17.04.1390 Lot line adjustment. "Lot line adjustment" means relocation of boundary lines between four or fewer existing adjoining lots or parcels that are not under common ownership, where the land taken from one lot or parcel is added to an adjoining lot or parcel, and where a greater number of lots or parcels than originally existed is not thereby created.

17.04.1400 Low Barrier Navigation Center. "Low Barrier Navigation Center" means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" means best practices to reduce barriers to entry, and may include, but is not limited to: the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth; pets; the storage of possessions; or privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

17.04.1410 Main building. "Main building" means any building in which is conducted the principal use of the parcel on which it is situated. Every dwelling in any residential (R) district is a main building.

17.04.1420 Maintenance and repair. "Maintenance and repair" means:

A. Any work for which a building permit is not required by law; or,

B. Work for which a building permit is required by law where the purpose and effect of such work is to correct any deterioration or damage to an improvement or natural feature or any part thereof to restore the same to its condition prior to the occurrence of such deterioration or damage, including replacement of doors, windows, porches, or similar architectural features.

17.04.1430 Major Tower. "Major tower" means a tower for wireless communication or cellular purposes that is non-stealth in design or exceeds the height limit of the district in which it is located.

17.04.1440 Major Wireless Communications Facility. "Major wireless communications facility" means a wireless communications facility that is non-stealth in design or exceeds the height limit of the district in which it is located. A major wireless communications facility also includes any wireless communications facility that is ground- or roof-mounted and mounted in or on any public property including the public right-of-way but does not include a wireless communications facility located on a public utility pole within a public right-of-way that meets the requirements of a minor wireless communications facility.

17.04.1450 Major Transit Stop. "Major transit stop" means a site containing any of the following:

A. An existing rail or bus rapid transit station

B. A ferry terminal served by either a bus or rail transit service.

C. The intersection of two or more major bus routes with a frequency of service

interval of 15 minutes or less during the morning and afternoon peak commute periods.

D. Major transit stops that are included in the applicable regional transportation plan

A development shall be considered to have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

17.04.1460 Market-rate unit. "Market-rate unit" means a dwelling unit that is not an affordable unit.

17.04.1470 Maximum allowable residential density. "Maximum allowable residential density" or "base density" means the maximum number of units allowed under the zoning ordinance, specific plan, or land use element of the General Plan, or, if a range of density is permitted, means the maximum number of units allowed by the specific zoning range, specific plan, or land use element of the General Plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the General Plan or specific plan, the greater shall prevail. Density shall be determined using dwelling units per acre. (Government Code Section 65915(o)(6)).

17.04.1480 Merger. "Merger" means the elimination of boundary lines between parcels to join four or fewer separate and contiguous parcels under common ownership into one parcel.

17.04.1490 Mills Act. "Mills Act" means the historic property preservation incentive program established pursuant to Government Code Section 50280.1 et seq. and implemented in Tuolumne County pursuant to Resolution 171-92 to provide local property tax reductions for maintenance, rehabilitations, and/or remodels of qualifying structures, buildings, objects, sites, or districts consistent with the

Secretary of the Interior's standards and guidelines.

17.04.1500 Mineral resources. "Mineral resources" means:

A. Small Scale Development. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than one thousand cubic yards that disturbs one acre or less;

B. Large Scale Development. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of one thousand cubic yards or greater, or that disturbs more than one acre.

17.04.1510 Mini-mart. "Mini-mart" means a grocery store in conjunction with a [gasservice](#) station.

17.04.1520 Mini-storage facilities. "Mini-storage facilities" means a facility used for renting or leasing storage spaces in which the occupants themselves customarily store and remove their own personal property on a self-service basis.

17.04.1530 Minimum affordable housing component. "Minimum affordable housing component" means a housing development project that includes a minimum of any of the following:

A. Very Low-Income Minimum Affordable Housing Component – Provides at least 5 percent of the total units for very low-income household residents (Government Code Section 65915(b)(1)(B));

B. Low-Income Minimum Affordable Housing Component – Provides at least 10 percent of the total units for low-income households (Government Code Section 65915(b)(1)(A)); or

C. Moderate-Income Minimum Affordable Housing Component – Provides at least 10 percent of the total dwelling units in a common interest development for moderate-income households (Government Code Section 65915(b)(1)(D)).

17.04.1540 Minor Tower. "Minor tower" means a tower for wireless communication or cellular purposes that is stealth in design and does not exceed the height limit of the district in which it is located, or building-, facade-, or wall-mounted and does not exceed the height of the parapet wall or roofline of the building.

17.04.1550 Minor Wireless Communication Facility. "Minor wireless communications facility" means a wireless communications facility that is stealth in design and does not exceed the height limit of the district in which it is located, or building-, facade-, or wall-mounted and does not exceed the height of the parapet wall or roofline of the building. A roof-mounted tower, which is screened by a solid material on all four sides and does not exceed the maximum height of the district, shall be considered a minor wireless communications facility. The following shall be considered a minor wireless communications facility:

A. A small cell or small wireless facility, as that term is as that term is used by the Federal Communications Commission in FCC 18-133, as may be amended from time to time;

B. A wireless communications facility located on a public utility pole owned by the county;

C. A wireless communications facility located on public property or within a public right-of-way, other than a public utility pole owned by the county, if it is located 300 feet or more from a residential zone, that is in full compliance with the state public utilities commission joint pole association General Order 95, Rule 94, or any successor provisions thereto, and that does not exceed the height limit for the zone.

17.04.1560 Mobile food vendor. "Mobile food vendor" means a vehicle, usually a van, truck, towed trailer or pushcart, from which food or beverages are sold directly to consumers for commercial purposes. Mobile food vendor does not include a vehicle used for catering events.

17.04.1570 Mobile home. "Mobile home" means a manufactured dwelling unit, transportable on its own wheels, designed and equipped to be used with or without a foundation system. Mobile home includes a manufactured home, as defined in section 18007 of the Health and Safety Code. Mobile home does not include a recreational vehicle, commercial coach, or factory-built housing, as defined in Section 19971 in the Health and Safety Code.

17.04.1580 Mobile home park. "Mobile home park" means an area or tract of land where more than two spaces are rented or leased or held out for rent or lease to accommodate mobile homes, manufactured homes, recreational vehicles.

17.04.1590 Mortuaries, funeral homes, mausoleums, columbaria, and crematoria. "Mortuaries, funeral homes, mausoleums, columbaria, and crematoria" means a Property used for the preparation and/or interring of the dead.

17.04.1600 Motel. "Motel" means a building or group of buildings containing sleeping or dwelling units independently accessible from the outside where overnight lodging is offered to the public for compensation, primarily for the accommodation of automobile travelers unless the room is used for single room occupancy. Tents and recreational vehicle may not be used for transient lodging facilities (i.e. motel).

17.04.1610 Music festival. "Music festival" means an event with an organized series of musical performances typically by different individuals, bands, or groups of paid, professional, or amateur performers or by prerecorded or electronic means, to which members of the public are invited or admitted for a charge or free of cost. Music festivals often feature a theme, such as musical genre, nationality, or holiday, and may include other attractions, such as food, merchandise vendors, performance art, and social activities. Music festival does not include music provided in conjunction with

and related to a school, religious institution, or organized camp program, commercial events on land zoned agricultural (A or AE) or residential estate (RE), or musical entertainment provided in theaters, bars, restaurants, or similar indoor retail service establishments.

17.04.1620 Net acreage. "Net acreage" means the area of a parcel excluding areas within deeded or dedicated road easements or road easements that have been offered for dedication, and less the area of any reservoir, lake, or pond on the parcel as measured at the high-water mark where that area exceeds 20 percent of the gross acreage of the parcel, except the dedication of the area of any reservoir, lake, or pond on a parcel shall not apply where such parcel is being reconfigured or merged with one or more parcels.

17.04.1630 Nuisance. "Nuisance" means any condition or situation resulting from unreasonable or unlawful practices or from neglect which is injurious or unsightly or offensive to the senses so as to interfere with the comfortable enjoyment of life or property by reasonable persons residing or working in the neighborhood of such condition.

17.04.1640 Nurseries and greenhouses. "Nurseries and greenhouses" means establishments primarily engaged in outdoor sales of nursery and garden products-such as trees, shrubs, plants, seeds, bulbs, and sod-that are predominantly grown elsewhere and may supplement with ancillary and related landscape and gardening items such as fencing, fountains, irrigation equipment, decorative rocks, stackable walls and stepping stones. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are predominantly stored and sold in package form.

17.04.1650 Object. "Object" means a construction which is either small in scale, simply constructed, and although potentially moveable, is associated with a specific

setting or environment. Examples of objects include public sculptures, monuments, boundary markers, steam donkeys on their skids, and statuary and fountains in town squares.

17.04.1660 Objective standards. "Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

17.04.1670 Organizational Camp. "Organizational Camp" means land or premises which is owned by an organization and used or intended to be used, let or rented for occupancy by members of the organization or campers attending camp on the premise.

17.04.1680 Other incentives of equivalent financial value. "Other incentives of equivalent financial value" means the reduction or waiver of requirements that the County might otherwise apply as conditions of condominium conversion approval, but shall not be construed to require the County to provide cash transfer payments or other monetary compensation (Government Code Section 65915.5(c)).

17.04.1690 Outdoor advertising structure. "Outdoor advertising structure" means any sign.

17.04.1700 Outdoor seating. "Outdoor seating" means an area provided for dining or drinking in the open air in conjunction with a restaurant, take-out restaurant, or bar. An outdoor seating area is one that is not fully enclosed but may be partially enclosed and must be in a specifically identified area.

17.04.1710 Outdoor storage and outdoor sales. "Outdoor storage" means the keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place

for more than twenty-four hours, except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current building permit issued by the County.

"Outdoor sales" are the sale or offering for sale to the general public of merchandise outside of a permanent structure on property owned or leased by a person, firm, or corporation. These sales are of a limited duration and conducted on an occasional basis, and are secondary or incidental to the principal permitted use or structure existing on the property.

17.04.1720 Owner. "Owner" means the title holder of record for a particular property or premises, including the holders of surface rights and mineral rights where those rights are held separately.

17.04.1730 Parcel of land. "Parcel of land" means a geographical area of land, used or capable of being used under the regulations of this title created in accordance with the subdivision laws or ordinances in effect at the time of its creation.

17.04.1740 Parking area. "Parking area" means an open area, other than a street, alley, or other thoroughfare, used for the parking of motor vehicles, whether for a fee, free, or as an accommodation for clients or customers. Parking area includes parking lot.

17.04.1750 Parking space. "Parking space" means an area for the parking of a motor vehicle.

17.04.1760 Personal services. "Personal services" means provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, day spas, dry cleaning for individuals (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, and travel agencies mainly intended for the consumer. This classification also includes massage establishments in which all

persons engaged in the practice of massage are certified pursuant to the California Business and Professions Code Section.

17.04.1770 Persons and/or families of lower income. "Persons and/or families of lower income" means persons or families whose income does not exceed 80 percent of area median income, adjusted for family size by the California Department of Housing and Community Development, in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937.

17.04.1780 Pet. "Pet" means a domesticated animal kept for pleasure rather than utility or commercial enterprise, such as dogs, cats, and other domesticated animals suitable for housing inside a dwelling.

17.04.1790 Petting zoo. "Petting zoo" means raising and maintaining a variety of domestic animals, as defined by Section 6.04.020 of this Code, for purposes of both exhibition to the public and direct contact by the public.

17.04.1800 Photodocument, Photodocumentation. "Photodocument" or "Photodocumentation" means the preparation of a photographic record of all elevations of a cultural resource.

17.04.1810 Places of worship. "Places of worship" means a building or structure, or groups of buildings or structures, that are primarily intended for conducting organized religious services and associated accessory uses. Place of worship includes mosque, temple, synagogue, cathedral, church or similar religious institutions.

17.04.1820 Places of public assembly, social clubs, lodges. "Places of public assembly, social clubs, lodges" means a facility for public or private meetings including community centers, banquet centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for

clubs and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, bars, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities, or facilities such as day care centers and schools that are separately classified and regulated.

17.04.1830 Portable sawmill or portable planing mill. "Portable sawmill or portable planing mill" means portable mills producing finished lumber on a small scale.

17.04.1840 Poultry. "Poultry" means domesticated fowl raised for meat or eggs. For purposes of Section 17.42.040.B, poultry includes chickens (hens), pheasants, quail, doves, domestic turkeys, and domestic hybrids of these species, but does not include roosters, tom turkeys, ducks, pigeons, guinea fowl, geese, peacocks, pea hens, chukars, grouse, or large fowl including, but not limited to, ostriches and emus.

17.04.1850 Professional office. "Professional office" means any building or portion thereof occupied by persons engaged in the practice of medicine, dentistry, real estate, insurance, architecture, accounting, law, engineering, and similar professions.

17.04.1860 Prospecting. "Prospecting" means that search for minerals by geological, geophysical, geochemical, and other techniques, including, but not limited to, sampling, assaying drilling, or any surface or underground works needed to determine the type, intent, or quantity of minerals present. Prospecting does not include development of mineral resources.

17.04.1870 Public agency. "Public agency" means any taxing agency, government, district, or municipality or subordinate division thereof, engaged in the provision of a public service.

17.04.1880 Public safety facility. "Public safety facility" means facilities providing public-safety or emergency services, including sheriff stations, fire protection, ambulance services, emergency operation centers, emergency dispatch center, public works, and their associated, training and maintenance facilities. This classification also includes corporation yards for government agencies.

17.04.1890 Public sewer system. "Public sewer system" means a community or regional system for the collection, treatment, and disposal of sewage that meets all applicable state and local laws and is owned and operated by any public entity or public utility which is authorized to acquire, construct, maintain, and operate sanitary sewers and sewer systems.

17.04.1900 Public utility distribution facility. "Public utility distribution facility" means that portion of a utility system owned and operated by a legally authorized agency, organization, or association needed to deliver the particular utility's product to individual customers.

17.04.1910 Public utility uses. "Public utility uses" mean services for the public that include utility substations, service yards, pumping stations and other transmission and distribution facilities.

17.04.1920 Public water system. "Public water system" means a distribution system that provides potable water to residents of an area or community and is operated by either an association, district, mutual or public utility company form of organization legally authorized to purvey water.

17.04.1930 Qualified housing development. "Qualified housing development" means a housing development that meets the requirements of Chapter 17.26 for density bonus.

17.04.1940 Qualified land. "Qualified land" means land offered for donation in

accordance with Chapter 17.26 that meets the criteria set forth in Subdivision 11.30.080.A.

17.04.1950 Qualified Professional. "Qualified professionals" means persons meeting the following standards necessary to conduct cultural resource studies:

A. For projects requiring archaeological expertise, qualified professionals are:

1. Archaeologists included on the California Historical Resources Information System Central California Information Center list or with ROPA (Register of Professional Archaeologists) certification; or
2. Persons with a graduate degree in anthropology or archaeology or closely related field with at least one year of full-time professional experience or equivalent specialized training in archeological research, administration, or management and **all** of the following:
 - a. At least four months of supervised field and analytic experience in general North American Archaeology; and
 - b. Demonstrated ability to carry research to completion; and
 - c. At least one year of full-time experience at a supervisory level in the study of archeological resources of either the prehistoric period or historic period. An archaeologist shall be certified to conduct either prehistoric or historic archaeological investigations only unless demonstrated

experience is in both fields.

B. For projects requiring historical expertise, qualified professionals shall have:

1. A graduate degree in history or closely related field, or
2. A bachelor's degree in history or closely related field plus two years full-time experience in history; or
3. A bachelor's degree in history or closely related field plus substantial contribution through research and publication to the body of scholarly knowledge in history.

C. For projects requiring architectural expertise, a qualified professional shall have:

1. A graduate degree in architectural history including course work in American architectural history, or
2. A bachelors degree in architectural history and two years full-time experience in American architectural history or American restoration architecture with a professional institution, or
3. A bachelors degree in architectural history and substantial contribution through research and publication to the body of scholarly knowledge in American architectural history, or
4. A graduate or bachelors degree in art history, historic preservation, or closely related field and course work in American architectural history or,
5. A graduate or bachelors degree in art history, historic preservation, or closely related field and two years full-time experience in American architectural history or American restoration

- architecture with a professional institution, or
6. A graduate or bachelors degree in art history, historic preservation, or closely related field and substantial contribution through research and publication to the body of scholarly knowledge in American architectural history, or
 7. A professional degree in architecture and at least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field, or
 8. A professional degree in architecture and at least one year full-time professional experience on historic preservation projects including the following: detailed investigations of historic structures, preparation of historic structures research reports, preparation of plans and specifications for preservation projects, or
 9. A state license to practice architecture and at least one year graduate study in architectural preservation, American architectural history, preservation planning, or closely related field, or
 10. A state license to practice architecture and at least one year full-time professional experience on historic preservation projects, including the following: detailed investigations of historic structures, preparation of historic structures research reports, preparation of plans and specifications for preservation projects.
- 17.04.1960 Recreation.** "Recreation" means activities intended for amusement or diversion.
- 17.04.1970 Recreational development.** "Recreational development" means an area or tract of land that allows buildings and any of the following amenities: camps, ~~campgrounds~~, picnic facilities, beaches, and nonmotorized pedestrian and equestrian trails as well as camp roads. ~~Where RV and campgrounds are listed as separate land uses, they are not included as recreational development.~~
- 17.04.1980 Recreational vehicle.** "Recreational vehicle" means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria:
- A. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
 - B. It contains 400 square feet or less of gross area measured at maximum horizontal projections.
 - C. It is built on a single chassis.
 - D. It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.
- Recreational vehicle includes a park trailer as defined by Section 18009.3 in the Health and Safety Code.
- 17.04.1990 Recreational vehicle park.** "Recreational vehicle park" means any area or tract of land, or a separate designated section within a mobile home park where two or more lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate owners or users of

recreational vehicles, camping cabins, or tents.

17.04.2000 Recycling facility. "Recycling facility" means a structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing, and shredding.

17.04.2010 Rendering plant. "Rendering plant" means a processing facility where dead animals, except those raised on the farm or ranch, or their parts are recycled into products for beneficial purposes.

17.04.2020 Residential care home. "Residential care home" means any residence that maintains and operates organized facilities for board, care, and supervision of unrelated individuals.

17.04.2030 Restaurant. "Restaurant" means an establishment where the primary function is food and beverage preparation, service, and consumption.

17.04.2040 Restaurant, take-out. "Restaurant, take-out" means an establishment where the primary function is preparation and sale of food and/or beverages in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food or beverages may take place from an automobile.

17.04.2050 Resubdivision. "Resubdivision" means the merger and resubdividing of parcels under common ownership, or the adjustment of boundary lines between two or more parcels under common ownership. A resubdivision may not increase the number of parcels.

17.04.2060 Retail Sales. "Retail sales" means an establishment that is primarily engaged in

selling goods or merchandise to the general public for personal or household consumption but may include sales to commercial customers as well as the general public, and rendering services incidental to the sale of such goods. The characteristics of retail sales establishments are: (1) the establishment is a place of business that is primarily engaged in activities to attract the general public; (2) the establishment usually buys and receives wholesale merchandise and sells it as retail merchandise, but may sell some merchandise wholesale to commercial customers; (3) the establishment may process or manufacture some of the products, such as a jeweler or bakery, but such processing or manufacturing must be incidental or subordinate to the selling activities; and (4) retail establishments sell primarily to customer for their own personal or household use but may sell some merchandise to commercial customers. The aggregate square footage of all adjacent stores that share a common check stand, management, controlling ownership, or storage areas shall be considered one establishment. Retail sales establishments include discount warehouses or discount "club" stores.

17.04.2070 Retail sales, indoor. "Retail sales, indoor" means a retail sales establishment within an enclosed building.

17.04.2080 Retail sales, outdoor. "Retail sales, outdoor" means a retail sales establishment that displays and sells products and services primarily not in a building or structure.

17.04.2090 Retail services. "Retail services" means an establishment primarily providing services or entertainment, as opposed to products, to the general public for personal or household use, including but not limited to financial services; personal services; theatres; amusement and recreation facilities; health, educational, and social services; and museums.

17.04.2100 Retail services, indoor. "Retail services, indoor" means a retail services establishment within an enclosed building.

17.04.2110 Retail services, outdoor. "Retail services, outdoor" means a retail services establishment that primarily provides services or entertainment not in a building or structure.

17.04.2120 Reverse vending machine. "Reverse vending machine" means a machine that allows a person to insert a used or empty glass bottle, plastic bottle, or aluminum can in exchange for a reward.

17.04.2130 Riding club. "Riding club" means membership facilities providing the use of horses for sport or pleasure.

17.04.2140 Right of Way. "Right-of-way" means an easement to pass over an affected parcel. Rights-of-way may include the land on which public roads, railroads, public utilities, bicycle paths, pedestrian facilities, or equestrian trails are located.

17.04.2150 Roadside stand. "Roadside stand" means a structure on a farm or ranch that is used or intended to be used by the owner or tenant of the farm or ranch for the sale of agricultural products grown or raised in Tuolumne County and adjacent counties.

17.04.2160 Rummage sale. "Rummage sale" means a temporary business offering for sale such items as clothing, furniture, or other merchandise.

17.04.2170 Sawmill. "Sawmill" means mills producing finished lumber or processes that reduce the wood for use in the manufacture of different goods.

17.04.2180 Secretary of the Interior Standards. "Secretary of the Interior Standards" means the standards identified in the *Secretary of the Interior Standards and Guidelines for Historic Preservation Projects* (36 C.F.R. 67), the *Secretary of the Interior's Standards for Rehabilitation*, and the *Secretary of the Interior's Standards and*

Guidelines for Archaeology and Historic Preservation, with accompanying interpretive guidelines.

17.04.2190 Senior citizen housing development. "Senior citizen housing development" means a residential development that is developed, substantially rehabilitated, or substantially renovated for senior citizens and that has at least 35 senior citizen housing development units (Government Code Section 65915(b)(1)(C)).

17.04.2200 Senior citizen housing development unit. "Senior citizen housing development unit" means a residential dwelling unit in a senior citizen housing development that is available to, and occupied by, a senior citizen, as defined in Civil Code Section 51.3.

17.04.2210 Sensitive Use. "Sensitive use" means day care centers (not including family day care homes), schools (not including schools located in private homes), youth centers, and playgrounds.

17.04.2220 Setback. "Setback" means the distance from a parcel boundary or property line to the nearest exterior wall of a building.

17.04.2230 Setback line. "Setback line" means the line parallel to a property line at a distance from the property line equal to the yard requirement for buildings at that location, as specified in this title.

17.04.2240 Shared housing building. "Shared housing building" means a residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents.

17.04.2250 Shopping Center. "Shopping center" means a group of two or more retail sales or service establishments planned,

developed, owned, or managed as a unit with common off-street parking provided on the site.

17.04.2260 Short-Term Rental. "Short-Term Rental" means the rental of any structure or any portion of any structure for occupancy, for dwelling, lodging, or sleeping purposes, for 30 consecutive calendar days or fewer, including detached single-family residences, condominiums, duplexes, twinplexes, townhomes, and multiple-family dwellings.

17.04.2270 Sign. "Sign" means any card, cloth, glass, metal, painted, paper, plastic, wooden or other, configuration of any character placed in or on the ground or any tree, wall, bush, rock, fence, pavement, structure, or thing, for the purpose of advertising, announcing, declaring, demonstrating, displaying, or attracting the attention of the public, and excluding official notices issued by a court or public officer.

17.04.2280 Single room occupancy. "Single room occupancy" means housing units that are restricted to occupancy by no more than two persons and may include a kitchen and/or a bathroom, in addition to a bed. These units are typically comprised of one or two rooms.

17.04.2290 Site. "Site" means a location of a prehistoric or historic activity, which may include buildings and structures, but is important because the location itself possesses historic, cultural, or archaeological values regardless of the values of existing above-ground features. Examples of sites include habitation and village sites; rock shelters; hunting and fishing sites; petroglyphs and rock carvings; grounds and gardens; places where hostilities occurred; campsites; cemeteries and funerary sites; ruins of historic buildings and structures; natural features such as springs, rock formations, and other land areas having cultural significance; designed landscapes; and trails, ruins of canals, ditches, flumes, pipelines, roads, utility lines, fences, rock walls, and railroad grades.

17.04.2300 Skilled nursing facility. "Skilled nursing facility" means any establishment that provides nonhospital skilled nursing care administered by licensed registered or vocational nurses.

17.04.2310 Space. "Space" means a designated area within a mobile home park, recreational vehicle park, or campground designed and intended for occupancy by a mobile home, recreational vehicle, or camping party.

17.04.2320 Specific, adverse impact. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application for the housing development was deemed complete. Inconsistency with the Development Code or General Plan land use designation shall not constitute a specific, adverse impact upon public health or safety (Government Code Section 65589.5(d)(2)).

17.04.2330 Stable, commercial. "Commercial stable" means a building or enclosed area where horses are offered for rent or boarded for compensation.

17.04.2340 State Historical Building Code (SHBC). "State Historical Building Code" means the regulations in Part 8 of Title 24 of the State Building Standards Code that apply to all qualified buildings, structures, objects, districts, and sites designated under federal, state, or local authority as eligible for listing on local, state, or national registers of cultural resources. It provides alternatives to the California Building Code in cases consistent with building regulations for the rehabilitation, preservation, restoration, or relocation of qualified cultural resources designated as historic.

17.04.2350 Stockyard. "Stockyard" means a fenced area permanently devoted to keeping a large number of livestock for brief periods with limited space per animal that is

managed or operated as a public market for livestock producers and buyers. "Stockyard" does not include a yard, pen, corral, building, or premise on a farm or ranch used to sell livestock.

17.04.2360 Storage containers. "Storage container" means any factory-built container or part thereof designed or used for freight or storage and includes Conex boxes and sea-land containers, but does not include railroad box cars. Conex boxes are lockable box-like containers designed for use by the military to ship supplies overseas. Sea-land trailers are semi-truck trailers with detachable undercarriages that can be stacked for ship or rail transport.

17.04.2370 Street. "Street" means a publicly or privately maintained thoroughfare, excluding private driveways, that affords primary access to abutting property.

17.04.2380 Structure. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and created primarily for purposes other than sheltering human activity. "Structure" includes bridges, tunnels, dredges, fire lookouts, turbines, dams, power plants, windmills, kilns, mounds, earthworks, cairns, railroad locomotives and cars, telescopes, bandstands, gazebos, aircraft, canals, ditches, flumes, pipelines, roads, utility lines, fences, rock walls, railroad grades, and historic footpaths.

17.04.2390 Structural alterations. "Structural alterations" means any change in the supporting members of a building.

17.04.2400 Supportive Housing. "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and

maximizing his or her ability to live and, when possible, work in the community.

17.04.2410 Target Population. "Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

17.04.2420 Timber. "Timber" means trees of any species maintained for eventual harvest or harvested for forest product purposes, whether planted or of natural growth, standing or down, on privately or publicly owned land, including Christmas trees, but does not mean nursery stock.

17.04.2430 Timber harvesting, commercial. "Commercial timber harvesting" means the cutting or removal of timber for the purposes of sale for profit for wood product purposes, such as lumber or firewood. Commercial timber harvest does not include the cutting or removal of timber for personal use of the wood by the property owner or for other noncommercial purposes.

17.04.2440 Timberland. "Timberland" means privately owned land, or land acquired for state forest purposes, that is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 20 cubic feet per acre.

17.04.2450 Total units and total dwelling units. "Total units and total dwelling units" means dwelling units other than density

bonus units (Government Code Section 65915(b)(3)).

17.04.2460 Tourist information facilities.

"Tourist information facilities" includes facilities necessary to disseminate tourist and visitor information to the general public and may include limited structures and related facilities (includes tourist office, tourist bureau, visitor center and visitor bureau).

17.04.2470 Transient. "Transient" means any person who exercises occupancy, or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement, for a period of 30 consecutive days, or less, counting portions of calendar days as full days. Any such person occupying space in a hotel, motel, or inn shall be deemed to be a transient until the period of 30 days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

17.04.2480 Transitional Housing.

"Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined point in time that shall be no less than six months from the beginning of the assistance.

17.04.2490 Transmission line. "Transmission line" means the portion of a public utility network that conveys a product from the source or point of origin to one or more public utility distribution facilities.

17.04.2500 Tuolumne County Register of Cultural Resources. "Tuolumne County Register of Cultural Resources" means Tuolumne County's local register of significant cultural resources established pursuant to Resolution 171-92 on July 7, 1992.

17.04.2510 Tuolumne County Database of Cultural Resources. "Tuolumne County

Database of Cultural Resources" means the organized collection of cultural resources information for Tuolumne County maintained by the Tuolumne County Community Development Department.

17.04.2520 U-Pick operations. "U-Pick operations" means a farm where members of the public can harvest and pay for their produce.

17.04.2530 Use. "Use" means any purpose for which land or premises is designated, arranged or intended, or for which it is or may be occupied or maintained.

17.04.2540 Use, accessory. "Accessory use" means a secondary or subordinate use related to and on the same parcel or parcels of land as the principal use and conducted so as to not significantly change the character, appearance, or operation of the principal use.

17.04.2550 Use, nonconforming.

"Nonconforming use" means a use of land or a structure lawfully existing on the effective date of this title or any amendment thereto, that does not conform with the regulations of the district in which it is located.

17.04.2560 Use, principal. "Principal use" means the predominant purpose for which land or premises or a structure thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

17.04.2570 Use, public. "Public use" means any use available to persons generally, whether for compensation or not, without discrimination except on the basis of age or sex, or the use of any parcel or buildings by a public agency.

17.04.2580 Use, quasi-public. "Quasi-public use" means any use conducted on property that is exempt from property tax, other than a public building or dwelling.

17.04.2590 Utility provider. "Utility provider" means any agency that, under public franchise or ownership, or under certificate

of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or similar service.

17.04.2600 Utility trailer. "Utility trailer" means a trailer not designed or intended for human habitation.

17.04.2610 Warehouse. "Warehouse" means a storage and distribution facility without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant. This classification includes mini-warehouses.

17.04.2620 Wholesaling. "Wholesaling" means the sale of merchandise for subsequent resale.

17.04.2630 Yard. "Yard" means an open space on the same parcel with a building, which open space is unoccupied by buildings and unobstructed from the ground upward except for permitted projections.

17.04.2640 Zoning district. "Zoning district" means any principal or combining district as set forth in this title or the area regulated by any such principal or combining district.

ARTICLE 2 - Chapter 17.10

AGRICULTURE AND OPEN SPACE ZONING DISTRICTS

Sections:

- 17.10.010 Purpose.**
- 17.10.020 Exclusive Agricultural District, One Hundred Sixty Acre Minimum or (AE-160) District.**
- 17.10.030 Exclusive Agricultural District, Eighty Acre Minimum or (AE-80) District.**
- 17.10.040 Exclusive Agricultural District, Thirty-Seven Acre Minimum or (AE-37) District.**
- 17.10.050 General Agricultural District, Twenty Acre Minimum, or (A-20) District.**
- 17.10.060 General Agricultural District, Ten Acre Minimum, or (A-10) District.**
- 17.10.070 Open Space District, or (O) District.**
- 17.10.080 Open Space 1 District, or (O-1) District.**
- 17.10.090 General Recreational District, or (K) District.**

17.10.010 Purpose. This Chapter lists the agriculture and open space zoning districts and establishes regulations for permitted land uses, conditional uses, minimum parcel size, building intensity, and residential density.

A. Purposes of Agriculture and Open Space Zoning Districts:

1. Exclusive Agricultural District, 160 Acre Minimum or (AE-160) District. The purpose of the Exclusive Agricultural, 160 acre minimum (AE-160) District is to provide for agricultural and resource production where commercial agricultural uses can exist without encroachment of incompatible uses and provide for the preservation and conservation of working landscapes and open space.
2. Exclusive Agricultural District, 80 Acre Minimum or (AE-80) District. The purpose of the Exclusive Agricultural, 80 acre minimum (AE-80) District is to provide for agricultural and resource production where commercial agricultural uses can exist without encroachment of incompatible uses and

3. provide for the preservation and conservation of working landscapes and open space. Exclusive Agricultural District, 37 Acre Minimum or (AE-37) District. The purpose of the Exclusive Agricultural, 37 acre minimum (AE-37) District is to provide for agricultural and resource production where commercial agricultural uses can exist without encroachment of incompatible uses and provide for the preservation and conservation of working landscapes and open space.
4. General Agricultural District, 20 Acre Minimum, or (A-20) District. The purpose of the General Agricultural, 20 acre minimum (A-20) District is to provide for country-estate living while maintaining large areas for the commercial production of food and fiber where such agricultural uses can exist without the encroachment of incompatible land uses.
5. General Agricultural District, 10 Acre Minimum, or (A-10) District. The purpose of the

- General Agricultural, 10 acre minimum (A-10) District is to provide for country-estate living on parcels less than 20 acres in area while maintaining areas for the commercial production of food and fiber where such agricultural uses can exist without the encroachment of incompatible land uses.
6. Open Space District, or (O) District. The intent of the (O) District is to protect the public in areas not suitable for development because of flooding or other natural hazards and to provide areas of open space for the protection of wildlife habitat and scenic quality (including where vegetation removal may be appropriate in certain instances) or for the preservation of cultural resources.
 7. Open Space 1 District, or (O-1) District. The intent of the (O-1) District is to preserve and protect areas of valuable wildlife habitat consistent with the wildlife policies of the General Plan or areas with significant cultural resources.
 8. General Recreational District, or (K) District. The purpose of the general recreational (K) District is to provide for the development of indoor and outdoor sports, recreation facilities and commercial places of amusement.

17.10.020 Exclusive Agricultural District, One Hundred Sixty Acre Minimum or (AE-160) District

A. Allowed Uses. Table 17.10.1 lists uses allowed and the level of review required within the Exclusive Agricultural, 160 acre minimum (AE-160) District.

B. Minimum Parcel Size. Within any Exclusive Agricultural, 160 acre minimum

(AE-160) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 160 gross acres in area or will have an area to perimeter ratio of less than 210, as calculated or confirmed by the County Surveyor. An existing parcel that does not meet the minimum parcel or area to perimeter ratio regulations may be reconfigured to a resulting parcel that does not meet the minimum parcel size or area to perimeter ratio provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the area to perimeter ratio of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and the area to perimeter ratio requirements.

C. Agricultural Laborer Housing. Notwithstanding Section 17.10.020(C), a parcel of real property within an agricultural preserve may be divided to create a parcel of less than or equal to five acres for sale or lease for agricultural laborer housing as provided in Section 51230.2 of the California Government Code.

D. Building Intensity. Within any Exclusive Agricultural, 160 acre minimum (AE-160) District, the maximum building intensity shall be two dwellings per 160 acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.1. Additional units/building coverage are possible for agricultural laborer housing in accordance with state law or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

17.10.030 Exclusive Agricultural District, Eighty Acre Minimum or (AE-80) District.

A. Allowed Uses. Table 17.10.1 lists uses allowed and the level of review required within the Exclusive Agricultural, 80 acre minimum (AE-80) District.

B. Minimum parcel size. Within any Exclusive Agricultural, 80 acre minimum (AE-80) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 80 gross acres in area or will have an area to perimeter ratio of

less than 210, as calculated or confirmed by the County Surveyor. An existing parcel that does not meet the minimum parcel or area to perimeter ratio regulations may be reconfigured to a resulting parcel that does not meet the minimum parcel size or area to perimeter ratio provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the area to perimeter ratio of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and the area to perimeter ratio requirements.

C. Agricultural laborer housing. Notwithstanding Section 17.10.030(C), a parcel of real property within an agricultural preserve may be divided to create a parcel of less than or equal to five acres for sale or lease for agricultural laborer housing as provided in Section 51230.2 of the California Government Code.

D. Building intensity. Within any Exclusive Agricultural, 80 acre minimum (AE-80) District, the maximum building intensity shall be two dwellings per 80 acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.1. Additional units/building coverage are possible for agricultural laborer housing in accordance with state law or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

17.10.040 Exclusive Agricultural District, Thirty-Seven Acre Minimum or (AE-37) District.

A. Allowed uses. Table 17.10.1 lists uses allowed and the level of review required within the Exclusive Agricultural, 37 acre minimum (AE-37) District.

B. Minimum parcel size. Within any Exclusive Agricultural, 37 acre minimum (AE-37) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 37 gross acres in area or will have an area to perimeter ratio of less than 210, as calculated or confirmed by the County Surveyor. An existing parcel that does not meet the minimum parcel or area to perimeter ratio regulations may be reconfigured to a

resulting parcel that does not meet the minimum parcel size or area to perimeter ratio provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the area to perimeter ratio of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and the area to perimeter ratio requirements.

C. Agricultural laborer housing. Notwithstanding Section 17.10.030(C), a parcel of real property within an agricultural preserve may be divided to create a parcel of less than or equal to five acres for sale or lease for agricultural laborer housing as provided in Section 51230.2 of the California Government Code.

D. Building intensity. Within any Exclusive Agricultural, 37 acre minimum (AE-37) District, the maximum building intensity shall be two dwellings per 37 acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.1. Additional units/building coverage are possible for agricultural laborer housing in accordance with state law or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

17.10.050 General Agricultural District, Twenty Acre Minimum, or (A-20) District.

A. Allowed uses. Table 17.10.1 lists uses allowed and the level of review required within the General Agricultural, twenty acre minimum (A-20) District.

B. Minimum parcel size. Within any General Agricultural, twenty acre minimum (A-20) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 20 gross acres in area or have an average width of less than 500 feet. An existing parcel that does not meet the minimum parcel size or average width regulations may be reconfigured to a resulting parcel that does not meet the minimum parcel size and average width requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the average width of the existing parcel. Parcels resulting from a

merger shall be exempt from the minimum parcel size and average width requirements.

C. Building intensity. Within any General Agricultural, twenty acre minimum (A-20) District, the maximum building intensity shall be one dwelling per 10 acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.2. Additional units/building coverage are possible for agricultural laborer housing in accordance with state law or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

17.10.060 General Agricultural District, Ten Acre Minimum, or (A-10) District.

A. Allowed uses. Table 17.10.1 lists uses allowed and the level of review required within the General Agricultural, ten acre minimum (A-10) District.

B. Minimum parcel size. Within any General Agricultural, ten acre minimum (A-10) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than ten gross acres in area. An existing parcel that does not meet the minimum parcel size regulation may be reconfigured to a resulting parcel that does not meet the minimum parcel size provided the reconfiguration does not result in a decrease in the size of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size requirement.

C. Building Intensity. Within any General Agricultural, ten acre minimum (A-10) District, the maximum residential building intensity shall be one dwelling per 10 acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.2. Additional units/building coverage are possible for agricultural laborer housing in accordance with state law or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

17.10.070 Open Space District, or (O) District.

A. Allowed uses. Table 17.10.1 lists uses allowed and the level of review required within the O District.

B. Minimum parcel size. None.

C. Building intensity. Due to the limitations on structures allowed, building intensity standards are not applicable to this zoning district.

D. Differentiation of open or green space. References in this Title to green or open space areas shall not be interpreted as area designated as Open Space zoning. Only area zoned Open Space is subject to the allowed uses in Table 17.10.1.

17.10.080 Open Space 1 District, or (O-1) District.

A. Allowed uses. Table 17.10.1 lists uses allowed and the level of review required within the O-1 District are as follows.

B. Minimum parcel size. None.

C. Building intensity. Due to the limitations on structures allowed, building intensity standards are not applicable to this zoning district.

D. Differentiation of open or green space. References in this Title to green or open space areas shall not be interpreted as area designated as Open Space zoning. Only area zoned Open Space is subject to the allowed uses in Table 17.10.1.

17.10.090 General Recreational District, or (K) District.

A. Allowed uses. Table 17.10.1 lists uses allowed and the level of review required within the general recreational (K) District.

B. Minimum parcel size. Within any general recreational (K) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 5,000 square feet (net acreage) in area. An existing parcel that does not meet the minimum size regulation may be reconfigured to a resulting parcel that does not meet the minimum parcel size provided the reconfiguration does not result in a decrease in the size of the existing parcel. Parcels resulting from a merger shall be

exempt from the minimum parcel size requirement.

C. Building intensity. Within any general recreational (K) District, the maximum residential building intensity shall be one dwelling per 5,000 square feet. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.5. Additional units/building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

TABLE 17.10.1 ALLOWED LAND USES AND PERMIT REQUIREMENTS

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Residential Uses									
One single-family dwelling per parcel	P	P	P	P	P			P ¹	
One additional single-family dwelling	P ²	P ³	P ⁴	P ⁵	P ⁶				
A second additional single-family dwelling, one unit per 10 acres maximum density				C	C				
Accessory dwelling unit	P	P	P	P	P			P	Ch. 17.36
Junior accessory dwelling unit	P	P	P	P	P			P	Ch. 17.36
One guesthouse per parcel	P	P	P						
Agricultural laborer housing	P	P	P	P	P			P	
Employee housing for six persons or less	P	P	P	P	P			P	
Residential care homes that don't require state licensing of any size regardless of state licensing	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷			P ⁷	
Day care centers for not more than eight nonemployee occupants	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷			P ⁷	
Transitional housing and supportive housing within a permitted single-family dwelling	P	P	P	P	P			P	

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Residential care homes for more than 6 nonemployee occupants that require state licensing and day care centers, other than family day care homes				C	C			C	
Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of Chapter 17.54	P	P	P	P	P			P	
Day care centers other than family day care homes;	C	C	C	C	C			C	
Additional single-family dwellings, 160 acres per unit maximum density	C								
Additional single-family dwellings, 80 acres per unit maximum density		C							
Additional single-family dwellings, 37 acres per unit maximum density			C						
Mobile home on permanent foundation	P	P	P	P	P			P	

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Agricultural and Resources Uses									
General farming and ranching	P ⁸	P ⁸	P ⁸	P	P			C	
General farming and ranching with no buildings						C ⁹		P	
Nurseries and greenhouses for domestic use	P	P	P	P	P			P	
Agricultural processing facilities and activities related to the agricultural product grown on the parcel	P ^{10,11}	P ^{10, 11}	P ^{10, 11}	P ^{10,12}	P ^{10,13}				
Agricultural marketing facilities or activities	P	P	P	P	P				
Agricultural by-product processing facilities accessory to the agricultural operation on the parcel, including commercial composting facilities	P	P	P	P	P				
Agricultural by-product processing facilities not accessory to the agricultural operation on the parcel, including commercial composting facilities	C	C	C	C	C				
U-pick operations	P	P	P	P	P				

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Growing and harvesting timber products	P	P	P	P	P	C ⁹			
Sawmills for processing timber grown primarily on the same parcel where the sawmill is located and other parcels under the same ownership	P	P	P						
Sawmills for processing timber grown only on the same parcel where the sawmill is located				P					
Sawmills for processing timber other than that grown primarily on the same parcel where the sawmill is located and other parcels under the same ownership	C	C	C						
Sawmills for processing timber not grown on the same parcel where the sawmill is located				C					
Sawmills					C				
Commercial stables, up to 20 stalls, and riding clubs including, but not limited to, accessory shows and clinics	P	P	P	P ¹⁴	P ¹⁴			P	

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Commercial stables with more than 20 stalls and riding clubs including, but not limited to, accessory shows and clinics	C	C	C	C	C			P	
Open space, including uses and land management activities authorized or required by a wildlife habitat management plan, submerged area plan, recreation master plan, scenic corridor management plan, or other plan for open space use approved by the Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses	P	P	P						
Agricultural support services	C	C	C						
Livestock feed yards, stockyards, auction yards, animal processing facilities, or rendering plants	C	C	C	C	C				

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Agricultural hospitality facilities	C	C	C						
Nonriparian vegetation removal in accordance with Section 4290 of the California Public Resource Code ²³						P	P		
Riparian vegetation removal in accordance with Section 4290 of the California Public Resources Code, subject to approval of the Director ²³						P ¹⁵	C		
Removal of vegetation by hand only when necessary for reasons of health or safety to protect persons residing on or utilizing the parcel, subject to approval of the Director ²³						P	P		
Planting vegetation to implement a revegetation or habitat enhancement plan permitted in conjunction with another entitlement for which an environmental review						P	P		

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
under the California Quality Act (CEQA) has been approved or as otherwise approved by the director									
Use and land management activities authorized or required by a wildlife habitat area management plan, submerged area plan, scenic corridor management plan, or other plan for open space use approved by the Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses.						P	P		
Vegetation removal not related to Section 4290 of the California Public Resource Code ²³						C ⁹	C ¹⁶		
Christmas tree farms						C ⁹		P	
Educational workshops, craft demonstrations, or demonstration gardens accessory to	P	P	P	P	P				

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
the primary agricultural use of the parcel									
Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel	C	C	C	C	C				
Commercial events on agricultural land subject to the requirements of Chapter 17.48	P	P	P	P	C				
Commercial events on agricultural land not in compliance with the requirements of Chapter 17.48	C	C	C	C	C				
Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests accessory to the primary agricultural use of the parcel	P	P	P	P	P				Ch. 17.92
Petting zoo accessory to the primary agricultural use of the parcel	P	P	P	P	P				

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Roadside stand up to one thousand five hundred (1,500) square feet in area	P	P	P	P	P				
Roadside stand exceeding one thousand five hundred (1,500) square feet in area	C	C	C	C	C				
Energy generating facilities accessory to the primary agricultural use on the farm or ranch	P	P	P						
Recreational development, accessory to a primary agricultural use including, but not limited to, hiking, nonmotorized biking, hunting, fishing, boating, swimming, horseback riding, wagon rides, picnicking, cattle drives, and nature walks	P	P	P	P	P				
Institutional and Recreation Uses									
Public safety facilities	P	P	P	P	P				
Recreational vehicle parks and campgrounds								C	

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Places of public assembly, social clubs, lodges, and club houses								C	
Roads, driveways, trails, bridges, underground public utilities, noncommercial gardens, wells, or sewage disposal systems permitted in conjunction with another entitlement for which environmental review under CEQA has been conducted						P	P		
Sewage disposal systems	P	P	P	P	P	C	C ^{16,17}	P	
Refuse and sewage disposal sites and water and sewer treatment plants								C	
Wells	P	P	P	P	P	C ⁹	C ¹⁶	P	
Wireless Communication Facilities	C	C	C	C	C			C	Ch. 17.94

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Docks, boat ramps, pilings, retaining walls, walkways and accessory structures on parcels fronting on lakes or reservoirs unless prohibited by the agency having jurisdiction over the lake, reservoir or water therein						C ⁹	C ¹⁶		
Roads, driveways or bridges where access through another district is not feasible						C ⁹	C ¹⁶		
Private airstrips and private heliports	P	P	P						
Reservoirs for storage of water by a public utility	P	P	P						
Libraries, museums, art galleries, tourist information facilities				C	C			P	
Schools (public, private, and alternative)	C	C	C	C	C			P	
Places of worship	C	C	C	C	C			P	
Cemeteries, mausoleums, columbaria and crematoria when in conjunction with a cemetery	C	C	C	C	C				

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Recreational development, including uses authorized in a master plan for recreational facilities for use by the public subject to approval by the Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04	C	C	C	C	C	C ⁹	C ¹⁶	P ^{16,18}	
Commercial shooting/archery ranges and trap shooting	C	C	C						
Off-road vehicle courses and trails	C	C	C	C	C				
On- and off-shore marina facilities	C	C	C	C	C			P	
Firehouses and police stations								P	
Public transportation stations or depots								C	
Commercial Uses									
Bed and breakfast establishments, not to exceed six guest bedrooms	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷				
Farm stay, not to exceed six guest bedrooms	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷				

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Farm stay, not to exceed six guest bedrooms other than within a permitted single-family dwelling					C				
Guest ranch, not to exceed six guest bedrooms or sufficient bedrooms to accommodate 20 persons, whichever is less	P	P	P	P	P ⁷			P	
Guest ranch exceeding six guest bedrooms or sufficient bedrooms to accommodate 20 persons, whichever is less	C	C	C	C				C	
Guest ranch other than within a permitted single-family dwelling or exceeding six guest bedrooms or sufficient bedrooms to accommodate 20 persons, whichever is less					C				
Animal hospitals, veterinary clinics, kennels, or animal boarding facilities	C ⁷	C ⁷	C ⁷	C ⁷	C				
Animal hospitals, indoors					P				
Bars								C ¹⁹	

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Service Gas stations								C	
Outdoor sales and storage								C	Ch. 17.90
Weddings and Commercial Events ²⁰	P-€	P-€	P-€	P-€	P-€			C	Ch. 17.48
Tent revivals, circuses, and carnivals	C	C	C	C	C			C	
Museums	C	C	C						
Zoo or exotic animal park	C	C	C						
Farmers markets		P	P	P	P				
Motorcycles, snowmobiles, and auto clubs and facilities including trails, test areas, and racetracks								C	
Commercial coaches	P	P	P	P	P				Ch. 17.70
Industrial Uses									
Small scale development of mineral resources, provided surface development does not occur within 200 feet of any exterior property line	P	P	P	P	P				

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Large scale development of mineral resources or surface development of mineral resources within 200 feet of any exterior property line	C	C	C	C	C				
Development of aggregate resources								C	
Prospecting	P	P	P	P	P	C ⁹	C ¹⁶	P	
Storage of petroleum products for use in conjunction with the primary agricultural use of the parcel	P	P	P	P	P				
Commercial refuse and sewage sludge disposal sites and public water and sewer treatment plants	C	C	C	C	C				
Green waste uses	C	C	C	C	C				
Public utility uses	C	C	C	C	C	C ⁹	C ¹⁶	C	

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Commercial alternative energy generating facilities, including, but not limited to, wind power facilities	C	C	C	C	C				
Biomass facilities	P ²¹	P ²¹	P ²¹						
Non-Commercial Solar power generation facilities/equipment	P	P	P	P	P	C GUP	C GUP	P	Ch. 17.88
Airports and heliports	C	C	C	C	C			C	
Public utility distribution facilities								P	
Communications Facilities									
Construction, alteration, or maintenance of gas, water, sewer, electrical, communication or other public utility distribution facilities, except as otherwise provided in this Code	P	P	P	P	P				
Temporary Uses									
Temporary sales offices for parcels and residences				C	C			C	

Key	Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	B. AE-160	C. AE-80	D. AE-37	E. A-20	F. A-10	G. O	H. O-1	I. K	J. Additional Regulations
Accessory Uses									
Private garages accessory to a single-family dwelling, or one private garage, not to exceed 4,000 square feet, as a primary use of the parcel	P	P	P	P	P			P ²¹	
Accessory uses and structures appurtenant to permitted uses	P	P	P	P	P			P	
Accessory uses and structures appurtenant to conditional uses	C	C	C	C	C			C	

¹ Shall not be converted to a recreational use unless it is brought into compliance with Title 15 of this Code relative to fire safety standards.

² When the parcel is 160 acres or larger.

³ When the parcel is 80 acres or larger.

⁴ When the parcel is 37 acres or larger.

⁵ Or one guesthouse when the parcel is 20 acres or larger.

⁶ Or one guesthouse when the parcel is 10 acres or larger.

⁷ Within a permitted single-family dwelling.

⁸ Including uses and land management activities authorized or required by an agricultural production management plan approved by the Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses.

⁹ Only if it is found that the use does not conflict with the scenic or wildlife habitat value of the parcel or the preservation of cultural resources, or cause additional flooding, drainage, or fire hazards.

¹⁰ Use becomes conditional when facilities and activities are not for the agricultural product grown on the parcel. When conditional, the use cannot be substantially detrimental to surrounding agricultural operations, the primary agricultural use of the parcel or to neighboring parcels.

¹¹ Not to exceed 10% of the parcel size or 10 acres, whichever is less. Use becomes conditional when it exceeds 10% of the parcel size or 10 acres, whichever is less.

¹² Not to exceed 10% of the parcel size or 5 acres, whichever is less. Use becomes conditional when it exceeds 10% of the parcel size or 5 acres, whichever is less

¹³ Not to exceed 10% of the parcel size or 2 acres, whichever is less. Use becomes conditional when it exceeds 10% of the parcel size or 2 acres, whichever is less.

¹⁴ Site Development Permit required for events with more than 20 horses.

¹⁵ Director approval required. If denied by the Director, then goes to Use Permit.

¹⁶ Only permitted if the use does not conflict with the wildlife habitat value of the parcels or with the preservation of cultural resources.

¹⁷ Applies to residential uses only.

¹⁸ RV parks and campgrounds require a Conditional Use Permit.

¹⁹ Not permitted within two hundred feet of residential district.

²⁰ Where a fee is required.

²¹ Only permitted on property with direct access from state highway.

²² Garage is not to exceed a building coverage of 25% of the parcel or 4,000 square feet, whichever is less.

²³ Removal of vegetation in non-Open Space zoning district is considered customary and incidental.

ARTICLE 2 - Chapter 17.12

RESIDENTIAL ZONING DISTRICTS

Sections:

- 17.12.010 Purpose.**
- 17.12.020 Single-Family Residential District or (R-1) District.**
- 17.12.030 Medium Density Residential District or (R-2) District.**
- 17.12.040 Multiple-Family Residential District or (R-3) District.**
- 17.12.050 Residential Estate, One Acre Minimum District, or (RE-1) District.**
- 17.12.060 Residential Estate; Two Acre Minimum District or (RE-2) District.**
- 17.12.070 Residential Estate; Three Acre Minimum District or (RE-3) District.**
- 17.12.080 Residential Estate; Five Acre Minimum District or (RE-5) District.**
- 17.12.090 Residential Estate; Ten Acre Minimum District or (RE-10) District.**

17.12.010 Purpose. This Chapter lists the types of residential zoning districts and establishes regulations for permitted land uses, conditional uses, minimum parcel size, building intensity, and minimum and maximum residential density. Development to a density of one unit per less than two acres or denser must be served by paved roads and public water. Development to a density of one unit per one-third acre or denser must be served by public sewer.

A. Purposes of Residential Zoning Districts:

1. Single-Family Residential District. The purpose of the Single-Family Residential (R-1) District is to stabilize and protect the residential characteristics of the District and to promote and encourage a suitable environment for family life. The Single-Family Residential (R-1) District is intended for suburban family homes.
Development to a density of one unit per less than two acres must be served by paved roads and public water. Development to a density of one unit per one-third acre or less must be served by public sewer.

2. Medium Density Residential District or (R-2) District. The purpose of the Medium Density Residential (R-2) District is to accommodate medium density urban residential developments such as duplexes, triplexes, and fourplexes while preserving more open space than in the Multiple-Family Residential (R-3) District.
Development to a density of one unit per less than two acres must be served by paved roads and public water. Development to a density of one unit per one-third acre or less must be served by public sewer.
3. Multiple-Family Residential District or (R-3) District. The purpose of the Multiple-Family Residential (R-3) District is to accommodate high density urban residential developments such as apartments, dwelling groups, condominiums, mobile home parks, and townhouses to economically and efficiently meet a variety of urban housing needs while ensuring, through site review

procedures, that such developments will:

- a. Have the least possible impact on the natural environment;
- b. Be designed and built in accordance with latest accepted engineering and site layout standards; and
- c. Offer the most possible amenities that contribute to a high quality of life for their residents.

Development to a density of one unit per less than two acres must be served by paved roads and public water. Development to a density of one unit per one-third acre or less must be served by public sewer.

4. Residential Estate, One Acre Minimum District, or (RE-1) District. The purpose of the Residential Estate, One Acre Minimum (RE-1) District is to provide for residential neighborhoods with a country-like character in which limited agricultural pursuits and the keeping of livestock are permitted. The RE-1 District is intended to provide for a suburban-style family living on a variety of parcel sizes at least one acre in area. Development to a density of one unit per less than two acres must be served by paved roads and public water. Development to a density of one unit per one-third acre or less must be served by public sewer.
5. Residential Estate; Two Acre Minimum District or (RE-2) District. The purpose of the Residential Estate, Two Acre Minimum (RE-2) District is to provide areas where persons

may enjoy rural residential living while engaging in limited agricultural pursuits or maintaining livestock. The RE-2 District, being lower in population density than the RE-1 District, is intended to occur where fewer municipal services are available. Public water and sewer are not required for development in this district.

6. Residential Estate; Three Acre Minimum District or (RE-3) District. The purpose of the Residential Estate, Three Acre Minimum (RE-3) District is to provide areas where persons may enjoy country-estate type living while engaged in limited agricultural pursuits or maintaining livestock. The RE-3 District, being lower in population density than the RE-2 District, is consistent with the density standards of the Tuolumne County Airport Land Use Compatibility Plan for compatibility zones B2 and C. The RE-3 district is intended to occur where few municipal services are available. Public services such as public water and sewer need not be available, nor is a demand for such services in these areas desired. Public water and sewer are not required for development in this district.
7. Residential Estate; Five Acre Minimum District or (RE-5) District. The purpose of the Residential Estate, Five Acre Minimum (RE-5) District is to provide a low density residential zoning classification offering country-estate-type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing,

or left undisturbed. ~~The RE-5 district is intended to occur where few municipal services are available nor is a zoning district where demand for such services in these areas desired. Public water and sewer are not required for development in this district. The RE-5 District is intended for areas where public services are limited.~~

8. Residential Estate; Ten Acre Minimum District or (RE-10) District. The purpose of the Residential Estate, Ten Acre Minimum (RE-10) District is to provide areas for country-estate type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing or left undisturbed. ~~The RE-10 district is intended to occur where few municipal services are available nor is a zoning district where demand for such services in these areas desired. Public water and sewer are not required for development in this district. The RE-10 District is intended for areas where public services are limited.~~

17.12.020 Single-Family Residential District or (R-1) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Single-Family Residential (R-1) District

1. Minimum parcel size. Within any Single-Family Residential (R-1) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 7,260 square feet (net acreage) in area or less than 50 feet in width at the front setback line except as otherwise provided herein. An

existing parcel that does not meet the parcel size or width at front setback regulations may be reconfigured to a resulting parcel that does not meet the parcel size or front setback regulations provided the reconfiguration does not result in a decrease in the size of the existing parcel and the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

B. Building intensity. Within any Single-Family Residential (R-1) District, the maximum residential building intensity shall be six dwelling units per acre. The maximum ratio of the coverage of all buildings on a parcel that is 7,260 square feet (net acreage) in area or greater, referred to as the floor area ratio (FAR), shall be 0.5. The maximum FAR for parcels less than 7,260 square feet (net acreage) in area shall be 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence. Additional units/building coverage are possible for attached secondary single-family dwelling units or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

C. Minimum residential density. Residential development within any Single-Family Residential (R-1) District shall require a minimum density of three dwelling units per acre, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the Board of Supervisors determines that physical or environmental constraints on the property make development to the minimum density infeasible.

17.12.030 Medium Density Residential District or (R-2) District.

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Medium Density Residential (R-2) District.

B. Minimum parcel size. Within any Medium Density Residential (R-2) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 7,500 square feet (net acreage) in area or less than 50 feet in width at the front setback line except as otherwise provided herein. An existing parcel that does not meet the parcel size or width at front setback regulations may be reconfigured to a resulting parcel that does not meet the parcel size or front setback regulations provided the reconfiguration does not result in a decrease in the size of the existing parcel and the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Medium Density Residential (R-2) District, the maximum residential building intensity shall be 12 dwelling units per acre permitted without discretionary review. The maximum ratio of the coverage of all buildings on a parcel that is 7,500 square feet (net acreage) in area or greater, referred to as the FAR, shall be 0.5. The maximum FAR for parcels less than 7,500 square feet (net acreage) in area shall be 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence. Additional units/building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

D. Minimum residential density. Residential development within any Medium Density Residential (R-2) District shall require a minimum density of six dwelling units per acre, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the Board of Supervisors determines that physical or environmental constraints on the property make

development to the minimum density infeasible.

E. Additional Multiple-Family Use Provisions. The following provisions apply to the development of multiple-family uses.

1. Multiple-family developments are encouraged to include smoke-free policies to limit residents' exposure to the harmful effects of secondhand smoke.
2. Multiple-family developments consisting of five or more units, such as apartments or mobile home parks, shall provide at least 200 square feet of recreation space on site.

17.12.040 Multiple-Family Residential District or (R-3) District.

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Multiple-Family Residential (R-3) District.

B. Minimum parcel size. Within any Multiple-Family Residential (R-3) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 12,500 square feet (net acreage) in area or less than 50 feet in width at the front setback line as otherwise provided herein. An existing parcel that does not meet the parcel size or width at front setback regulations may be reconfigured to a resulting parcel that does not meet the parcel size or front setback regulations provided the reconfiguration does not result in a decrease in the size of the existing parcel and the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Multiple-Family Residential (R-3) District, the maximum residential building intensity shall be 15 dwelling units per acre permitted without discretionary review. The maximum ratio of the coverage of all buildings on a parcel that is 12,500 square feet (net acreage) in area or greater, referred to as the FAR, shall be 0.5. The maximum FAR for parcels

less than 12,500 square feet (net acreage) in area shall be 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence. Additional units/building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

D. Minimum residential density.

Residential development within any Multiple-Family Residential (R-3) District shall require a minimum density of eight dwelling units per acre, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the Board of Supervisors determines that physical or environmental constraints on the property make development to the minimum density infeasible.

E. Additional Multiple-Family Use Provisions. The following provisions apply to the development of multiple-family uses.

1. Multiple-family developments are encouraged to include smoke-free policies to limit residents' exposure to the harmful effects of secondhand smoke.
2. Multiple-family developments consisting of five or more units, such as apartments or mobile home parks, shall provide at least 200 square feet of recreation space on site.

17.12.050 Residential Estate, One Acre Minimum District, or (RE-1) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Residential Estate, One Acre Minimum (RE-1) District.

B. Minimum parcel size. Within any Residential Estate, One Acre Minimum (RE-1) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than one net acre in area or less than 100 feet in width at the front

setback line except as otherwise provided herein. An existing parcel that does not meet the minimum parcel size or width at front setback regulations may be reconfigured to a resulting parcel that does not meet the minimum parcel size or width at front setback regulations provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Residential Estate, One Acre Minimum (RE-1) District, the maximum residential building intensity shall be one dwelling unit per acre. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.5. Additional units/building coverage are possible for secondary single-family dwelling units, or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

D. Minimum residential density.

Residential development within any Residential Estate, One Acre Minimum (RE-1) District shall require a minimum density of one dwelling unit per two acres, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the Board of Supervisors determines that physical or environmental constraints on the parcel make development to the minimum density infeasible.

17.12.060 Residential Estate; Two Acre Minimum District or (RE-2) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Residential Estate, Two Acre Minimum (RE-2) District.

B. Minimum parcel size. Within any Residential Estate, Two Acre Minimum (RE-2) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than two gross acres in area or less than 100 feet in width at the front

setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Residential Estate, Two Acre Minimum (RE-2) District, the maximum residential building intensity shall be one dwelling unit per two acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.5. Additional units/building coverage are possible for secondary single-family dwelling units, or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

17.12.070 Residential Estate; Three Acre Minimum District or (RE-3) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Residential Estate, Three Acre Minimum (RE-3) District.

B. Minimum parcel size. Within any Residential Estate, Three Acre Minimum (RE-3) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than three gross acres in area or less than 100 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Residential Estate, Three Acre Minimum (RE-3) District, the maximum residential building

intensity shall be one dwelling unit per three acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.5. Additional units/building coverage are possible for secondary single-family dwelling units or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

17.12.080 Residential Estate; Five Acre Minimum District or (RE-5) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Residential Estate, Five Acre Minimum (RE-5) District.

B. Minimum parcel size. Within any Residential Estate, Five Acre Minimum (RE-5) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than five gross acres in area or less than 200 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Residential Estate, Five Acre Minimum (RE-5) District, the maximum residential building intensity shall be one dwelling unit per five acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.2. Additional units/building coverage are possible for secondary single-family dwelling units, or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

17.12.090 Residential Estate; Ten Acre Minimum District or (RE-10) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Residential Estate, Ten Acre

Minimum (RE-10) District unless otherwise provided in this Chapter:

B. Minimum parcel size. Within any Residential Estate, Ten Acre Minimum (RE-10) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 10 gross acres in area. An existing parcel that does not meet the minimum parcel size may be reconfigured to a resulting parcel that does not meet the minimum parcel size provided the reconfiguration does not result in a decrease in the size of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size requirement.

C. Building intensity. Within any Residential Estate, Ten Acre Minimum (RE-10) District, the maximum residential building intensity shall be one dwelling unit per 10 acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.2. Additional units/building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

TABLE 17.12.1 ALLOWED LAND USES AND PERMIT REQUIREMENTS

Key		Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required							
A. Land Use Classification	B. R-1	C. R-2	D. R-3	E. RE-1	F. RE-2	G. RE-3	H. RE-5	I. RE-10	J. Additional Regulations
Residential Uses									
One primary single-family dwelling per parcel	P	P	P	P	P	P	P	P	
Two single-family dwellings or one duplex per parcel	P	P	P	C	C	C	C	C	
Multifamily of four units or less		P	P						17.12.030.D, 17.12.040.D
Multifamily of more than four units		PG	P						17.12.030.D, 17.12.040.D
Accessory dwelling unit	P	P	P	P	P	P	P	P	Ch. 17.36
Junior accessory dwelling unit	P	P	P	P	P	P	P	P	Ch. 17.36
Residential care homes or Day day care centers, for not more than eight nonemployee occupants	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	
Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of Chapter 17.54	P	P	P	P	P	P	P	P	Ch. 17.54
Mobile home parks	C ²	C	P	C	C	C	C		Ch. 17.70
Transitional housing and supportive housing	P	P	P	P	P	P	P	P	
Agricultural laborer housing	P			P	P	P	P	P	
Employee housing for six persons or less	P	P	P	P	P	P	P	P	
Residential care homes for more than six nonemployee occupants that require state licensing and Day day	C	C	C	C	C	C	C	C	

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required								
A. Land Use Classification	B. R-1	C. R-2	D. R-3	E. RE-1	F. RE-2	G. RE-3	H. RE-5	I. RE-10	J. Additional Regulations
care centers, other than family day care homes									
Residential care homes that don't require state licensing of any size regardless of state licensing	P ⁺	P ⁺	P ⁺	P ⁺	P ⁺	P ⁺	P ⁺	P ⁺	
Emergency shelters		P	P						Ch. 17.58
Mobile home on permanent foundation	P	P	P	P	P	P	P	P	
Boardinghouse			C						
Home Occupation	P	P	P	P	P	P	P	P	Ch. 17.64
Agricultural and Resources Uses									
Nurseries and greenhouses for domestic use	P	P	P	P	P	P	P		
Keeping of poultry when the parcel complies with the requirements of Section 17.42	P			P	P	P	P		Ch. 17.42
Christmas tree farms	C	C	C						
Sawmills for processing timber grown only on the same parcel as the sawmill is located, for a period not to exceed 60 days	C			C	C	C	C	C	
General farming and ranching				P	P	P	P	P	
Agricultural processing facilities and activities for the agricultural product grown on the parcel				P ^{3,4}	P ^{3,4}	P ^{3,5}	P ^{3,6}	P ^{3,7}	
Agricultural by-product processing facilities accessory to the agricultural operation on the parcel				P	P	P	P	P	
Agricultural marketing facilities or activities				C	C	P	P	P	
U-pick operations				C	C	C	P	P	

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required								
A. Land Use Classification	B. R-1	C. R-2	D. R-3	E. RE-1	F. RE-2	G. RE-3	H. RE-5	I. RE-10	J. Additional Regulations
Private stables				P	P	P	P	P	
Commercial stables and, riding clubs including, but not limited to, accessory shows and clinics							C	C	
Growing and harvesting timber products				P	P	P	P	P	
Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests				C	C	C	P	P	
Institutional and Recreation Uses									
General recreation and parks open to the public	C	C	C						
General non-commercial recreational use incidental to the primary use of the parcel	P	P	P	P	P	P	P	P	
Firehouses and police stations	P	P	P						
Public schools	P	P	P	P	P	P	P	P	
On- and off-shore marina facilities	C	C	C	C	C	C	C	C	
Tent revivals, circuses, and carnivals	C	C	C	C	C	C	C	C	
Weddings and Commercial Events ⁸	C	C	C	C	C	C	C	C	
Public utility distribution facilities	P	P	P						
Health care facilities	C	C	C	C	C	C			
Private and alternative schools, places of worship, libraries, museums, art galleries, tourist information facilities	C	C	C	C	C	C	C		
Public utility uses	C	C	C	C	C	C	C	C	
Water treatment plants				C	C	C	C	C	

Key		Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required							
A. Land Use Classification	B. R-1	C. R-2	D. R-3	E. RE-1	F. RE-2	G. RE-3	H. RE-5	I. RE-10	J. Additional Regulations
Commercial refuse and sewage sludge disposal sites, and public water and sewer treatment plants					C	C	C	C	
Public safety facilities				P	P	P	P	P	
Refuse and sewage disposal sites and water and sewer treatment plants	C	C	C						
Airports and heliports					C	C	C	C	
Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities				C	C	C	C	C	
Cemeteries							C	C	
Mortuaries, funeral homes, mausoleums, columbaria and crematoria, when in conjunction with a cemetery							C	C	
Educational workshops, craft demonstrations, and demonstration gardens not accessory to the primary agricultural use of the parcel							C	C	
Petting zoo							C	C	
Commercial Uses									
Bed and breakfast establishments, six bedrooms or less	C ¹	C ¹		C ¹	P ¹	P ¹	P ¹	P ¹	
Roadside stand up to 1,500 square feet in area				C	C	C	P	P	Ch. 17.62
Roadside stand exceeding 1,500 square feet in area							C	C	
Animal hospitals, indoors				C	C	C	P	P	

Key		Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required							
A. Land Use Classification	B. R-1	C. R-2	D. R-3	E. RE-1	F. RE-2	G. RE-3	H. RE-5	I. RE-10	J. Additional Regulations
Animal hospitals, outdoors, veterinary clinics, kennels, or animal boarding facilities							C	C	
Commercial composting facilities							C	C	
Commercial events on agricultural land pursuant to Section 17.48							C	C	Ch. 17.48
Industrial Uses									
Prospecting	P	P	P	P	P	P	P	P	
Development of aggregate resources	C	C	C	C	C	C	C	C	
Communications Facilities									
Construction, alteration, or maintenance of gas, water, sewer, electrical, communication, or other public utility distribution facilities, except as otherwise provided in this Code				P	P	P	P	P	
Wireless Communication Facilities							C	C	Ch. 17.94
Temporary Uses									
Temporary sales offices for parcels and residences	C	C	C	C	C	C	C	C	Ch. 17.92
Accessory Uses									
Private garages accessory to a single-family dwelling, or one private garage, not to exceed 4,000 square feet, as a primary use of the parcel	P ⁹	P ⁹	P ⁹	P	P	P	P	P	
Accessory uses and structures appurtenant to permitted uses	P	P	P	P	P	P	P	P	Ch. 17.38

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required								
A. Land Use Classification	B. R-1	C. R-2	D. R-3	E. RE-1	F. RE-2	G. RE-3	H. RE-5	I. RE-10	J. Additional Regulations
Accessory uses and structures appurtenant to conditional uses	C	C	C	C	C	C	C	C	Ch. 17.38
Educational workshops, craft demonstrations, or demonstration gardens accessory to the agricultural operation on the parcel				C	C	C	P	P	

¹ Within a permitted single-family dwelling.

² For provisions on mobile home accessory structures see [Chapter 15.12](#) of this Code.

³ Use becomes conditional when facilities and activities are not for the agricultural product grown on the parcel.

⁴ Not to exceed 20% of the parcel size or one-half acre, whichever is less. Use becomes conditional when it exceeds 20% of the parcel size or one-half acre, whichever is less.

⁵ Not to exceed 20% of the parcel size or one acre, whichever is less. Use becomes conditional when it exceeds 20% of the parcel size or one acre, whichever is less.

⁶ Not to exceed 20% of the parcel size or two acres, whichever is less. Use becomes conditional when it exceeds 20% of the parcel size or two acres, whichever is less.

⁷ Not to exceed 10% of the parcel size or two acres, whichever is less. Use becomes conditional when it exceeds 10% of the parcel size or two acres, whichever is less.

⁸ Where a fee is required.

⁹ Not to exceed a building coverage of 25% of the parcel or 4,000 square feet, whichever is less.

ARTICLE 2 - Chapter 17.14

COMMERCIAL AND MIXED USE ZONING DISTRICTS

Sections:

- 17.14.010 Purpose.**
- 17.14.020 Mixed Use District or (MU) District.**
- 17.14.030 Commercial Recreational District or (C-K) District.**
- 17.14.040 Neighborhood Commercial District or (C-O) District.**
- 17.14.050 General Commercial District or (C-1) District.**
- 17.14.060 Heavy Commercial District or (C-2) District.**
- 17.14.070 Special Commercial District or (C-S) District.**
- 17.14.080 Business Park District or (BP) District**

17.14.010 Purpose. This Chapter lists the commercial and mixed-use zoning districts and establishes regulations for permitted uses, conditional uses, minimum parcel size, building intensity, and minimum residential density. Except as otherwise noted, development within these districts shall be served with public water, public sewer, paved streets and adequate police and fire protection according to the policies of the General Plan with applicable federal, State, and local regulations concerning the provision of water and sewage disposal to serve the development.

A. Purposes of Commercial and Mixed Use Districts:

1. **Mixed Use District or (MU) District.** The purpose of the Mixed Use (MU) District is to provide for a mixture of residential, commercial, and recreational facilities in an urban setting. It is intended that this district be established within urban areas, where a mixture of these uses is desirable near transportation corridors, downtowns, defined community centers, major commercial centers, schools, and community services. This district is not intended to provide shopping centers or major commercial

developments of a community or regional nature. **Development within this district shall be served with public water, public sewer, paved streets and adequate police and fire protection according to the policies of the general plan.**

2. **Commercial Recreational District or (C-K) District.** The purpose of the Commercial Recreational (C-K) District is to encourage well-planned and integrated resort and vacation-oriented commercial complexes in which the developer may incorporate innovative design techniques.
3. **Neighborhood Commercial District or (C-O) District.** The purpose of the Neighborhood Commercial (C-O) District is to provide for limited commercial uses in areas that are intended to serve the nearby residential areas. It is intended that this district be established within urban areas, near population centers, to provide small-scale convenience shopping. This district is not intended to provide shopping centers or major commercial

- developments of a community or regional nature. Development within this district shall be served with public water, public sewer, paved streets and adequate police and fire protection according to the policies of the general plan.
4. General Commercial District or (C-1) District. The purpose of the General Commercial (C-1) district is to provide for a variety of sales establishments that serve both the residents and traveling public. Development within this district shall be served with public water, public sewer, paved streets and adequate police and fire protection according to the policies of the general plan.
 5. Heavy Commercial District or (C-2) District. The purpose of the Heavy Commercial (C-2) District is to provide for a location for the wholesale and Heavy Commercial uses and services necessary within the county. Development within this district shall be served with public water, public sewer, paved streets and adequate police and fire protection according to the policies of the general plan.
 6. Special Commercial District or (C-S) District. The purpose of the Special Commercial (C-S) District is to provide for a variety of sales and service establishments that serve both the residents and visitors in areas that do not have public water and sewer service. Development within this district shall be served with paved roads and adequate police and fire protection according to the policies of the general plan.

Development in this zone must comply with Title 15 of this code relative to fire safety standards and with applicable Federal, State and local regulations concerning the provision of water and sewage disposal to serve the development.

7. Business Park District or (BP) District. The purpose of the Business Park (BP) District is to provide for a mixture of industrial and commercial land uses with an emphasis on manufacturing, processing, assembly, storage, distribution, wholesale business, and research and development activities in campus-like business or industrial park settings.

17.14.020 Mixed Use District or (MU) District.

A. Allowed uses. Table 17.14.1 lists uses allowed and the level of review required within any Mixed Use (MU) District.

1. Minimum parcel size. Within any Mixed Use (MU) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 2,500 square feet in area or less than 50 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels

resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

B. Building intensity. Within any Mixed Use (MU) District, the maximum residential building intensity shall be 15 dwelling units per acre permitted without discretionary review. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 2.0. Additional units/building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

C. Minimum residential density. Residential development within any Mixed Use (MU) District shall require a minimum density of eight dwelling units per acre, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the Board of Supervisors determines that physical or environmental constraints on the property make development to the minimum density infeasible.

D. Additional Multiple-Family Use Provisions. The following provisions apply to the development of multiple-family uses.

1. Multiple-family developments are encouraged to include smoke-free policies to limit residents' exposure to the harmful effects of secondhand smoke.
2. Multiple-family developments consisting of five or more units, such as apartments or mobile home parks, shall provide at least 200 square feet of recreation space on site.

17.14.030 Commercial Recreational District or (C-K) District.

A. Allowed uses. Table 17.14.1 lists uses allowed and the level of review required within any Commercial Recreational (C-K) District.

B. Minimum parcel size. Within any Commercial Recreational (C-K) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than two gross acres in area or less than 100 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Commercial Recreational (C-K) District, the maximum residential building intensity shall be one (1) dwelling unit per two (2) acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.5. Additional building coverage is possible in accordance with the density bonus regulations of the California Government Code.

17.14.040 Neighborhood Commercial District or (C-O) District.

A. Allowed uses. Table 17.14.1 lists uses allowed and the level of review required within any Neighborhood Commercial (C-O) District.

B. Minimum parcel size. Within any Neighborhood Commercial (C-O) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 2,500 square feet (net acreage) in area or less than 50 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Neighborhood Commercial (C-O) District, the maximum residential building intensity shall be 15 dwelling units per acre permitted without discretionary review. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 2.0. Additional building coverage is possible in accordance with the density bonus regulations of the California Government Code.

D. Additional Multiple-Family Use Provisions. The following provisions apply to the development of multiple-family uses.

1. Multiple-family developments are encouraged to include smoke-free policies to limit residents' exposure to the harmful effects of secondhand smoke.
2. Multiple-family developments consisting of five or more units, such as apartments or mobile home parks, shall provide at least 200 square feet of recreation space on site.

17.14.050 General Commercial District or (C-1) District.

A. Allowed uses. Table 17.14.1 lists uses allowed and the level of review required within any General Commercial (C-1) District.

B. Minimum parcel size. Within any General Commercial (C-1) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 2,500 square feet (net acreage) in area or less than 25 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any General Commercial (C-1) District, the maximum residential building intensity shall be 15 dwelling units per acre permitted without discretionary review. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 2.0. Additional building coverage is possible in accordance with the density bonus regulations of the California Government Code.

D. Additional Multiple-Family Use Provisions. The following provisions apply to the development of multiple-family uses.

1. Multiple-family developments are encouraged to include smoke-free policies to limit residents' exposure to the harmful effects of secondhand smoke.
2. Multiple-family developments consisting of five or more units, such as apartments or mobile home parks, shall provide at least 200 square feet of recreation space on site.

17.14.060 Heavy Commercial District or (C-2) District.

A. Allowed uses. Table 17.14.1 lists uses allowed and the level of review required within any Heavy Commercial (C-2) District.

B. Minimum parcel size. Within any Heavy Commercial (C-2) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 2,500 square feet (net acreage) in area or less than 25 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Heavy Commercial (C-2) District, the maximum residential building intensity shall be one dwelling unit per 2,500 square feet. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 2.0. Additional building coverage is possible in accordance with the density bonus regulations of the California Government Code.

17.14.070 Special Commercial District or (C-S) District.

A. Allowed uses. Table 17.14.1 lists uses allowed and the level of review required within any Special Commercial (C-S) District.

B. Minimum parcel size. Within any Special Commercial (C-S) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than two gross acres or less than 100 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Special Commercial (C-S) District, the maximum residential building intensity shall be one dwelling unit per two acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 1.0. Additional building coverage is possible in accordance with the density bonus regulations of the California Government Code.

D. Development in the Special Commercial (C-S) District does not require public water/sewer.

17.14.080 Business Park Commercial District or (BP) District.

A. Allowed uses. Table 17.14.1 lists uses allowed and the level of review required within any Business Park (BP) District.

B. Minimum parcel size. Within any Business Park (BP) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 2,500 square feet (net acreage) in area or less than 50 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Business Park (BP) District, the maximum residential building intensity shall be one dwelling unit per 2,500 square feet. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 1.0. Additional building coverage is possible in accordance with the density bonus regulations of the California Government Code.

TABLE 17.14.1 ALLOWED LAND USES AND PERMIT REQUIREMENTS

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required							
A. Land Use Classification	B. MU	C. C-K	D. C-O	E. C-1	F. C-2	G. C-S	H. BP	I. Additional Regulations
Residential Uses								
One single-family dwelling per parcel	P	P	P ¹	P ¹	P ¹	P ¹	P ¹	
Additional single-family dwellings when incidental to a commercial or business use of the parcel		C ¹	C ²	C ²	C ³	C ²	C ³	
Two single-family dwellings or one duplex per parcel	P							
Multifamily dwellings	P		P	P				
Accessory dwelling unit	P	P	P	P	P	P	P	Ch. 17.36
Junior accessory dwelling unit	P	P	P	P	P	P	P	Ch. 17.36
Day care centers for not more than eight nonemployee occupants	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	
Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of Chapter 17.54	P	P	P	P	P	P	P	Ch. 17.54
Emergency shelters	P		P	P				Ch. 17.58
Transitional housing and supportive housing within a permitted single-family dwelling or multifamily dwelling ¹⁹	P	P	P	P	P	P	P	
Supportive housing in other structures besides single-family dwellings or multifamily dwellings	P	P	P	P				
Low barrier navigation centers	P	P	P	P				
Day care centers, other than family day care homes	C	C	C	C	C	C	P	

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required							
A. Land Use Classification	B. MU	C. C-K	D. C-O	E. C-1	F. C-2	G. C-S	H. BP	I. Additional Regulations
Residential care homes that don't require state licensing of any size regardless of state licensing	P	P	P	P	P	P	P	
Residential care homes for more than 6 nonemployee occupants that require state licensing							€	
Skilled nursing facility	C	C	C	C	C	C	C	
Single-room occupancies within not more than one-third of the rooms in a hotel or motel		C	C	C	C	C		
Single-room occupancy units				C				
Boardinghouse		C	C	C	C	C		
Agricultural laborer housing	P	P	P	P	P	P	P	
Employee housing for six persons or less		P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	
Seasonal or Resident Employee Housing within a hotel or motel room	P ¹⁸	P ¹⁸	C	P ¹⁸	P ¹⁸			
Home occupation	P							Ch. 17.64
Agricultural and Resources Uses								
Nurseries and greenhouses	P	C	P	P	P	P	P	
Christmas tree farms	C		P	P	C	P	C	
General farming and ranching		P					C	
Roadside stand		P ⁵					C ⁶	
Growing and harvesting of timber		P				P		
Agricultural processing, indoor		C					P	
Agricultural marketing facilities or activities		C						

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required							
A. Land Use Classification	B. MU	C. C-K	D. C-O	E. C-1	F. C-2	G. C-S	H. BP	I. Additional Regulations
Commercial stables, riding clubs, and guest ranches		C						
Sawmills		C						
Institutional and Recreation Uses								
General non-commercial recreational use incidental to the primary use of the parcel	P		P	P	P	P	P	
Schools (public, private, and alternative)	P	C	P	P	P	P		
Places of worship, libraries, museums, art galleries, tourist information facilities	P	C	P	P	P	P		
Public utility distribution facilities	P	P	P	P	P		P	
Public safety facilities	P	P		P	P	P		
On- and off-shore marina facilities	C	C	C	P	P	P	P	
Tent revivals, circuses and carnivals	C	C	C	C	C	C	C	
Flea markets		C		C	C	C	C	
Weddings and Commercial Events ⁷	C	C	C	C	C	C	C	
Public transportation stations or depots	C	C	C	P	P	P	P	
Places of public assembly, social clubs, lodges, and clubhouses	C	C	C	P	P	P		
Health care facilities	C	C	C	C	C	C	P	
Public utility uses	C	C ⁸	C	C	C	C	C	
Recreational development		P	C	C	C	C	C	
Commercial recreation and amusement center		P	C	C		C	C	

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required							
A. Land Use Classification	B. MU	C. C-K	D. C-O	E. C-1	F. C-2	G. C-S	H. BP	I. Additional Regulations
Commercial motorcycle, snowmobile, and auto clubs and facilities including trails, test areas, and racetracks		C						
Recreational vehicle parks and campgrounds		C				C		
Refuse and sewage disposal sites and water and sewer treatment plants		C	C	C	C	C	C	
Airports and heliports		C		C ⁹	C	C	C	
Farmers markets	P	P	P	P	P	P		
Firehouses, police stations, and ambulance stations			P	P			P	
Civic events	P	P	P	P		P	P	
Commercial Uses								
Hotels and motels	P	P	C	P	P	P		
Personal services	P	P ^{13,14}	P ^{11,14}	P ¹⁴	P ¹⁴	P ^{13,14}		Ch. 17.78
Retail sales, indoor (small), retail services, indoor (small), or shopping centers	P ¹⁰	P ¹³	P ¹¹	P	P	P ¹³		Ch. 17.76
Retail sales, indoor (large)	P ¹²	P ¹³	P ¹¹	P	P	P ¹³		Ch. 17.76
Retail sales, outdoor		C		C	P	C		
Retail services, indoor (large)	P ¹²	P ^{13,14}	P ^{11,14}	P ¹⁴	P ¹⁴	P ^{13,14}		Ch. 17.76
Retail services, outdoor		C		C	P	C		
Shopping centers	P ¹²	P ¹³		P	P	P ¹³		Ch. 17.76
Mobile food vendors		PE	PE	PE	PE	PE	PE	Ch. 17.68
Professional offices	P		P	P	P	P		

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required							
A. Land Use Classification	B. MU	C. C-K	D. C-O	E. C-1	F. C-2	G. C-S	H. BP	I. Additional Regulations
Fitness studios, including associated retail services when incidental to the primary use	P	P	P	P	P	P	P	
Bed and breakfast establishments, six bedrooms or less	P ⁴	P ⁴	P ⁴	P ⁴	P	P		
Animal hospitals, indoors	P		P	P	P	P	P	
Animal hospitals, outdoors				C	C	C	C	
Kennels		C		C	C	C	C	
Restaurants or take-out restaurants, with or without outdoor seating, in accordance with Chapter 17.60	P	P	P	P	P	P		Ch. 17.60
Bars, without outdoor seating	P ¹⁵			P ¹⁵	P ¹⁵	P ¹⁵		Ch. 17.60
Bars, with or without outdoor seating		C ¹⁵	C ¹⁵					Ch. 17.60
Bars, with or without outdoor seating, for the service of beer and wine in conjunction with restaurants located within 200 feet of a residential district in accordance with Chapter 17.60 or bars with outdoor seating located more than 200 feet from a residential district				P	P	P		Ch. 17.60
Mini-marts	C	C	C	P	C	C	C	
Mortuaries, funeral homes, mausoleums, columbaria, and crematoria	C		C	P	P	P	C	
Gas Service stations	C	C	C	C	P	C	C	Ch. 17.44

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required							
A. Land Use Classification	B. MU	C. C-K	D. C-O	E. C-1	F. C-2	G. C-S	H. BP	I. Additional Regulations
Automotive Repair, minor (e.g., brakes, tires, radiators, electrical)				P	P	P	P	Ch. 17.44
Automotive Repair, major (e.g., engine and transmission repair/rebuild)				C	P	P	P	Ch. 17.44
Service centers, such as telephone call facilities							P	
Commercial laundry or dry cleaning plants			C	P	P	P	P	
Outdoor storage and outdoor sales		C		C	P	C	P ¹⁶	Ch. 17.90
Wholesaling					P		P	
Retail and service commercial uses to support manufacturing and processing activities or those employed in those activities							P	
Businesses with a retail or other commercial component that devote the majority of the developed area for manufacturing, processing, storage, or warehousing and the minority for sales and display							P	
Day care centers	P		P				P	
Commercial coaches				P	P	P	P	Ch. 17.70
Industrial Uses								
Prospecting	P		P	P	P	P	C	
Development of aggregate resources	C	C	C	C	C	C	C	
Equipment repair facilities, indoor/outdoor			C ¹⁷	C ¹⁷	P	P	P/C	
Mini-storage facilities				C	P	C	C	
Enclosed storage of equipment and materials				P	P	P	P	Ch. 17.90
Open storage of equipment and materials				C	P	C	C	

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required							
A. Land Use Classification	B. MU	C. C-K	D. C-O	E. C-1	F. C-2	G. C-S	H. BP	I. Additional Regulations
Storage tanks for liquids or gases				C	C	C	C	Ch. 17.90
Log decks					P ²⁰		C	Ch. 17.90
Green waste uses				C	C	C	C	
Warehouses				C	P	C	C	Ch. 17.90
General manufacturing, processing and refining, indoor/outdoor					C		P/C	
Research and development facilities							P	
Construction material processing							P	
Communications Facilities								
Wireless Communication Towers		C	C	C	C	C	C	Ch. 17.94
Temporary Uses								
Temporary sales offices for parcels and residences	C	C	C	C	C	C	C	
Accessory Uses								
Accessory uses and structures appurtenant to permitted uses	P	P	P	P	P	P	P	
Accessory uses and structures appurtenant to conditional uses	C	C	C	C	C	C	C	

¹ Use shall not be converted to a commercial use unless it is brought into compliance with Title 15 of this Code relative to fire safety standards.

² One unit per two acres maximum density.

³ 2,500 net square feet per unit maximum density.

⁴ Within a permitted single-family dwelling.

⁵ For the sale of agricultural products, primarily for a farm or ranch located on the parcel or a combination of the parcel and other parcels under the same ownership, all of which are located in the county.

⁶ For the sale of agricultural products.

⁷ Where a fee is required.

⁸ All uses other than distribution facilities.

⁹ For provisions on airport zoning, see [Ch. 18.28](#) of this Code.

¹⁰ Under 15,000 square feet of gross floor area, maximum.

¹¹ Under 10,000 square feet of gross floor area, maximum. A conditional use permit is required for these uses from 10,000 to 25,000 square feet of gross floor area, subject to the requirements of [Chapter 17.76](#).

¹² Over 15,000 square feet of gross floor area, subject to the requirements of [Chapter 17.76](#).

¹³ Under 25,000 square feet of gross floor area, maximum. A conditional use permit is required for these uses over 25,000 square feet of gross floor area, subject to the requirements of [Chapter 17.76](#).

¹⁴ Permit requirements also apply to other business establishments in an enclosed building.

¹⁵ Not permitted within 200 feet of a residential district in accordance with [Chapter 17.60](#).

¹⁶ Outdoor sales not permitted.

¹⁷ Use is conditional in an enclosed building. Use is not permitted at all otherwise.

¹⁸ Limit to one person per bed, the maximum 3 beds per room. Seasonal – 6 months or less, housing as part of the conditions or benefits of employment. Resident – HSC Division 13, Part 1, Section 1700 “Employee Housing Act” “Resident-employment housing,” as used in this part, means apartment houses, hotels, motels, or dwellings, where living quarters are provided for five or more employees employed in the management, maintenance, or operation of an apartment house, hotel, motel, or dwellings.

¹⁹ Multifamily dwellings include duplexes, triplexes, and fourplexes in addition to buildings with a higher number of residential units.

²⁰ Log decks are permitted for up to 18 months. Log decks to be in place longer than 18 months require a conditional use permit.

²¹ Mobile food vendors allowed for up to 6 hours, then a conditional use permit is required. See Chapter 17.68.

ARTICLE 2 - Chapter 17.16

INDUSTRIAL ZONING DISTRICTS

Sections:

17.16.010 Purpose.

17.16.020 Light Industrial District, or (M-1) District.

17.16.030 Heavy Industrial District, or (M-2) District.

17.16.010 Purpose. This Chapter lists the industrial zoning districts and establishes regulations for permitted land uses, conditional uses, minimum parcel size, building intensity, and minimum residential density.

A. Purposes of Industrial Zoning Districts:

1. The purpose of the Light Industrial (M-1) District is to provide an area primarily for light industry.
2. The purpose of the Heavy Industrial (M-2) District is to provide an area for heavy industry.

17.16.020 Light Industrial District, or (M-1) District.

A. Allowed Uses. Table 17.16.1 lists uses allowed and the level of review required within any Light Industrial (M-1) District.

B. Minimize Parcel Size. Within any Light Industrial (M-1) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 7,500 square feet (net acreage) in area or less than 50 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building Intensity. Within any Light Industrial (M-1) District, the maximum residential building intensity shall be one dwelling unit per 7,500 square feet. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 1.0. Additional building coverage is possible in accordance with the density bonus regulations of the California Government Code.

17.16.030 Heavy Industrial District, or (M-2) District

A. Allowed Uses. Table 17.16.1 lists uses allowed and the level of review required within any Heavy Industrial (M-2) District.

B. Minimum parcel size. Within any Heavy Industrial (M-2) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 7,500 square feet (net acreage) in area or less than 50 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Heavy Industrial (M-2) District, the maximum residential building intensity shall be one dwelling unit per 7,500 net square feet. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR,

shall be 1.0. Additional building coverage is possible in accordance with the density bonus regulations of the California Government Code.

TABLE 17.16.1 ALLOWED LAND USES AND PERMIT REQUIREMENTS

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required		
A. Land Use Classification	B. M-1	C. M-2	D. Additional Regulations
Residential Uses			
One single-family dwelling per parcel	P ¹	P ²	
Additional single-family dwellings when incidental to an industrial use of the parcel	C ³	C ³	
Accessory dwelling unit	P	P	Ch. 17.36
Junior accessory dwelling unit	P	P	Ch. 17.36
Residential care homes that don't require state licensing of any size regardless of state licensing	P	P	
Small or large family day care home within a single-family dwelling, subject to the requirements of Chapter 17.54	P		Ch. 17.54
Transitional housing and supportive housing within a permitted single-family dwelling	P	P	
Day care centers other than family day care homes	C ⁵	C	
Agricultural laborer housing	P	P	
Employee housing for six persons or less	P ⁴	P ⁴	
Agricultural and Resources Uses			
General farming and ranching	P	P	
Agricultural processing	P	P	
Roadside stand	P ⁶	P ⁶	
Nurseries and greenhouses	P	P	
Sawmills	C	P	
Livestock feedlots, feed yards, auction yards, and animal processing facilities	C	C	
Christmas tree farms	C	C	
Institutional and Recreation Uses			
General non-commercial recreational use incidental to the primary use of the parcel	P	P	
On- and off-shore marina facilities	P	P	
Public safety facilities	P	P	
Public transportation stations or depots	P	P	
Recreational development	C	C	
Tent revivals, circuses, and carnivals	C	C	
Flea markets	C		

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required		
A. Land Use Classification	B. M-1	C. M-2	D. Additional Regulations
Weddings and Commercial Events ⁷	C	C	
Places of public assembly, social clubs, lodges, and clubhouses	C		
Health care facilities	C	C	
Commercial Uses			
Fitness studios, including associated retail services when incidental to the primary use	P	P	
Gas Service stations	P	P	Ch. 17.44
Automotive Repair, minor (e.g., brakes, tires, radiators, electrical)	P	P	Ch. 17.44
Automotive Repair, major (e.g., engine and transmission repair/rebuild)	P	P	Ch. 17.44
Animal hospitals, indoors	P	P	
Animal hospitals, outdoors	C	P	
Kennels	C	P	
Outdoor sales and storage	P	P	Ch. 17.90
Wholesale businesses	P	P	
Commercial laundry or dry-cleaning plants	P	P	
Mini-mart	P	P	
Mobile Food Vendors	P	P	Ch. 17.68
Mortuaries, funeral homes, mausoleums, columbaria, and crematoria	C		
Commercial coaches	P	P	Ch. 17.70
Industrial Uses			
Prospecting	P	P	
General manufacturing, processing, and refining	P	P	
Log decks	P ⁸	P ⁸	Ch. 17.90
Green waste uses	C	C	
Equipment repair facilities	P	P	
Mini-storage facilities	P	P	
Warehouses	P	P	Ch. 17.90
Storage of equipment and materials	P	P	Ch. 17.90
Storage tanks for liquids or gases	P	P	Ch. 17.90
Public utility distribution facilities	P	P	

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required		
A. Land Use Classification	B. M-1	C. M-2	D. Additional Regulations
Biomass facilities	P	P	
Recycling facilities	C	P	
Auto wrecking and junk storage	C	C	
Refuse and sewage disposal sites and water and sewer treatment plants	C	C	
Public utility uses	C	C	
Development of aggregate resources	C	C	
Small-scale development of mineral resources, provided surface development does not occur within 200 feet of the property line		P	
Large-scale development of mineral resources and surface development of mineral resources within 200 feet of the property line		C	
Airports and heliports	C ⁵	C ⁵	
Foundries and smelters		P	
Solar power generation facilities/equipment	P	P	Ch. 17.88
Communications Facilities			
Wireless Communication Tower	C	C	Ch. 17.94
Temporary Uses			
Temporary sales offices for parcels and residences	C	C	
Accessory Uses			
Accessory uses and structures appurtenant to permitted uses	P	P	
Accessory uses and structures appurtenant to conditional uses	C	C	

¹ Shall not be converted to an industrial use unless it is brought into compliance with Title 15 of this Code relative to fire safety standards.

² Shall not be converted to a commercial or industrial use unless it is brought into compliance with Title 15 of this Code relative to fire safety standards.

³ 2,500 net square feet per unit maximum density.

⁴ Within a permitted single-family dwelling.

⁵ For provisions on airport zoning, see [Ch. 18.28](#) of this Code.

⁶ For the sale of agricultural products primarily from the farm or ranch located on the parcel, or a combination of the parcel and other parcels under the same ownership, all of which are located in the county.

⁷ Where a fee is required.

⁸ Log decks are permitted for up to 18 months. Log decks to be in place longer than 18 months require a conditional use permit.

ARTICLE 2 - Chapter 17.18

SPECIAL PURPOSE ZONING DISTRICTS

Sections:

- 17.18.010 Purpose.**
- 17.18.020 Public District or (P) District.**
- 17.18.030 Timberland Production District.**
- 17.18.040 Mineral Preserve (MPZ) District.**

17.18.010 Purpose. This Chapter lists the types of special purpose zoning districts and establishes the respective regulations for permitted land uses, conditional uses, minimum parcel size, building intensity, and transfer of ownership.

A. Purposes of Special Purpose Zoning Districts.

1. Public District or (P) District. The purpose of the Public (P) District is to acknowledge the limited ability of the County to impose regulations on land under the jurisdiction of public agencies, including, but not limited to, federal, state and local governmental bodies and public utilities. This zoning is compatible with all General Plan land use designations.
2. Timberland Production District. The Timberland Production (TPZ) District is for the protection of timberland and in order to prevent encroachment upon it by incompatible uses of land, and for the general welfare of the County as a whole. This zone is intended to qualify its land pursuant to Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976 or such other legislative statutes or constitutional authorization as may be developed for defining a timberland preserve.

3. Mineral Preserve (MPZ) District. The Mineral Preserve (MPZ) District is for the protection of lands best suited for mineral or aggregate extraction from the encroachment of incompatible uses and to preserve such land for resource production.

17.18.020 Public District or (P) District.

A. Allowed uses. Table 17.18.1 lists uses allowed and the level of review required within any Public (P) District.

B. Minimum parcel size. Within the Public District, there shall be no minimum parcel size requirement for the purposes of creating new parcels.

C. Building intensity. Within the Public District, there shall be no limit to the building intensity.

D. Transfer of ownership. Upon transfer of lands from a public agency to a private individual or nonpublic entity, land uses shall be limited to those listed in Table 17.18.1 until such time as the land is reclassified to another zoning district. No entitlements, such as use permits or land division, shall be approved by the county until such time as this zoning reclassification becomes effective.

17.18.030 Timberland Production District.

A. Allowed uses. Table 17.18.1 lists uses allowed and the level of review required within any Timberland Production (TPZ) District.

B. Rezoning land. Land may be rezoned as a Timberland Production (TPZ) District upon a finding that the criteria of [Government Code Section 51113\(c\)](#) have been met.

C. Additional regulations. The term of the TPZ District shall be as set forth in [Government Code Section 51114](#).

D. Inclusion of additional lands. Additional lands may be zoned TPZ and added to an existing timberland preserve pursuant to [Government Code Section 51113.5](#).

E. Minimum parcel size. Within any TPZ District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 160 gross acres in area, except as provided by [Government Code Section 51119.5](#). An existing parcel that does not meet the minimum parcel size regulation may be reconfigured to a resulting parcel that does not meet the minimum parcel size provided the reconfiguration does not result in a decrease in the size of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size requirement.

F. Building intensity. Within any Timberland Production (TPZ) District, the maximum residential building intensity shall be one dwelling per 37 acres without discretionary review. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.05. Additional units/building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

G. Rezoning. Parcels zoned TPZ may be rezoned pursuant to [Government Code Sections 51120 et seq.](#) or [51130 et seq.](#)

H. Minimum parcel size requirement. Parcels of less than 37 acres shall not be zoned TPZ unless the parcel adjoins either lands within an existing TPZ District or the Stanislaus National Forest.

17.18.040 Mineral Preserve (MPZ) District.

A. Allowed uses. Table 17.18.1 lists uses allowed and the level of review required within any Mineral Preserve(MPZ) District.

B. Minimum parcel size. Within any Mineral Preserve(MPZ) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 20 gross acres in area or have an average width of less than 500 feet. An existing parcel that does not meet the minimum parcel size and average width requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and average width requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the average width of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and average width requirements.

C. Building intensity. Within any Mineral Preserve (MPZ) District, the maximum residential building intensity shall be one dwelling per 20 acres without discretionary review. The maximum ratio of the coverage of all building on a parcel, referred to as the FAR, shall be 0.2. Additional units/building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

TABLE 17.18.1 ALLOWED LAND USES AND PERMIT REQUIREMENTS

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required			
A. Land Use Classification	B. P	C. TPZ	D. MPZ	E. Additional Regulations
Residential Uses				
One single-family dwelling per parcel		P ¹	P	
Additional single-family dwellings		C ^{1,2}		
Accessory dwelling unit		P	P	Ch. 17.36
Junior accessory dwelling unit		P	P	Ch. 17.36
Residential care homes that don't require state licensing of any size regardless of state licensing		P ^{1,3}	P ³	
Day care centers and small family day care homes, for not more than eight nonemployee occupants		P ^{3,1}	P ³	
Transitional housing or supportive housing within a permitted single-family dwelling		P ¹	P	
Employee housing	C	C ¹	C	
Employee housing for six persons or less		P ³	P ³	
Agricultural laborer housing	P	P	P	
Dormitory	P			
Agricultural and Resources Uses				
Christmas tree farms	P	P ¹	P	
Uses integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas	P	P ¹		
Management for watershed	P	P ¹	P	
Management for fish and wildlife habitat or hunting and fishing	P	P ¹	P	
General farming and ranching - irrigated	P	C ¹	C	
General farming and ranching – non-irrigated	P	P	P	
Agricultural processing	P			
Nurseries and greenhouses		C ¹		
Wholesale nurseries			C	
Agricultural processing facilities and activities and related accessory uses for products primarily from the farm or ranch located on the parcel or a combination of the		C ¹	C	

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required			
A. Land Use Classification	B. P	C. TPZ	D. MPZ	E. Additional Regulations
parcel and other parcels under the same ownership, all of which are located in the county				
Roadside stand for the sale of agricultural products primarily from the farm or ranch located on the parcel or a combination of the parcel and other parcels under the same ownership, all of which are located in the county		C ¹		
Sawmills		C ¹		
Portable sawmills and portable planing mills			C	
Growing and harvesting of forest products		P	P	
Institutional and Recreation Uses				
Refuse and sewage disposal sites	P			
Water and sewer treatment plants	P	C ¹		
General recreation and parks open to the public	P			
General recreational use incidental to the primary use of the parcel		C ¹		
Recreational development		C ¹		
Noncommercial recreational development			C	
On- and off-shore marina facilities	P	C ¹		
Airports and heliports	P	C ¹	C	
Airstrips			C	
Public utility distribution facilities/public water or sewer system	P			
Public transportation facilities	P			
Churches, public schools, libraries, museums, art galleries, visitor centers, fire stations, post offices, and cemeteries	P			
Law enforcement and judiciary facilities	P			
Public safety facilities	P	C ¹		
Health care facilities	P	C ¹		
Tent revivals, circuses, and carnivals		C ¹	C	
Weddings and Commercial Events ⁴		C ¹	C	
Flea market			C	

Key	Blank Cell – Not Permitted “P” – Permitted without Discretionary Review “C” – Discretionary Review Required			
A. Land Use Classification	B. P	C. TPZ	D. MPZ	E. Additional Regulations
Civic events	P			
Music festivals	P			
Commercial Uses				
Administrative offices and related uses	P			
Bed and breakfast establishments, not to exceed six guest bedrooms		C ^{1,2}		
Industrial Uses				
Prospecting		P ¹	P ⁵	
Mining, mineral processing, and any use related to subsurface or surface development of mineral resources			P ⁵	
Green waste uses	C	C ¹		
Development of aggregate resources		C ¹	C	
Commercial refuse and sewage sludge disposal sites and public water and sewer treatment plants	C	C ¹		
Outdoor storage of equipment and materials	P	C ¹	C	Ch. 17.90
Auto wrecking			C	
Biomass facilities		C ¹		
Storage tanks for liquids or gases	P		P	Ch. 17.90
Communications Facilities				
Construction, alteration or maintenance of gas, electric, water or communication transmission facilities	P	C ¹		
Wireless Communication Facilities	C	C	C	Ch. 17.94
Accessory Uses				
Accessory uses and structures appurtenant to permitted uses	P	P ¹	P	
Accessory buildings and structures appurtenant to permitted uses	P		P	
Accessory uses and structures appurtenant to conditional uses	C	C ¹	C	

¹ The following use is permitted subject to first securing the applicable permit if it is found that, in the specific instance, such a use would not significantly detract from the use of the parcel for, or inhibit, growing and harvesting of timber.

² Up to 37 acres per unit maximum density.

³ Within a permitted single-family dwelling.

⁴ Where a fee is required.

⁵ Subject to the requirements of Title 8.

ARTICLE 3 - Chapter 17.22

STANDARDS FOR ALL DEVELOPMENT AND LAND USES

Sections:

- 17.22.010 Purpose.**
- 17.22.020 Height Regulations.**
- 17.22.030 Parcel, Yard, and Space Regulations.**
- 17.22.040 Accessory Structures.**
- 17.22.050 Surface Parking Lots Screening Requirements.**
- 17.22.060 Clustered Development.**

17.22.010 Purpose. This Chapter establishes regulations for height, parcel, yard, and spaces.

17.22.020 Height Regulations.

A. Applicability. The following height regulations shall apply in zoning districts established pursuant to this title:

1. Except as otherwise provided in this Chapter, the height limit for all structures shall be forty feet from grade in the following districts: A-10, O, O-1, R-1, R-2, RE-1, RE-2, RE-3, RE-5 and RE-10.
2. Except as otherwise provided in this Chapter, the height limit for all structures shall be fifty feet from grade in the following districts: C-K, C-1, C-2, C-S, BP, MU, MPZ, TPZ, P, M-1, M-2, AE-37, K, R-3, C-O and A-20.

B. Chimneys, vents, and architectural appurtenances. Chimneys, vents, and architectural and mechanical appurtenances may exceed the height limit of the district in which they are located by a distance not to exceed ten feet.

C. Extension of limit. Height limits set forth in this Chapter for structures may be extended, provided a use permit is first secured, and further provided that no such extension shall be granted where it would violate applicable building codes. If such a use permit is granted, the distance by which the proposed structure exceeds the height

limit for the district shall be added to the required side yard setback.

D. Exclusions and exceptions.

1. Except as provided in Subdivision B or Chapter 17.94, public utility poles and communication facilities are excluded from height regulations for districts established pursuant to this Chapter.
2. Ground-mounted antennas that do not exceed 60 feet in height as measured from finished grade at the base of the antenna and building-mounted antennas that do not extend above the maximum height limit of the zoning district that are operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, are permitted in all zoning districts.
3. Biomass facilities with equipment that does not exceed 115 feet in height as measured from finished grade at the base of the structure, are exempt from a Use Permit.

17.22.030 Parcel, Yard, and Space Regulations.

A. Applicability. The provisions of this Chapter shall apply in all districts except

those in which planned unit development regulations apply.

B. Setbacks. Building setbacks shall be as follows:

1. Within any zoning district, no building shall be located closer than thirty-five feet to the centerline of any street or right-of-way, excluding alleys, except as otherwise provided herein. Existing buildings within any zoning district which are nonconforming only because they encroach within thirty-five feet of the centerline of a street right-of-way, may not be structurally altered and enlarged unless a use permit is first obtained, except a use permit is not required for new construction which meets or exceeds setback requirements in effect as of the date of issuance of the building permit for that new construction.
2. In all districts except C-K, C-O, C-1, C-2, C-S, BP, M-1, and M-2, no building shall be located closer to the parcel boundary lines by the following distances: fifteen feet from the front boundary, fifteen feet from the rear boundary and six feet from the side boundaries.
3. In the C-K, C-O, C-1, C-2, C-S, BP, M-1, and M-2 districts, where such districts abut an R district, no building shall be located closer to the parcel boundary lines than the same distances required from contiguous properties.
4. In Historic Design Preservation (HDP) Districts, buildings shall be exempt from the building setbacks established herein. The building setbacks shall be the same as that established by the historic buildings within

the historic preservation district. Stairs and ramps that are necessary to access doors in the Historic Design

Preservation (HDP) and/or Historic Combining (H) Districts can extend beyond the parcel property lines into the right-of-way, subject to an encroachment permit from the Public Works Department.

5. Within the front setback, a private garage shall not exceed 575 square feet.

6. **Above 3,500 feet in elevation or w**Where the average slope between the edge of the pavement or traveled way and the front setback line prescribed for the zoning district is more than twenty (20) percent, a private garage or carport may be setback either 10 feet from the edge of pavement of the exiting access road or to the right-of-way; provided that the structure also satisfies the requirements listed below:

- a. The structures may contain storage and workshop areas as long as they are below the street grade, or, if at or above the street grade, these facilities are outside of the required front setback area. No living area shall be permitted above, below or within the parking structure, except when located outside of the required front setback.
- b. The height does not exceed 24 feet measured from garage or carport floor to roof peak.

- c. The design and colors are compatible with the residence.
 - d. Any proposed construction requiring a building permit must first have been approved by the Public Works Department.
 - e. The structure is not within any county road right-of-way without first obtaining an encroachment permit from the Public Works Department. The structure does not encroach into an established easement unless a "hold harmless" form has been signed.
 - f. The property owner signs a hold harmless agreement indemnifying the County and its officers, agents, employees, and representatives from any and all claims and liability of any nature whatsoever, arising out of, or in connection with, the construction and use of the garage within the building setbacks.
 - g. Access to the parcel is provided by a local or minor collector road.
 - h. The construction of the garage or carport will not interfere with existing utilities, and no portion of the foundation of the garage or carport is located closer than 5 feet to a septic tank or 8 feet to a leachline.
- The garage or carport is not located within the expansion area for the septic system.
- 7. In all districts, docks and accessory structures thereto, such as decks, stairways, and walkways, shall be exempt from the building setbacks established herein for the parcel boundary lines that front on a lake or reservoir on which docks are allowed by the agencies having jurisdiction over the lake or reservoir.
- C. Projections into required yards.
- 1. The following structures may be erected or projected into any required yard:
 - a. Eaves, canopies, and similar roof projections not to exceed two feet.
 - b. Cornices, fireplaces, sills, bay windows, and similar architectural features that do not qualify as habitable area under the Building Code not to exceed one foot.
 - c. Open, unenclosed stairways without landings.
 - d. Walls, fences, and trash enclosures (8 square feet or less).
 - 2. The following structures may be erected or projected **three feet** into side and **four feet into** rear yards:
 - a. Stairways with or without landings.
 - b. Decks.
 - c. Balconies.
 - 3. The following structures may ~~be~~ project four feet into front yards:
 - a. Uncovered decks.
 - b. Balconies.

- i. Exception.
Enclosed
stairways may
project with no
setback.

- 4. Appurtenances including mechanical equipment, well houses that require a building permit, water tanks per county size parameters, ~~ground-mounted solar panels,~~ in ground pools, and fixed in place generators are not permitted to project into the required yard.

D. Front and rear boundary lines. Any portion or portions of any parcel fronting on a street right-of-way or easement that has been dedicated or offered for dedication to the public, including an alley or a public or private road right-of-way which provides primary access to more than four parcels, shall be construed to be the front boundary line. The boundary line opposite such front line shall be construed to be the rear boundary line, except where said parcel is a corner parcel. In the case of a corner parcel, the boundary lines opposite the front boundary lines shall be defined by the type of setback line for the adjoining parcels; if such lines are side boundary lines for the adjoining parcels, the lines are to be construed to be side boundary lines for the corner parcel. All boundaries other than front and rear boundary lines as defined in this section shall be construed as side boundary lines.

E. Use of lot as building site. Any parcel of land of record on the effective date of this title may be used as a building site even though the parcel is of less area or width than is required for the district in which it is located, provided that all other requirements of this title and all building codes are met. If such parcel has less than the required minimum width, the side yard setbacks may be reduced to ten percent of the width of the parcel, except such side yard setback shall in no case be less than three feet. If the substandard parcel is a corner parcel the above reductions apply, however no building

may be placed closer than ten feet to any right-of-way line.

F. Separation of required space from use or structure. No space necessary to meet width, setback, area, coverage, parking, or any other requirement of this title for any use or structure shall be sold, separated, or leased away from such use or structure.

G. Sharing required yards or parking. Required yards, green spaces, or parking areas for any building or use shall in no instance be considered as providing the required yards, open spaces, or parking areas for any other building or use, either on the same parcel or an adjoining parcel.

H. Measurement of yards and setbacks from right-of-way line. Whenever a parcel adjoins any street or highway for which an official future right-of-way line has been adopted, required yards and setbacks shall be measured from such adopted right-of-way line.

I. Minimum site area – Dwelling group. Every unit within a multiple-family dwelling shall have a minimum site area of two-thousand nine-hundred square feet for each residential unit unless the units are for low/moderate income housing. This shall not be construed as requiring 2,900 square feet of floor area within each residential unit. Fifteen percent of the total area of the site (at least 200 sf) shall be set aside as green space or a recreation area.

J. Minimum site area - Hotel and motel. Every hotel, motel, and similar establishment shall have a minimum site area of five hundred square feet for each unit.

K. Obstructions of easements.

- 1. Except as otherwise provided herein, no person shall place or erect, nor shall any owner of record or anyone known to be in possession of a parcel of land fail or refuse to remove from that parcel, any structure or object which obstructs the purpose for which an easement or right-of-way of record was created for public use. The owner of record or anyone known to be in possession of the parcel on

- which the public easement or public right-of-way is located shall be responsible for maintaining the public easement or public right-of-way free from prohibited obstructions.
2. Prior to issuance of an entitlement from the County to construct a structure within a public easement or right-of-way which has the potential to obstruct the purpose for which the public easement or right-of-way was intended, the applicant for the entitlement shall submit, to the jurisdictional agency, written permission for the construction of the structure from all parties with the right of use of the easement or right-of-way.
 3. A structure authorized by the issuance of an entitlement described in subsection 2 is exempt from the provisions of subsection 1.

L. Condominiums and townhouses.

Residential condominiums and townhouses shall be treated as multiple-family dwellings for the purposes of this section, and the individual dwelling units within any residential condominium or townhouse shall not be subject to the minimum parcel sizes specified in this title. Individual units within any commercial or industrial condominiums shall not be subject to the minimum parcel sizes specified in this title.

M. Conversion of mobilehome parks.¹

Parcels resulting from the conversion of a mobilehome park in which seventy-five percent or more of the mobilehome units have been installed, to a subdivision shall not be subject to the minimum parcels sizes or building setback requirements specified in this title. The minimum parcel size and building setbacks shall conform to those state standards, applicable to mobilehome

parks, pursuant to which the mobilehome park was constructed.

N. Water tank/well parcels. Parcels created for the purpose of accommodating a well and/or a water tank, other water storage facility, or wastewater lift station for a public water or wastewater system or fire protection shall not be subject to the minimum parcel sizes specified in this title.

17.22.040 Accessory Structures.

A. Attached or Detached Accessory Structures shall not be used for overnight accommodation. They shall include all of the following and any similar structures as determined by the Director:

1. Ancillary structures, including storage sheds, play structures, art studios, and greenhouses.
2. Recreation-related accessory structures, including swimming pools and spas, cabanas, and enclosures for swimming pools or spas.
3. Patios and deck structures, including uncovered detached raised decks or patios over 18 inches from grade, and detached ground-level patios or decks when covered.
4. Carports or detached garages.

B. Accessory Structures do not include:

1. Accessory dwelling units.
2. Paving or patio areas 30 inches or less above grade.
3. Docks and accessory structures thereto, such as decks, stairways, and walkways.

C. Attached Accessory Structures.

1. Attached accessory structures shall be made structurally a part of and have common design with the primary structure, such as the same roof material or similar pitch.
2. An accessory structure attached to the primary structure shall comply with

¹ For provisions on mobilehome accessory structures, see [Ch. 15.12](#) of this Code.

- the development standards of the applicable zone.
3. Accessory structures shall be attached to the primary structure that it is designed to serve and not to any other structure.

D. Detached Accessory Structures. The following standards shall apply to detached accessory structures unless otherwise provided in this Code.

1. A detached accessory structure shall comply with the development standards of the applicable zone unless other standards are provided in this section based on the use of the accessory structure.
2. No detached accessory structure shall be located within a required setback.
3. A minimum of six feet shall be maintained between a primary structure and a detached accessory structure and between accessory structures on the same lot.
4. Residential Zones. In residential zones, a detached accessory structure may be

no higher than 8 feet at the setback line.

17.22.050 Surface Parking Lots Screening Requirements.

All surface parking lots for new commercial developments should be screened from street views. Screening should not affect motorist views including the sight triangle either on the street or as they are existing from that commercial development. Screening could be achieved by buildings, walls, or by any of the following the screening strategies:

A. Landscape screening. Trees scaled to the space can be used for shade and to screen views of the surface parking lot to and from neighboring buildings.

B. Screening structures and facades. Screening structures shall include various elements such as walls, perforated metal panels, wire mesh, finished concretes, and other high quality materials that maintain architectural sensitivity to the surrounding buildings and character.

C. Public art and murals. Surface lots can incorporate public art elements such as sculptures, mural paintings, images, and other artistic facade treatments and installations.

ARTICLE 3 - Chapter 17.30

OFF-STREET PARKING

Sections:

- 17.30.010 Purpose.
- 17.30.020 Required.
- 17.30.030 Amount of parking required.
- 17.30.040 Parking requirements for medium and high density residential development within 0.25 mile of a transit stop
- 17.30.050 Amount of off-street parking required for a designated Historic Design Preservation District.
- 17.30.060 Mixed-use parking requirements.
- 17.30.070 Transfer of uses.
- 17.30.080 Fractional spaces.
- 17.30.090 Design and construction standards.
- 17.30.100 Use of parking lot to fulfill requirement.
- 17.30.110 Approval required for reduction in size or number.
- 17.30.120 Bicycle parking requirements
- 17.30.130 Transit waiting shelters
- 17.30.140 Tuolumne parking standards.

17.30.010 Purpose. This Chapter establishes regulations for off-street parking.

17.30.020 Required. Off-street parking facilities for the parking of motor vehicles shall be provided, in the amounts and in accordance with the standards set forth, in connection with all land uses and buildings hereafter erected, or hereafter increased in capacity as to floor area or other units of use, or hereafter changed from one use to another use requiring an increased amount

of off-street parking. No existing off-street parking shall be eliminated or reduced to an amount less than that required by this Chapter, except as approved by the Director upon review of unique circumstances surrounding the use in question.

17.30.030 Amount of parking required. The amount of off-street parking required for the various uses shall be as set forth in the following schedule, except as provided in Sections 17.30.040, 17.30.050 or 17.30.110:

TABLE 17.30.01 PARKING SPACES REQUIRED

A. Use	B. Parking Spaces Required
1. Single-family dwelling	Two (2)
2. Duplex, dwelling group and multiple-family unit	Studio/efficiency and one-bedroom unit one (1) space, , one-bedroom unit two (2) spaces, two-bedroom unit two (2) spaces , and three-bedroom unit two and one half (2-1/2) spaces, four-bedroom unit three (3) spaces, etc.
3. Guest House	One

A. Use	B. Parking Spaces Required
4. Churches and other places for worship, mortuaries, and funeral homes	With fixed seating: One (1) for each four seats
	Without fixed seating: Maximum building occupancy load divided by four.
5. Residential care home	Two (2)
6. Residential care home and Skilled nursing facility	One (1) for each three beds plus one for each employee per largest shift.
76. Health care facility (Hospital)	One and one-half (1 1/2) per bed plus one (1) for each employee per largest shift.
87. Hotels, motels, and bed and breakfasts	One (1) for each guest room plus two (2) for permanent manager's quarters.
98. Retail shops, discount stores, supermarket, hardware stores, convenience markets, and smaller shopping centers (less than 75,000 square feet of gross floor area.)	Minimum of eight (8) spaces, plus one (1) space for each 250 square feet of gross floor area in excess of 1,000 square feet.
109. Shopping centers (more than 75,000 square feet of gross floor area.)	Five (5) per 1,000 square feet of gross floor area
110. Banks, post offices, business, and professional offices other than medical and dental offices and clinics.	Three (3) per 1,000 square feet of gross floor area.
124. Medical and dental clinics and offices	Six (6) per 1,000 square feet of gross floor area.
132. Restaurants, bars, cocktail lounges, and nightclubs	With fixed seating: One (1) for each two (2) seats.
	Without fixed seating: 16 spaces per 1,000 square feet of seating area.
143. Sport arenas, auditoriums, theaters, halls, dance halls, skating rinks, assembly halls, and exhibition halls	One (1) for each four seats or maximum occupancy load divided by four.
154. Bowling alleys	Four (4) for each lane or alley.
165. Gymnasiums, racquet clubs, health clubs, and dance studios	Five (5) per 1,000 square feet of gross floor area.
176. Child care facilities	One and one-half (1 1/2) per employee per largest shift in addition to a safe drop-off and pick-up loading area.

A. Use	B. Parking Spaces Required
187. Warehousing and general storage	One and one-half (1 1/2) per employee per largest shift.
198. Automobile or machinery sales, service stations, and auto repair and auto servicing businesses	Three (3) per 1,000 square feet of gross floor area (Spaces at gas pumps count toward parking requirements)
2019. Manufacturing plants, research testing laboratories, bottling plants, wholesale establishments, and public utility buildings and uses.	Two (2) for every three employees on the two maximum adjacent shifts, or four (4) per 1,000 square feet of gross floor area, whichever is greater.
210. General industrial use	Three (3) per 1,000 square feet of gross floor area.
224. Education uses	Business, Trade, or Vocational School One (1) per three persons based on maximum building occupancy
	College, University One (1) for every three employees, plus (1) for every three students
	School, K-12, Public or Private Elementary and Junior High Schools: one (1) per employee, plus one (1) for every 10 seats in the auditorium or multi-purpose room, whichever is greater, plus loading space for two (2) buses. High Schools: one (1) per employee, plus one (1) for every five students
232. Periodic or one-time events on private property	One (1) per three seats or three people based on maximum occupancy, whichever is greater.
243. Other uses not specifically listed above shall furnish parking as required by the Director. In determining the off-street parking requirements for said uses, the Director shall use the above requirements as a general guide and shall determine the minimum number of parking spaces required to avoid interference with the public use of streets and alleys. The Director may require that evidence be furnished to assist in making the parking determination.	

17.30.040 Parking requirements for medium and high density residential development within 0.25 mile of a transit stop. The minimum parking requirements for medium and high density residential projects located within .025 mile of a transit stop shall be as set forth in the following schedule:

**TABLE 17.30.02 MEDIUM/HIGH RESIDENTIAL
PARKING REQUIREMENTS WITHIN ¼ MILE OF
TRANSIT STOP [1]**

	A.R-2 and R-3
Studio	1
One Bedroom	1
Two-Three Bedrooms	1.5
Four + Bedrooms	1.5
Visitor [2]	0.25

[1] Transit stop refers to marked bus stops along Tuolumne County's Transit fixed-bus route service.

[2] Visitor parking is in addition to the required parking if all the spaces are assigned. Visitor parking may be included within the required parking requirement if one or none of the spaces are assigned.

17.30.050 Amount of off-street parking required for a designated Historic Design Preservation District. Whereas, the spatial relationship of a historic community and the uniqueness of the established businesses warrant a departure from the normal application of the parking requirements, all commercially zoned parcels and their attributed parking shall be treated alike. All commercially zoned parcels within a designated Historic Design Preservation (HDP) District shall be classified as if it were a "shopping center" type use and provide parking at a ratio of one (1) parking space per 250 square feet of gross floor area. This provision does not apply to motel and hotel businesses within an HDP District.

17.30.060 Mixed-use parking requirements. The total requirements of off-street parking spaces on a parcel with mixed uses shall be the sum of the requirements for the various uses computed separately. However, the review authority may reduce the parking requirement on such a parcel by up to 20% to incentivize mixed-use projects.

17.30.070 Transfer of uses. Areas needed to meet the parking requirements of a particular building or use shall not be transformed or changed to another type of use, or

transferred to meet the parking requirements of another building or use until the parking required for the original user of the parking area is provided at another location.

17.30.080 Fractional spaces. Any building or use requiring 0.5 or more of a parking space shall be deemed to require one full space.

17.30.090 Design and construction standards. All off-street parking facilities shall comply with the following standards:

A. The parking spaces, maneuvering areas, driveways, and pedestrian walkways shall be designed and constructed in a manner in which size, shape, and circulation pattern will afford a reasonable parking area, with reasonable and safe access thereto, for the number and type of vehicles to be accommodated. Whenever more than ten parking spaces are required for a development, the allocation of spaces may include up to 50 percent small car spaces. When fewer than ten spaces are required, each space shall be full size. The number of handicapped spaces shall be in accordance with the State Accessibility Standards, (referenced in Subdivision G. below).

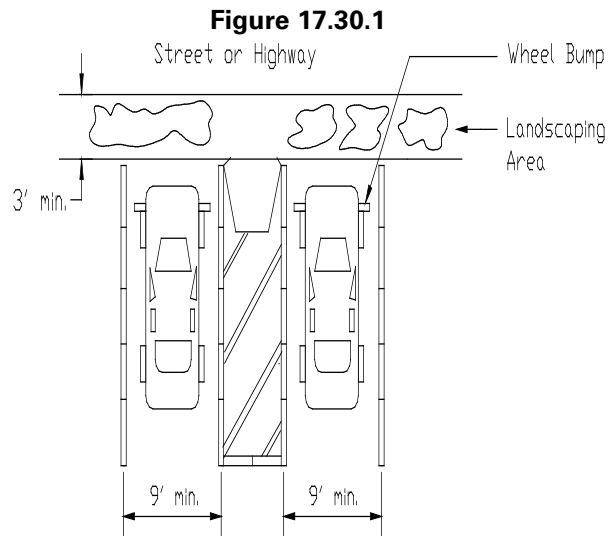
B. Full size perpendicular spaces shall be 9' x 20', small car spaces shall be 8' x 16', and handicapped spaces shall be in accordance with the State Accessibility Standards, (referenced in Subdivision G. below).

C. In commercial developments, the parking areas shall be paved, striped, and lined in accordance with the Community Development Department's latest standards. All other development projects shall have parking spaces clearly marked and such marking shall be maintained in a visible and legible manner.

D. Where lighting is required, the light shall be in accordance with dark sky standards and so shielded or directed such that the illumination will be adequate for the parking facility and/or structures involved in the project. In any case, the type and location of the lighting chosen shall not be disruptive to surrounding land uses.

E. All parking areas shall be constructed to provide adequate drainage.

F. Perimeter Planting Strips. For all uses, except single-family dwellings, all off-street parking facilities abutting a public street or highway, excepting those portions comprising driveways or pedestrian walkways, shall be bounded on the street or highway side or sides by a planting strip with a minimum of three feet of vegetation. The three feet of vegetation area shall be as follows:



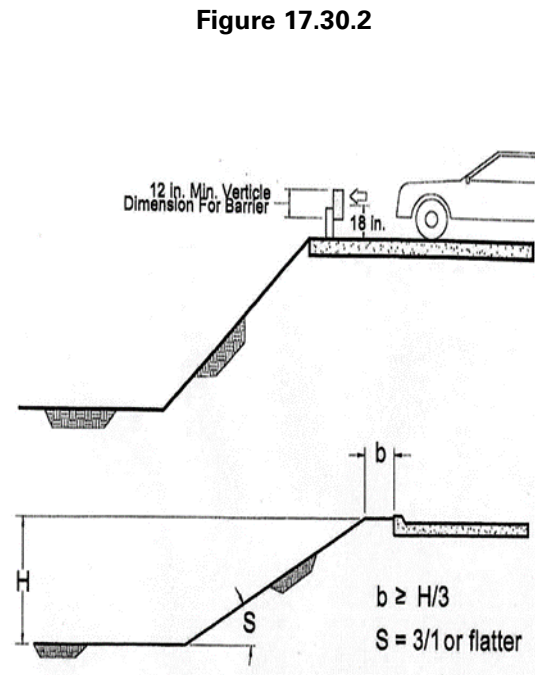
The planting strip shall be delineated by a concrete, or other material, barrier and planted according to the Community Development Department's latest landscaping guidelines.

G. Handicapped Parking. Parking spaces for the physically handicapped shall be located, constructed, maintained, and otherwise meet all requirements set forth in the State Accessibility Standards of the California Building Standards Code (Title 24 California Code of Regulations), as it may be amended from time to time.

H. Employee Parking. Tandem parking for employees may be allowed subject to approval by the Director.

I. Vehicle Barriers. Except as otherwise provided herein, all parking areas more than five feet above adjacent grade shall be provided with vehicle parking barriers. The barrier shall be designed to be able to hold a horizontal load of 6,000 pounds applied at right angles to the vehicle barrier at a height of 18 inches above the parking surface. The force may be distributed over a one foot

square area and shall be applied at 18 inches above grade. The minimum dimension for the barrier shall be 12 inches as shown below. The requirement for vehicle barriers shall not apply to parking garages for Group U (residential) Occupancy, as defined by the California Building Code, or to parking areas when the adjacent slope is less than 3:1 and the area in front of the parking space is equal to or greater than $H/3$ as shown below:



17.30.100 Use of parking lot to fulfill requirement. Off-site private parking lots maintained within 300 feet of a particular use or business for the exclusive use of patrons and employees of such use or business may be used to provide the required amount of parking for the particular use or business. Off-site private parking lots may be located at a distance greater than 300 feet if the particular business provides a parking valet or jitney service and the Director determines that such service will substantially comply with the provisions of this Chapter. In any event the terms, conditions, and duration of the private parking lot shall be described within the Community Development Department's latest off-site parking agreement.

17.30.110 Approval required for reduction in size or number. Parking spaces provided to meet the requirements of this Chapter shall not be reduced in size or number, modified, or eliminated without the express prior approval of the Director based upon a determination that changed conditions or uses justify such reduction, modification, or elimination of parking spaces or area.

17.30.120 Bicycle Parking Requirements.

Bicycle parking shall be provided in addition to all required parking spaces in compliance with the following standards:

A. New development projects shall provide bicycle parking as follows:

1. New multi-unit development of ten units or more, at a rate of one space for every eight (8) dwelling units; and
2. New nonresidential development of 10,000 square feet or more at a rate of one (1) space per 2,500 square feet of gross floor area.

B. Each bicycle parking space shall comply with the following design standards:

1. Each bicycle parking space shall provide a secure, stationary, parking device to adequately secure the bicycle frame and at least one wheel with both wheels left on the bicycle. One such structure may provide multiple bicycle parking spaces.
2. Bike parking shall be located no more than 80 feet, and shall be visible from, the entrance of a nonresidential use. Signage shall be posted at the entrance of the property indicating the location of bicycle parking.
3. Bike parking for multifamily uses shall be located on the same parcel and fully enclosed or in a secure location.
4. Where multiple retail stores, offices, or related commercial uses operate in close

proximity to each other, the property and/or designated business representatives may request the County to allow clustering of required bicycle parking spaces in one or more secure, connected bicycle racks or corrals, provided this type of parking arrangement can be implemented within an average of no more than 80 feet to the entrances of all uses on the parcel.

17.30.130 Transit waiting shelters. Prior to the issuance of any building permit or approval of any improvement plans for any development consisting of more than 10 dwelling units or 40,000 square feet of nonresidential space, the property owner or project proponent shall sign and record an agreement with Tuolumne County to provide for an easement(s) and/or to construct a concrete foundation, benches, and an electrical connection necessary to accommodate placement of a transit waiting shelter within 100 feet of at least one building in the development.

17.30.140 Tuolumne Parking Standards. The parking provisions established in this Chapter shall apply to the area within the boundary of the *Tuolumne Parking & Alleyway Study* dated October 15, 2010, as it may be amended by the Board of Supervisors, except as modified by this section:

A. Parking shall be provided as required herein for various land uses, construction of new buildings, expansion of land uses or buildings that adds capacity for use, or changes from one use to another use requiring an increased amount of parking.

1. No additional parking shall be required for any existing use or for any change in use of a building that was in existence on January 1, 2012, provided that parking shall be required for any expansion of the building after January 1, 2012.

2. No additional parking shall be required to reconstruct or replace a building that was in existence on January 1, 2012, except that if reconstruction or replacement of a building has not been completed after eighteen (18) months from the start date of demolition, all parking requirements shall be met. The Director may extend the time period for completing the reconstruction or replacement if the property owner is making a good faith effort to complete the construction based upon information submitted by the property owner in a written statement describing the efforts being made.

B. The area shall be classified as a "shopping center" for purposes of providing parking for non-residential land uses and parking shall be provided at a ratio of one (1) parking space per 250 feet of gross floor area.

C. Parking for all residential land uses shall be provided in accordance with Sections 17.30.030 and 17.30.040.

D. Due to the availability of on-street parking, each parcel within the area, except those parcels zoned R-1, shall be given a one-time credit of three (3) spaces toward meeting parking requirements.

E. The Tuolumne In-Lieu Parking Program is hereby established for non-residential land

uses as an alternative to providing parking as required herein:

1. The In-Lieu Parking Program shall be voluntary;
2. A developer shall have the option to provide the parking spaces as required or contribute to the Tuolumne Parking Fund by paying the Tuolumne In-Lieu Parking Fee established in Section 3.40.045 of this title for each parking space required, or a combination thereof.
3. The Tuolumne Parking Fund shall be used to finance the construction of community parking facilities.
4. In order to encourage the development of community parking facilities, a 20% parking credit shall be provided for developments that pay the Tuolumne In-Lieu Parking Fee. The 20% credit shall be implemented as a 20% reduction in the number of parking spaces for which the In-Lieu Parking Fee is paid. The amount of the credit shall be prorated where a development provides a combination of payment of the Tuolumne In-Lieu Parking Fee and parking spaces.

Chapter 17.34

SIGNS

Sections:

- 17.34.010 Findings.**
- 17.34.020 Purpose and intent.**
- 17.34.030 Applicability and general provisions.**
- 17.34.040 Height and area.**
- 17.34.050 Appearance and maintenance.**
- 17.34.060 Encroachment restrictions.**
- 17.34.070 Permitted signs.**
- 17.34.080 Signs permitted by use permit.**
- 17.34.090 Signs creating traffic hazards prohibited.**
- 17.34.100 Nonconforming signs.**
- 17.34.100 Removal of signs.**

17.34.010 Findings.

The Board of Supervisors of the County of Tuolumne finds and declares as follows:

- A. Reasonable regulation of signs protects and enhances the character of the community and its various neighborhoods and districts against visual blight. Furthermore, a proliferation of signs can detract from the pleasure of observing the visual attractiveness and appeal of Tuolumne County and the built environment;
- B. Regulating the size, quantity, type, and location of signs to encourages the effective use of signs as a means of communication and provides equity and fairness among sign owners and those who wish to use signs;
- C. Ensuring official traffic regulation devices are easily visible and free from nearby visual obstructions and distractions, such as attention-getting signs, an excessive number of signs, or signs in any way resembling official signs furthers public safety;

17.34.020 Purpose and intent.

- A. The purpose of this Chapter is to regulate the construction, location, and maintenance of all signs within the unincorporated areas of the County.
- B. The regulations in this Chapter are intended to encourage the effective use of signs as a means of communication;

to maintain and enhance the aesthetic environment and the county's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.

- C. It is the county's policy and intent to regulate signs in a manner which is consistent with the speech freedoms of both the United States and California Constitutions. This Chapter shall be administered and enforced in a manner which is consistent with *Reed v. Town of Gilbert*, 573 U.S. 957 (2014).
- D. The intent of this Chapter is to regulate signs in a way that does not favor commercial speech over noncommercial speech and does not regulate noncommercial speech based on message content.

17.34.030 Applicability and general provisions.

A. Any outdoor sign, signs within windows intended to be viewed from outside, or signs visible from public spaces within any zoning district established pursuant to this Title shall be subject to the provisions of this Chapter.

B. Official traffic signs or other governmental signs, legal notices, advertisements and notices prescribed by law and placed by governmental entities, and signs indicating the location of buried utility lines or

any notice posted by a governmental officer in the scope of his or her duties shall be exempt from the provisions of this Chapter.

C. Direction, warning, or information signs or structures required or authorized by law, or by federal, state, or county authority, including, but not limited to, traffic control signs, highway route number signs, and construction zone or site signs shall be exempt from the provisions of this Chapter.

DB. All commercial signs shall advertise or relate to a business, product or activity being conducted or produced on the parcel on which such signs are placed, except those permitted by Sections 17.62.050(B)(9) and 17.62.060(D).

EE. Noncommercial signs shall be permitted wherever commercial signs are allowed and shall be restricted to the same number, size and location as the commercial signs. The size and number of the noncommercial signs shall be included with the commercial signs in the total number and area of signage allowed pursuant to this Chapter.

FD. There may be additional requirements listed in Community Plans or Design Review districts for projects that require a discretionary entitlement.

GE. Although examples of content may be provided in these regulations, content will not be used as a basis for determining whether or not a proposed sign may be permitted.

~~(Ord. 3237 § 6, 2013; Ord. 1911 § 2 (part), 1992).~~

17.34.040 Height and area. Except as otherwise provided in this Chapter, the height and area of any sign shall be as follows:

A. The maximum height of any sign shall be thirty-six (36) feet;

B. Height shall be measured from the average ground level immediately beneath the sign (as shown in the Diagrams for Section 17.62.020);

C. A projecting sign shall have a minimum clearance of eight feet when over a pedestrian way and a minimum clearance of sixteen feet when over a vehicular way;

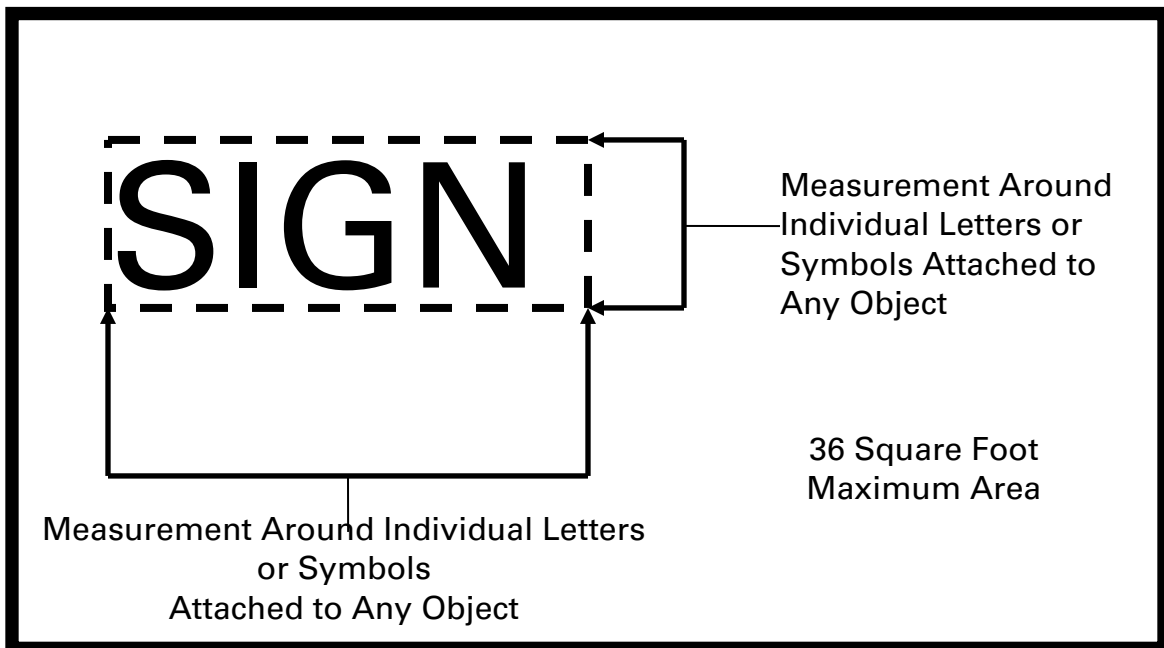
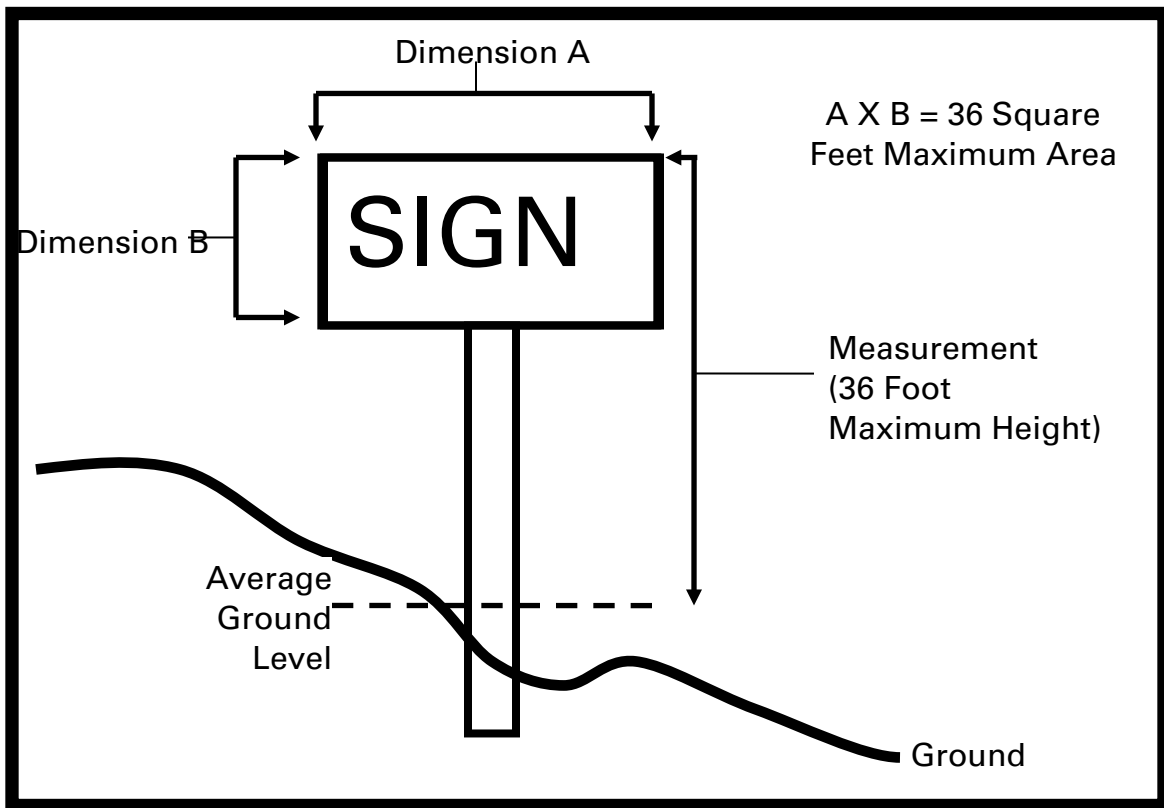
D. The maximum area shall be thirty-six (36) square feet;

E. Both sides of a freestanding sign may be used for copy (words, letters, numbers, figures, designs, or other symbolic representations)

although only one side shall be considered when computing sign area;

F. Area for signs consisting of individual letters or symbols attached to any object shall be measured by drawing an invisible line around the boundaries of all parts of the letters or symbols (as illustrated in the Diagrams for Section 17.62.020). ~~(Ord. 3237 § 6, 2013)~~

DIAGRAM FOR SECTION 17.32.020



~~Ord. 3237-5-6, 2013; Ord. 1911-5-2 (part), 1992)~~

17.34.050 Appearance and maintenance.

Appearance and materials shall conform to the historic and scenic character of the County. A sign shall be conservative rather than obtrusive in design and appearance, and shall receive regular maintenance so as to minimize tendencies to decay, fade, warp, chip or otherwise deteriorate in appearance. The use of wooden signs is encouraged, but other materials are not prohibited. Except as otherwise provided in this Chapter, no sign shall have or consist of any moving, rotating, or animated components, or any flashing, blinking, fluctuating or otherwise animated light. In addition, no sign shall approximate or resemble in any way an emergency light or sign. All signs shall be glareproof. Spotlighting, when utilized, shall be hidden from the line of vision of motorists and shall be directed only on the copy face of the sign. Signs mounted on structures and/or equipment associated with Tuolumne County's history, such as ore carts and stone walls, are encouraged. Sign design regulation may vary in specific communities that have adopted design review guidelines or historic zoning classifications or when a site development permit or other discretionary entitlement is required or has been approved.

~~(Ord. 3237 § 6, 2013; Ord. 1911 § 2 (part), 1992).~~

17.34.060 Encroachment restrictions. No sign shall encroach on any required yard or building setback or county road right-of-way, except as otherwise provided in this Code. Temporary signs may be located in a required yard or building setback provided the signs are removed as provided in this Chapter. ~~(Ord. 3237 § 6, 2013; Ord. 1911 § 2 (part), 1992).~~

17.34.070 Permitted signs. The following signs shall be permitted in the zoning districts specified below:

A. In all zoning districts:

1. The display of not more than two flags is permitted.
2. Banners, bunting, feather flags, and similar advertising devices are prohibited, except as provided in Section 17.62.050(B)(3) or 17.62.060.
3. One sign, two square feet or less in area, is permitted on a residential parcel in

conjunction with either a residence or home occupation. The display of numbers in accordance with Section 12.12.080 of this Code and the area of such numbers is in addition to the signage permitted by this subsection.

4. One temporary sign, not over six square feet in area, may be erected when a parcel is for sale, lease or rent. In the case of parcels ten acres or more in size, or a single parcel with ten or more dwellings, or a property zoned commercial or industrial, such sign may be increased to thirty-six (36) square feet. Such sign may be attached to a tree by a rope or similar means but shall not be permanently affixed to the tree. Such sign shall be removed upon expiration of an agent's listing or upon sale or lease or rent of the premises, whichever is first.

5. Two temporary signs, each not over thirty-six (36) square feet in area, when placed within a subdivision for which a tentative subdivision map has been approved. Such signs shall be removed after a two-year period. Up to three one-year extensions may be approved by the Director upon the submittal of a written request for an extension prior to the removal date.

6. One community sign not over thirty-six (36) square feet in area is permitted when placed at each entrance to a particular community, area, or district.

7. Each entity connected with the construction, financing, installation or repair of a project, including, but not limited to, contractors, painters, and financial institution may erect one temporary sign on the project site provided such a sign does not exceed twelve square feet and further provided each such sign on a site is removed thirty days after construction, installation, or repair has been completed or the expiration of any required permits. Such sign shall not be erected until any necessary grading or building permits have been secured for the project.

8. One temporary sign not exceeding thirty-six (36) square feet for each business or building is permitted upon issuance of a site development, site review or conditional use permit, grading permit or building permit. Such sign shall be removed after a one-year period or within thirty (30) days after issuance of an

occupancy permit, whichever occurs last. Such sign shall not be erected until a site development, site review or conditional use permit, grading permit or building permit has been secured for the project.

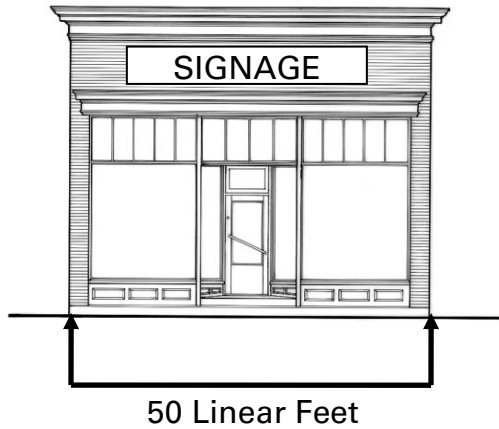
9. Temporary signs shall be permitted ninety (90) days prior to a special, general, or primary election within the County and shall be removed within ten (10) days after the election. Such signs shall be non-illuminated.

10. Memorial signs or plaques recognized by the Board of Supervisors, Planning Commission or Historic Preservation Review Commission shall be permitted in addition to the signage permitted in Section 17.62.050.

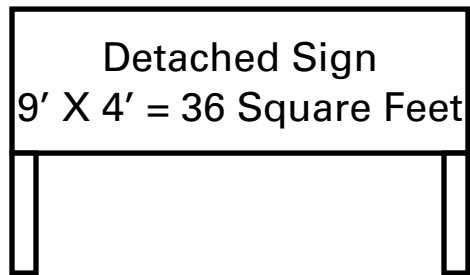
B. In C, M, BP, MU or K districts:

1. a. Each business may have signs painted on or attached to any portion, except the roof, of the principal building used for the business. Signage for a business shall not exceed one square foot of surface area for each linear foot of frontage of the principal building (as shown in the Diagram for Section 17.62.050). In the case of buildings with more than one frontage, only the longest frontage shall be used for computation of sign area. For businesses in which the principal building is less than thirty-six (36) linear feet, a maximum of thirty-six (36) square feet of attached signage is permitted. Signs advertising a product, credit cards, AAA, open signs, hour signs and other similar signs shall count toward the total signage allowed for a business. In addition to the signs painted on or attached to the principal building, each business may have one (1) detached sign not to exceed thirty-six (36) square feet.

DIAGRAM FOR SECTION 17.34.050



50 Linear Feet of
Frontage Allows
50 Square feet of
Signs Attached to
the Building



One 36 Square
Foot Detached
Sign is Also
Permitted

b. A "sandwich board" sign (or similar devices) shall constitute a detached sign subject to the above restrictions.

c. Except as provided below in subsections (d) and (e), a sign attached to, in, or on a vehicle shall constitute a detached sign subject to the above size restriction.

d. Signs on a vehicle for sale at automobile lots shall be permitted but shall be limited to the following:

i. Two square feet of signage attached to the automobile window; and

ii. Two square feet of signage attached to the windshield of the automobile; and

e. A sign on a vehicle regularly used for commercial deliveries shall not constitute a detached sign for purposes of this Code.

f.

2. Each business shall be entitled to signs painted on, attached to, or in, the windows not to exceed an additional one-half square foot of surface area for each linear foot of frontage of the principal building. For principal buildings with a frontage of less than thirty-six (36) linear feet, the signs painted on, attached to, or in, the windows may not exceed 18 square feet.

3. Each business shall be entitled to one or more temporary banners attached to the building not to exceed an additional one-half square foot of surface area for each linear foot of frontage of the principal building. For principal buildings with a frontage of less than thirty-six (36) linear feet, the total area for temporary banners may not exceed 18 square feet. Any such temporary banner shall not be displayed for more than thirty (30) days in a 12-month period.

4. One flag shall be permitted for each business, provided that the flag pole shall not exceed a height of thirty-six (36) feet or a height of four feet above the highest roof line, whichever is lower. The size of the flag shall not exceed one square foot per one foot height of the flag pole. One-half of the square footage of the flag shall count towards the allowable detached and total signage.

5. Gasoline price signs, required under California Business and Professions Code Chapter 14, Article 12, Division 5, (commencing with Section 13530), shall not count as signs in the computation of allowable signs pursuant to

this Chapter. Only one detached price sign shall be allowed. This sign shall not exceed twenty-four square (24) feet and shall be limited to thirty-six (36) feet in height. All portions of signs not required by state law shall count toward the total signage allowed for the business.

6. Signs attached to gas station pump dispensers or canopies that are not required under California Business and Professions Code Chapter 14, Article 12, Division 5, (commencing with Section 13530). The maximum area of such signs shall not exceed two square feet per gas pump dispenser. Signs attached to the canopy shall be limited to twenty-four square feet;

7. Parcels containing drive-through service shall be allowed two signs in conjunction with drive through service, not to exceed twenty-four square feet for each, subject to the approval of the Director based upon site layout, design, access, landscaping, traffic circulation, parking and visual quality. Such signage shall not count as a detached sign in the computation of allowable signs pursuant to this Chapter.

8. Onsite directional signs related to the use or structure located on a parcel, shall not count as detached signs in the computation of allowable signs. Such signs shall be allowed subject to the approval of the Director and each such sign shall not exceed two square feet.

9. One detached, freestanding sign for commercial centers, industrial complexes or recreational facilities having two or more businesses is permitted in lieu of the detached sign for the respective businesses referenced in subsection (B)(1) of this section. This sign shall not exceed one hundred square feet in size. A second such sign shall be permitted when the center or complex has frontage on more than one street or when more than one access from a single street exists and the entrances are a minimum of three hundred feet apart. If a center sign is used, no other detached signs are allowed. An individual business within a center is permitted attached signs equal to the amount of linear frontage of the business as referenced in subsection (B)(1) of this section.

10. All advertising signs displayed by authorized Lottery Game retailers shall be subject to the provisions and regulations of the California Lottery Act and the California State Lottery Commission. Such signs shall count in

the computation of allowable signage pursuant to this Chapter.

C. In A districts:

One sign not over thirty-six (36) square feet.

D. In R-2, R-3, or MU districts:

One sign not over two square feet in area per dwelling unit to a maximum of thirty-six (36) square feet per parcel. ~~(Ord. 3237 § 6, 2013; Ord. 2329 § 4, 2000; Ord. 2222 § 102, 1998; Ord. 1911 § 2 (part), 1992).~~

17.34.080 Signs permitted by use permit. Signs listed in this section may be permitted subject to first securing a use permit pursuant to Chapter 17.68. The Director may require elevations and architectural plans to accompany an application for such use permit:

A. Signs located on the roof of a building in accordance with size specifications of Section 17.62.050(B)(1), but in no case shall the sign extend higher than the roof;

B. A sign program that specifies the signage regulations for an integrated development such as a multiple-use complex, commercial center, industrial complex or recreational facility in lieu of all signs otherwise permitted in this Chapter at the development. The restrictions on these signs may be more or less than those specified elsewhere in this Chapter relative to area, height, location and quantity as modified by the terms and conditions of the use permit;

C. Community information boards. Community information boards are signs listing such things as, but not limited to, organizations, clubs, meeting times and locations, and civic events within a given community;

D. Off-premises signs. A sign not advertising or related to a business, product or activity being conducted or produced on a parcel on which the sign is placed in a C, BP or M district, subject to the following restrictions:

1. A sign may exceed thirty-six (36) square feet but may not exceed one hundred square feet,

2. No sign shall exceed thirty-six (36) square feet for one business, product or activity being conducted,

3. No such sign shall be placed closer than three hundred feet to any other such sign;

E. Signs for conditional uses in residential districts, shall be allowed on the parcel or adjacent to the parcel where the use is occurring. The maximum area of such signs shall not exceed twenty-four (24) square feet;

F. Business information boards in a C, BP, or M district and placed at the entrance of a community. The business information board shall not exceed thirty-six (36) square feet in area for one business or 100 square feet in area for two or more businesses;

G. Animated signs for up to ninety (90) days in a calendar year;

H. Banners, bunting, flags and other similar advertising media for up to ninety (90) days in a calendar year;

I. Any sign in a C, BP or, M district in lieu of all signs otherwise permitted in this Chapter. The restrictions on these signs may be more or less than those specified elsewhere in this Chapter relative to area, height, location and quantity as modified by the terms and conditions of the use permit. ~~(Ord. 3237 § 6, 2013; Ord. 1911 § 2 (part), 1992).~~

17.34.090 Signs creating traffic hazards prohibited.

A. No sign shall be located at or near any road intersection, or any road and driveway intersection, so as to create a traffic hazard by obstructing vision.

B. No sign shall be located, constructed, or illuminated so as to interfere with, obstruct the view of, simulate, or be confused with any traffic control device.

C. No lighted sign shall exceed the illumination standard specified in Section 21466.5 of the California [Vehicle Code](#).

17.34.100 Nonconforming signs. All signs legally placed or erected prior to the effective date of the ordinance codified in this Chapter, but not in conformance with the provisions of this Chapter shall be termed legal nonconforming signs and may continue indefinitely but may not be:

A. Changed to another type of nonconforming sign;

B. Structurally altered;

C. Enlarged;

D. Reestablished after a business is discontinued for a period of eighteen months;

E. Reestablished after damage or destruction exceeding seventy-five percent of the current replacement cost of the sign. ~~(Ord. 3237-5-6, 2013; Ord. 1911-5-2 (part), 1992).~~

17.34.110 Removal of signs.

A. Any sign which is not maintained as provided in Chapter 17.62.050 and/or no longer identifies an ongoing business, product, or service available on the premises where the sign is located or where the structure or establishment to which the sign is related has ceased operation, or which has not been updated upon occupancy of a new establishment, shall be removed by the owner of the property within ninety (90) days.

B. When a sign is removed or replaced, all brackets, poles, and other structural elements that support the sign shall also be removed. Affected surfaces shall be restored to match the adjacent portion of the structure. ~~(Ord. 3237-5-6, 2013)~~

ARTICLE 4 - Chapter 17.36

ACCESSORY DWELLING UNITS

Sections:

- 17.36.010 Purpose.**
- 17.36.020 Locations Permitted.**
- 17.36.030 Permit Required.**
- 17.36.040 Junior Accessory Dwelling Units.**
- 17.36.050 Development Standards.**
- 17.36.060 Other Provisions.**
- 17.36.070 Code Enforcement.**
- 17.36.080 Compliance with State Law.**

17.36.010 Purpose. The purpose of this Chapter is to provide regulations and criteria for the establishment and location of accessory dwelling units in compliance with Government Code Section 65852.2.

17.36.020 Locations Permitted. Accessory dwelling units and junior accessory dwelling units are allowed in districts zoned to allow single-family or multifamily uses, subject to the permit requirements of applicable zone districts and compliance with the development standards of this Chapter.

17.36.030 Permit Required. An accessory dwelling unit ~~or junior accessory dwelling unit~~ may be attached to or detached from an existing or proposed single-family or multifamily dwelling upon the issuance of a permit in accordance with this Chapter. An attached accessory dwelling unit may also be attached to or placed within attached or detached garages, storage areas, or an accessory structure. ~~A junior accessory dwelling unit must be within the walls of the primary single-family dwelling, including, but not limited to, an attached garage. Alternatively, the one allowed junior accessory dwelling unit may also be combined with a detached accessory dwelling unit.~~ The Director shall approve a permit for an accessory dwelling unit and/or junior accessory dwelling unit meeting the development standards of this Chapter and consistent with Section 65852.2 of the Government Code.

A. Processing of Permit. A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without

discretionary review or a hearing, in accordance with Section 65901 or 65906 of the Government Code and all local ordinance provisions regulating the issuance of variances or special-use permits, as follows.

1. On Single-Family Lots.
 - a. An attached accessory dwelling unit ~~or junior accessory dwelling unit~~ shall be allowed subject to the following:
 - i. The accessory dwelling unit ~~or junior accessory dwelling unit is~~ can be within the enclosed, conditioned space of a proposed or existing single-family dwelling ~~or new construction attached to the primary single family dwelling; or~~ The accessory dwelling unit ~~or junior accessory dwelling unit is~~ within an existing accessory structure.
 - ii. The unit has exterior access from the proposed or existing single-family dwelling.

- iii. The floor area shall not exceed 50% of the floor area of the existing or proposed single family dwelling.
 - b. ~~A junior attached~~ accessory dwelling unit shall be allowed subject to the following:
 - i. May include an expansion of not more than 150 square feet beyond the current physical dimensions of the existing accessory structure solely to accommodate ingress and egress. Here and throughout Chapter 17.36, square footage can be measured from the interior walls.
 - c. A detached, new construction, accessory dwelling unit on a lot with a proposed or existing single-family dwelling.
 - d. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph a.i. for the purposes of a single permit.
 - 2. On Multifamily Lots.
 - a. Multifamily structures may be allowed accessory dwelling units in a total amount of up to 25 percent of the number of total principal units entitled on the property. At least one accessory dwelling unit must be allowed.
 - b. Accessory dwelling or ~~junior accessory dwelling~~ units may be provided within the portions of
 - existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. If the existing multifamily dwelling exceeds applicable height requirements or has a rear or side setback of less than 4 feet, the County shall not require any modification to the existing multifamily dwelling to satisfy these requirements. The County shall not reject an application for an accessory dwelling unit because the existing multifamily dwelling exceeds applicable height requirements or has a rear or side setback of less than 4 feet.
 - c. No more than two accessory dwelling units may be detached from a primary multifamily structure.
- B. The County will review and issue demolition permits for a detached garage that is to be replaced by an accessory dwelling unit at the same time as it reviews and issues the permit for the accessory dwelling unit. The applicant shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced by an accessory dwelling unit.
- C. The County shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions. In addition, an existing nonconforming residential structure can become an ADU and the County cannot require the correction of nonconforming zoning.

D. Timing

1. The County shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the County receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the application is denied, within the 60 day timeframe, the County will return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant. If the County does not act within 60 days, the application shall be deemed approved.
2. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot,

the County may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the County acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing.

3. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

Figure 17.36.1

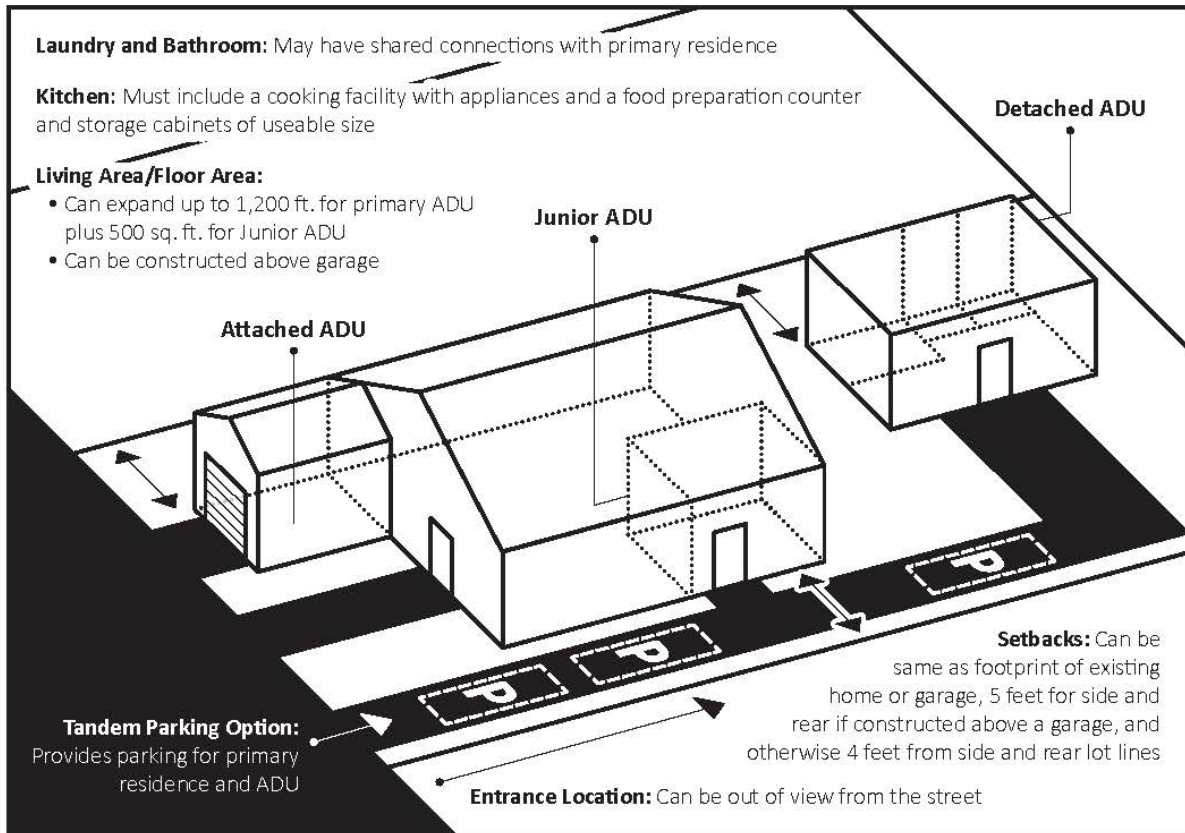
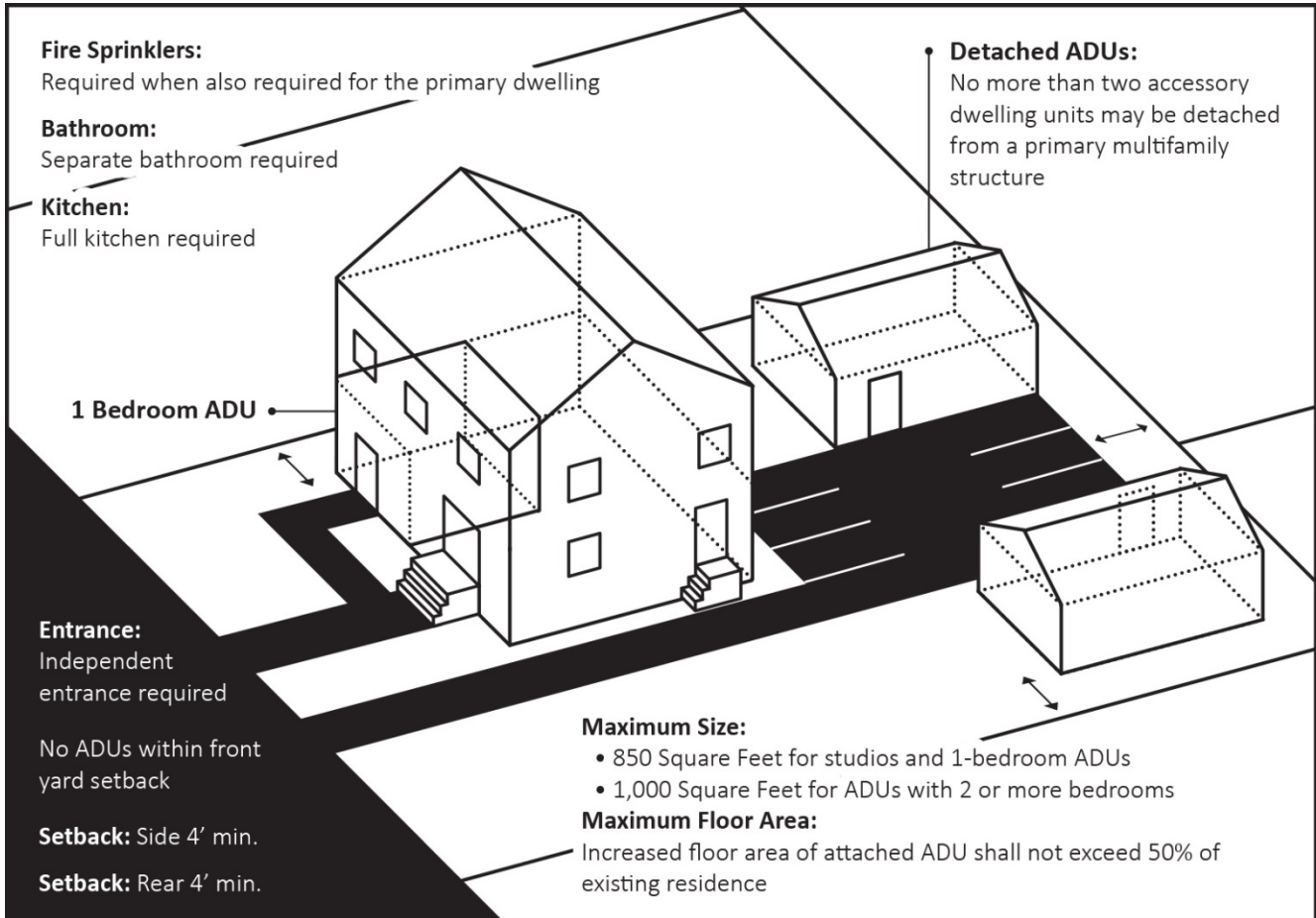


Figure 17.36.2



E. The County shall not issue a certificate of occupancy for an accessory dwelling unit before the certificate of occupancy is issued for the primary residence.

17.36.040 Junior accessory dwelling units. In addition to complying with Government Code Section 65852.2, junior accessory dwelling units shall comply with the following:

A. When a junior accessory dwelling unit is permitted, the owner must reside on the property. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, housing organization, or other 501(c)(3) organization.

B. A junior accessory dwelling unit may not be detached from the proposed or existing primary residence.

C. A junior accessory dwelling unit shall not exceed 500 square feet of conditioned and unconditioned space.

D. A junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing primary residence. A junior accessory dwelling unit that does not include a separate bathroom shall also include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

E. A junior accessory dwelling unit shall include an efficiency kitchen, which shall include:

1. A cooking facility with appliances; and
2. A food preparation counter and storage cabinets that are of useable size.

F. Parking shall not be required as a condition to permit a junior accessory dwelling unit.

G. No subdivision of this County Code of Ordinances shall be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to

determine if a junior accessory dwelling unit complies with applicable development standards.

H. Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner of the lot or parcel on which it is to be constructed shall record a deed restriction in a form satisfactory to the County Counsel that includes the following:

1. A prohibition of the sale of the junior accessory dwelling unit separately from the sale of the primary residence, including a statement that the deed restriction may be enforced against future purchasers; and
2. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with Section 65852.2 of the Government Code that regulates accessory dwelling units.

17.36.050 Development Standards. The following development standards shall apply to all accessory dwelling units.

A. The living area of a detached accessory dwelling unit shall not exceed 1,200 square feet. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary residence's living area, with a maximum increase in floor area of 1,200 feet.

B. A detached accessory dwelling unit shall not exceed 16 feet in height and shall be set back at least four feet from side and rear property lines, except that up to an additional 2 feet may be allowed if required to align with the roof pitch of the primary dwelling. If the detached accessory dwelling unit is within one-half mile walking distance of a major transit stop or is part of a multifamily multistory building, its height shall not exceed 18 feet.

C. An accessory dwelling unit attached to the primary dwelling shall not exceed 25 feet in height or the height limitation in the zoning code for the zone where the accessory dwelling unit is located, whichever is lower. Attached accessory dwelling units shall not exceed two stories.

D. No setback shall be required for an existing living area, garage, or other accessory structure that is converted to an accessory dwelling unit (or portion of accessory dwelling unit) with the same dimensions as the existing

structure, and a setback of four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an attached or detached garage.

E. Except as otherwise provided in this Chapter, the accessory dwelling unit shall not increase an existing or create a new encroachment upon any required side or rear yard space, increase building height or coverage beyond the standards prescribed for the district in which it is located, or decrease the distance between structures that is required.

F. No passageway or entrance within view of a street shall be required in conjunction with the construction of an accessory dwelling unit.

G. An accessory dwelling unit shall include a maximum of one kitchen and a minimum of one bathroom.

H. Both the existing or proposed single-family or multifamily residence and the accessory dwelling unit shall contain laundry connections within them.

I. Fees

1. Notwithstanding any provision to the contrary contained in this code (or in any code adopted by reference in this code), an accessory dwelling unit may be connected to the county sewerage system through a side sewer shared with the existing residence on the site, or it may have its own side sewer. In either case, the connection of the accessory dwelling unit to the county sewerage system is subject to the requirements of this Chapter 17.36, including obtaining applicable permits, paying connection charges (where applicable), and paying user charges. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including water, electricity, sewer, and other utilities as defined. Separate metering of utilities is not required for attached accessory dwelling units but is required for detached accessory dwelling units.

2. Fees will be charged for the construction of accessory dwelling units in accordance with Title 3 of the Tuolumne County Code of Ordinances and state law. The County, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Impact fees include school fees. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
3. A connection fee shall not be collected for water, sewer, power, or other utility for a junior accessory dwelling unit.

J. Fire sprinklers are not required for accessory dwelling units if they are not required for the existing or proposed single-family or multifamily residence. Construction of an accessory dwelling unit shall not trigger a requirement that fire sprinklers be installed in the existing primary dwelling.

1. For purposes of fire or life-protection regulations, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

K. An accessory dwelling unit may be rented, but it shall not be offered for sale apart from the principal unit, nor shall the lot or parcel be subdivided to create a separate building site unless approved pursuant to the subdivision ordinance of this County. No accessory dwelling unit may be offered for rental terms of less than 30 days.

1. Notwithstanding Section 17.36.050.K, the County may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all the following apply:
 - a. The property was built or developed by a qualified nonprofit corporation.
 - b. There is an enforceable restriction on the use of

the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit that satisfies all the requirements of paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

- c. The property is held pursuant to a recorded tenancy in common agreement that includes all the following provisions:
 - i. The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.
 - ii. A repurchase option that requires the qualified buyer first offer the qualified nonprofit corporation the opportunity to buy the property if the buyer desires to sell or convey the property.
 - iii. A requirement that the qualified buyer occupy the property as the buyer's principal residence.
 - iv. Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be

sold or resold to
qualified buyer.

- d. A grant deed naming the grantor and grantee and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
- e. Notwithstanding any provisions in Section 17.36.050 of this code, if requested by a utility providing service to the primary residence, the accessory dwelling unit shall have a separate water, sewer, or electrical connection to that utility.

L. Except as otherwise provided in this Chapter, accessory dwelling units shall comply with all uniform building codes adopted, and all other applicable laws, rules, and regulations. An accessory dwelling unit may consist of manufactured housing if such housing is permitted in the district in which it is proposed to be located and meets the standards for such housing.

M. Parking

- 1. Additional off-street parking shall not be required of an accessory dwelling unit that is included in an application to create a new single-family dwelling unit or a new multifamily dwelling on the same lot.
- 2. Parking provided shall not exceed one space per unit or per bedroom, whichever is less. Such additional space may be a tandem space in a driveway or off-street within setback areas provided in locations approved by the County. Tandem parking and the location of off-street parking within setback areas

shall be approved by the County unless specific findings can be and are made that parking in setback areas or tandem parking is not feasible based on specific site or regional topographical or fire and life safety conditions.

- 3. If a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or is converted to an accessory dwelling unit, those off-street parking spaces are not required to be replaced.
- 4. No additional off-street parking spaces shall be required for accessory dwelling units in locations meeting the following criteria:
 - a. The unit is located within one-half mile walking distance of public transit.
 - b. The unit is located within a historic district.
 - c. The accessory dwelling unit is part of a proposed or existing primary residence or accessory structure.
 - d. On-street parking permits are required but not available to the occupant of the accessory dwelling unit.
 - e. There is a car-share vehicle located within one block of the accessory dwelling unit.

17.36.060 Other Provisions.

- A. This section shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- B. No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under Chapter 17.36.
- C. Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or

unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

17.36.070 Code Enforcement. The code enforcement officer shall from time to time conduct a review of accessory dwelling units within the county. The code enforcement officer or designee may enforce all provisions of this code and provisions of state law pertaining to the development, occupation, and maintenance of residential properties and accessory dwelling units, pursuant to the following provisions:

- A. A code enforcement officer may report:
 - 1. A change in ownership of the lot or parcel of land on which the residential units are situated.
 - 2. A change in the occupancy of the residential units that is not in compliance with this section.

B. A code enforcement officer may issue to an owner of an accessory dwelling unit a notice to correct a violation of any provision of any building standard or any failure to comply with this section. The code enforcement officer shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to the following findings:

- 1. The accessory dwelling unit was built before January 1, 2020
- 2. The accessory dwelling unit was built on or after January 1, 2020; however, at the time the unit was built, the County had a noncompliant accessory dwelling unit ordinance, but the unit is compliant at the time the request is made.

C. The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in Section 17.36.070, may submit an application to the County requesting that enforcement of the violation be delayed for up to five years on the basis that correcting the violation is not necessary to protect health and safety.

- 1. The County shall grant an application described in Section 17.36.070.C if it is determined that correcting the violation is not necessary to protect health

and safety. In making this determination, the Director or designee shall consult with the code enforcement officer, building official, and/or the State Fire Marshal or designee pursuant to Section 13146 of the Health and Safety Code.

- 2. The County shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the County before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to Section 17.36.070.C.1. If upon such review it appears that in a particular case a violation of the provisions of this Chapter has occurred, the code enforcement officer may take such action as deemed necessary by the County Counsel to correct any violation.
- 3. The County shall not deny a permit for an unpermitted accessory dwelling unit that was constructed before January 1, 2018, because, among other things, the unit is in violation of building standards or state or local standards applicable to accessory dwelling units, unless the County makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure. This prohibition does not apply to a building that is deemed substandard under specified provisions of law.

17.36.080 Compliance with State Law. This section is intended to comply with the requirements of Section 65852.2 of the Government Code and any amendments thereto. All accessory and junior accessory dwelling units approved by this section are deemed to not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and accessory and junior accessory

dwelling units are a residential use that is consistent with the existing General Plan and zoning designations for the lot.

ARTICLE 4 - Chapter 17.48

COMMERCIAL EVENTS ON AGRICULTURAL LAND

Sections:

- 17.48.010 Purpose.**
- 17.48.020 Definition.**
- 17.48.030 Applicability.**
- 17.48.040 Permit Required.**
- 17.48.050 Development and Operational Standards.**
- 17.48.060 Use Permit.**

17.48.010 Purpose. The purpose of this Chapter is to establish standards for the location, site planning, development, and operations of certain land uses that are allowed by Article 2, Zoning Districts and Allowable Land Uses, within individual or multiple districts, and for activities that require special standards to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public. The regulations set forth in this Chapter shall modify or supplement the zoning district regulations appearing elsewhere in this title relating to commercial events on agricultural land.

17.48.020 Applicability. The requirements contained in this Chapter shall apply to all commercial events on agricultural land, except as otherwise allowed in this title, including the use of land and/or facilities for meetings, gatherings, and events, including, but not limited to, weddings, parties, and similar uses, for which a fee is charged.

17.48.030 Permit Required.

A. A non-appealable ministerial annual special event permit may be acquired from the County to allow up to 40 commercial events to be held per calendar year for up to 300 guests on a parcel zoned AE-37, AE-80 or AE-160 subject to the standards in Section 17.48.050. The event venue shall be located on a parcel that complies with the cul-de-sac road standards specified in Section 11.12.040 of this title. **The driveway that serves the site,**

no matter the number of residential units served by the driveway, shall not be counted towards the cul de sac length.

B. An annual ministerial permit may be acquired from the County to allow up to two commercial events to be held per calendar year for up to 500 guests on a parcel zoned AE-37, AE-80 or AE-160 subject to the standards in Section 17.48.050.

17.48.040 Development and Operational Standards.

A. The event venue, excluding parking areas, shall be located at least 200 feet from the boundary of the nearest parcel zoned R or RE. If this setback is infeasible due to small parcel size or configuration, it may be reduced to 100 feet at the County's discretion.

B. The event parking areas shall be located at least 20 feet from the boundary of any parcel zoned R or RE.

C. Prior to issuance of the annual special event permit, a traffic management plan (TMP) shall be submitted and approved by the Community Development Department for events exceeding 100 guests. The TMP shall be prepared by a qualified professional and shall include appropriate techniques to provide safe ingress and egress from event facilities without resulting in substantial congestion of roadways, or otherwise cause traffic-related hazards. Such techniques may include (but may not be limited to):

1. Temporary caution and directional signage;

2. Clearly defined points of ingress/egress;
3. Cones or other clear markers placed to help direct vehicle flow and to define parking areas and driveways; and
4. Flag persons to help direct vehicle flow and minimize congestion.

D. All events shall occur between the hours of 10:00 a.m. and 10:00 p.m. excluding set up and clean up time. If an event is held entirely within an enclosed building after 10:00 p.m., the event may continue until 12:00 a.m.

E. Noise generated by the event shall not exceed a noise level of 60 dB Leq (1 hour) from 10:00 a.m. to 7:00 p.m. or 50 dB Leq (1 hour) from 7:00 p.m. to 12:00 a.m. as measured at the property line.

1. Exterior amplified sound systems (e.g., public address systems) will be allowed as part of any commercial events on agricultural land with review and approval by the County with the submittal of a plan analyzing the noise from the speakers/ amplification.
 - a. As part of the County review and approval, the applicant shall submit a speaker/ amplification noise plan prepared by an acoustical engineer, that evaluates the potential for the proposed amplified sound to exceed the noise levels listed above.
 - b. If necessary, the noise plan shall include protocols for siting, orientation, and operation of speakers (including potential volume limits) that would be implemented in order to reduce the effect of

noise levels generated by on-site stationary noise sources. The applicant shall demonstrate through the plan how the speaker/amplification system would not exceed applicable County noise standards.

- c. After the noise plan is approved by the County, no additional speaker/amplification noise plan would be required, unless the operator proposes changes to the speaker/amplification system that could meaningfully affect noise levels (e.g. changes to the location, orientation, or volume of the amplification system).

F. At least one drinking fountain or equivalent arrangement for potable water shall be provided at no cost to guests. If more than 100 guests are in attendance, two drinking fountains or equivalent arrangement shall be provided.

G. At least one water closet shall be provided for each increment of 65 persons in attendance or portion thereof. For events with 50 or fewer guests in attendance, at least one water closet shall be provided.

H. Where multiple-user facilities are designed to serve all genders, the minimum fixture count shall be calculated at 100 percent, based on total occupant load. In such multiple-user facilities, each fixture type shall be in accordance with ICC A117.1 *Accessible and Usable Building and Facilities*, and each urinal that is provided shall be located in a stall.

I. At least one off-street parking space shall be provided for each three guests in attendance at the event. Parking areas shall be surfaced with gravel, asphalt, or asphaltic concrete to reduce dust and be maintained

free of vegetation. Alternatively, areas covered with grass or pasture areas may be used for parking provided the grass is trimmed to a height of no more than three inches.

J. On-site signage shall not exceed that necessary to identify the venue and direct traffic and shall be removed immediately following each event. On-site signage shall be in accordance with [Chapter 17.34](#) of this title. Off-site signage shall comply with [Chapter 17.34](#) of this title if the signage is located on private property. An encroachment permit shall be obtained prior to placing signage within a County road right-of-way.

K. Lighting shall not exceed that necessary to provide for the safety of guests attending the event. All lighting shall be low level, low intensity, and directed downward toward the area to be illuminated to avoid creating glare for residents of the area or passing motorists.

L. A building permit shall be secured prior to erecting a temporary tent or a temporary stage.

M. Temporary power cords shall not be affixed to structures, extended through walls, or subjected to environmental or physical damage. Cords shall be secured to prevent tripping hazards. Large diameter cords shall be provided with cord bridges or ramps to facilitate the crossing of wheelchairs, strollers, and similar wheeled equipment.

N. If a commercial event uses a tent or membrane structure, the placement, construction, and use of that structure shall adhere to all applicable provisions of the California Fire Code, California Building Code, and this title.

O. If any structures or barns are used, to they must meet Fire Code and ADA requirements.

P. Receptacles for refuse and recyclable materials shall be provided for each event. All refuse and recyclables shall be collected the day following the event and shall be removed from the parcel within seven days following conclusion of the event.

Q. If food will be served, the event shall comply with the California Retail Food Code.

R. If alcohol will be served, the event shall comply with the Alcoholic Beverage Control Act.

S. **Events must have a noise monitoring device on site.**

17.48.050 Use Permit.

A. A use permit shall be obtained prior to holding a commercial event in the AE-37, AE-80 or AE-160 District that exceeds the number of events or is not in compliance with the standards contained in Sections 17.48.040 and 17.48.050 of this Chapter.

B. Up to 15 commercial events may be held per calendar year for up to 100 persons in the A-20 District subject to the standards contained in Section 17.48.040 of this Chapter. A use permit shall be obtained prior to holding a commercial event in the A-20 District for more than 100 persons, not in compliance with the standards of Section 17.48.040 of this Chapter or holding more than 15 commercial events in a calendar year.

C. A use permit shall be obtained prior to holding any commercial event in the A-10, RE-5 or RE-10 Districts. The use permit can be conditioned to allow modifications to the requirements of Section 17.48.040.

ARTICLE 4 - Chapter 17.58

EMERGENCY SHELTERS

Sections:

- 17.58.010 Purpose.**
- 17.58.020 Applicability.**
- 17.58.030 Permit Required.**
- 17.58.040 Development and Operational Standards.**

17.58.010 Purpose. The purpose of this Chapter is to establish standards for the location, site planning, development, and operations of certain land uses that are allowed by Article 2, Zoning Districts and Allowable Land Uses, within individual or multiple districts, and for activities that require special standards to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public. All regulations contained in this Chapter are intended comply with the requirements of state law under [California Government Code Section 65583](#) and may be updated from time to time as needed to reflect changes to the Government Code.

17.58.020 Applicability. Emergency shelters are a permitted use in the R-2 (Medium Density Residential), R-3 (Multiple Family Residential), C-O (Special Commercial), C-1 (General Commercial) and M-U (Mixed Use) zoning districts, subject to the same restrictions that apply to other residential uses within these zones. Emergency shelters shall not be required to be more than 300 feet from any other emergency shelter.

17.58.030 Permit Required. In zoning districts where emergency shelters are allowed, the only permit required is a building permit.

17.58.040 Development and Operational Standards. Emergency shelters shall comply with all standards set forth in this Chapter in addition to any development standards in the

underlying zoning district. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this Chapter shall apply.

A. Physical Characteristics.

1. All emergency shelters shall comply with applicable state and local uniform housing and building code requirements.
2. The facility shall have on-site security during all hours when the shelter is in operation.
3. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.
4. Facilities shall provide secure areas for personal property.

B. Limited Number of Beds per Facility.

Emergency shelters shall not exceed 25 beds.

C. Floor Area. An emergency shelter must contain a minimum of 200 square feet of gross floor area per bed.

D. Limited Terms of Stay. The maximum term of staying at an emergency shelter is 6 months.

E. Parking. Off-street parking at an emergency shelter must be provided at the ratio of **one for each employee per largest shift** ~~one space for every 10 beds~~.

F. Emergency Shelter Management.

Emergency shelters shall provide on-site management.

ARTICLE 4 - Chapter 17.68

MOBILE FOOD VENDORS

Sections:

- 17.68.010 Purpose.**
- 17.68.020 Applicability.**
- 17.68.030 Permit Required.**
- 17.68.040 Development and Operational Standards.**

17.68.010 Purpose. The purpose of this Chapter is to establish standards for the location, site planning, development, and operations of certain land uses that are allowed by Article 2, Zoning Districts and Allowable Land Uses, within individual or multiple districts, and for activities that require special standards to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public. The regulations set forth in this Chapter shall modify or supplement the zoning district regulations appearing elsewhere in this title relating to mobile food vendors.

17.68.020 Applicability. Mobile food vendor uses shall be allowed as shown in the use tables in Article 2.

17.68.030 Permit Required. Mobile food vendors shall be allowed following any approval needed from Environmental Health.

17.68.040 Development and Operational Standards.

A. A mobile food vendor shall comply with the [California Retail Food Code \(Part 7 \(commencing with Section 113700\) of Division 104 of the California Health and Safety Code\)](#).

B. Location and operation including customers, seating, and equipment, shall not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location shall comply

with applicable accessibility requirements and the Americans with Disabilities Act.

C. A mobile food vendor shall not remain on the same parcel for more than ~~six two~~ hours per day, exclusive of set up and take down time, except as provided in subdivision E, **or unless a conditional use permit has been obtained. Vehicles/mobile food facility must be removed to the commissary location or other location as approved by Environmental Health. Vehicles shall not be left unattended at any time, or be left on-site when inactive, or stored overnight.**

D. A mobile food vendor shall not park within a County road right-of-way.

E. Notwithstanding subdivision C, mobile food vendors at a flea market, fair, circus, outdoor music festival or similar event may remain on the parcel for the duration of the event and shall be removed from the parcel when the event ceases.

ARTICLE 4 - Chapter 17.88

SOLAR ENERGY SYSTEMS

Sections:

- 17.88.010 Purpose.**
- 17.88.020 Applicability.**
- 17.88.030 Permit Required.**
- 17.88.040 Development and Operational Standards.**

17.88.010 Purpose. The purpose of this Chapter is to establish standards for the location, site planning, development, and operations of certain land uses that are allowed by Article 2, Zoning Districts and Allowable Land Uses, within individual or multiple districts, and for activities that require special standards to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

17.88.020 Applicability. The requirements contained in this Chapter shall apply to all solar energy system uses.

17.88.030 Permit Required. All solar energy system uses shall be subject to approval of the specified permit as detailed in the use tables in Article 2.

17.88.040 Development and Operational Standards.

A. Solar Energy Systems.

1. **Height, Ground-Mounted Solar Energy Systems.** The maximum height of a ground-mounted solar energy collector system is 15 feet or the maximum height allowed in the base or overlay district, whichever is less.
2. **Required Setback.** Solar energy systems less than six feet in height may be installed within a required side and rear setback, but no closer than three feet to any

property line. All other solar energy systems shall meet the required setback of the base or overlay district.

~~3. **Required Permit.** Roof-mounted solar energy systems and ground-mounted solar energy systems located over a parking area are allowed in all districts and no use permit is required. Ground-mounted solar energy systems that are not located over a parking area are allowed in all districts subject to Conditional Use Permit approval.~~

B. Other Renewable Energy Systems. Other types of renewable energy systems may be allowed in all districts subject to Conditional Use Permit approval.

ARTICLE 4 - Chapter 17.90

STORAGE

Sections:

- 17.90.010 Purpose.**
- 17.90.020 Applicability.**
- 17.90.030 Permit Required.**
- 17.90.040 Development and Performance Standards - General.**
- 17.90.050 Development and Performance Standards - Commercial.**
- 17.90.060 Development and Performance Standards – Industrial Districts.**
- 17.90.070 Storage Containers.**
- 17.90.080 Self-Storage Facilities.**
- 17.90.090 Log Decks.**

17.90.010 Purpose. The purpose of this Chapter is to establish standards for the location, site planning, development, and operations of certain land uses that are allowed by Article 2, Zoning Districts and Allowable Land Uses, within individual or multiple districts, and for activities that require special standards to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

17.90.020 Applicability. The requirements contained in this Chapter shall apply to all storage uses.

17.90.030 Permit Required.

A. All storage uses shall be subject to approval of the specified permit as detailed in the use tables in Article 2.

B. All outdoor storage uses being added to a previously approved primary use shall require an amendment to the previously approved permit issued for the primary use (if applicable) and shall be processed in accordance with [Chapter 17.100 \(Permits and Procedures\)](#). In the absence of a previously approved permit for the primary use, a Site Development Permit shall be required in accordance with [Chapter 17.100 \(Permits and Procedures\)](#).

17.90.040 Development and Performance Standards - General.

A. Screening of outdoor storage shall be provided and maintained by the use of solid walls, wood fencing or chain link fencing with slats, or drought-tolerant vegetation. If drought-tolerant vegetation is used to accomplish screening, the vegetation shall:

1. Provide adequate screening within one year of planting.
2. Be maintained to provide continual screening of any outdoor storage.
3. Be watered with an automatic watering system equipped with a timer.

B. If slats are used to accomplish screening, such materials shall be of uniform design and color and shall be maintained in good repair at all times.

C. All materials, supplies, equipment, and operating trucks shall be stored in an enclosed building or area screened from public view.

D. All storage area screening shall be architecturally integrated with surrounding buildings by the use of concrete, masonry, or other similar materials not to exceed a height of 8 feet from the highest finished grade in nonindustrial land uses and a height of 10 feet from the highest finished grade in industrial land uses.

E. Storage of materials or equipment shall not exceed screen height within 50 feet of street-fronting screens in all zoning districts except the M-1 and M-2 Districts.

F. The Director of Community Development may waive screening requirements subject to approval of a ~~Minor~~ Use Permit.

17.90.050 Development and Performance

Standards - Commercial. The following standard applies to properties in the commercial zoning districts.

A. Outdoor storage shall be screened so that it is not visible from the public right-of-way.

17.90.060 Development and Performance

Standards - Industrial Districts. The following standards apply to properties in the industrial zoning districts.

A. Outdoor storage shall be screened so that it is not visible from any roadway unless infeasible due to topography.

B. Storage related to outdoor manufacturing uses or activities shall provide both physical screening and time limitations on when stored materials may be moved to ensure adequate noise buffering for surrounding land uses and the public right-of-way. Moving of stored materials for outdoor manufacturing uses may occur between the hours of 7:00 a.m. and 7:00 p.m.

17.90.070 Storage Containers. Storage containers are prohibited in all zoning districts unless they conform to the following requirements.

A. In all zoning districts:

1. Any storage container, regardless of size, shall conform to all building setbacks.
2. A building permit or waiver shall be secured for any storage container over 200 square feet.

B. In any MU, R or RE zoning district:

1. Only one storage container, not exceeding 360 square feet in size, is allowed on any parcel.

2. Any storage container shall be placed behind or to the side of the principal building.

3. ~~Storage containers visible to a neighboring home or roadway shall be screened with fencing or landscaping.~~

C. In any C, M, BP, P, or K Zoning District:

1. A landscaping plan and/or screening plan shall be reviewed and approved by the Community Development Department prior to the installation of any storage container.
2. No more than two storage containers are allowed on any parcel.

D. In any A zoning district:

1. All storage containers must be used primarily for agricultural purposes.
2. Storage containers visible to a neighboring home or roadway shall be screened with fencing or landscaping.

E. Existing use of any storage container in numbers greater than permitted herein is subject to the provisions of [Chapter 17.32](#) of this title. Any change in use or ownership to the parcel requires conformance with this section.

17.90.080 Self-Storage Facilities. Such facilities shall be located, developed, and operated in compliance with the following standards:

A. Business Activity. All self-storage facilities shall be limited to inactive items such as furniture and files. No retail, repair, or other commercial use shall be conducted out of the individual rental storage units.

B. No Hazardous Materials Storage. No storage of hazardous materials is permitted.

C. Notice to Tenants. As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units. These restrictions shall be included in rental contracts and posted at a conspicuous location within the front of each rental unit.

D. Open Storage. Open storage, outside an enclosed building, shall be limited to vehicles and trailers and screened from public view by building façades or solid fences.

E. Exterior Wall Treatments and Design. Exterior walls visible from a public street or Residential District shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural “caps,” attractive posts, or similar measures. Gates shall be decorative iron or similar material.

F. Screening. Where screening walls are required or proposed, they shall be constructed of decorative block, concrete panel, stucco, or similar material. The walls shall include architectural relief through variations in height, the use of architectural “caps,” attractive posts, or similar measures. All gates shall be decorative iron or similar material.

G. Fencing. A minimum six-foot-high security fence shall be provided around the perimeter of the development at locations where the solid façades of the storage structures do not provide a perimeter barrier. The maximum fence height shall be eight feet.

17.90.090 Log Decks.

A. Log deck storage shall be permitted for a period of up to 18 months. A Conditional Use Permit shall be required for log storage exceeding 18 months.

B. A log deck shall equal 4,000 board feet or more of wood. Thickness x Width x Length / 12 = Board Feet.

C. The maximum size of any log deck shall be 300 feet long, 50 feet wide, and 20 feet high.

D. The minimum separation distance between log decks shall be 100 feet. Log decks shall not be stored closer than 100 feet to any property boundary or structure.

E. The storage shall comply with all requirements of the 2016 California Fire Code Section 2808 for Log Storage, processing of wood chips, hogged material, fines, compost and raw product associated with yard waste

and recycling facilities, or as amended. (CFC 2808)

F. Roads shall be provided within 150 feet of all log decks. The roads shall be constructed to have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet. The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

G. For dead-end fire apparatus access roads in excess of 150 feet in length, an area for turning fire apparatus around shall be provided, as approved by Tuolumne County Fire Prevention.

H. Storage of log decks shall not be permitted within 50 feet of an intermittent stream or waterway or within 75 feet of a perennial stream or waterway.

I. A silt fence or other similar device shall be required if any water way or riparian area is located within 100 feet of the log storage.

J. Log deck storage shall not be permitted within areas with known cultural resources as identified by the Tuolumne County Geographical Information System Cultural Resource Database.

K. Adequate landscaping or screening shall be provided along public roadways.

Chapter 17.94

WIRELESS COMMUNICATIONS FACILITIES

Sections:

- 17.94.010 Purpose.**
- 17.94.020 Applicability.**
- 17.94.030 Exempt facilities.**
- 17.94.040 Permit required.**
- 17.94.050 Application for a Use Permit**
- 17.94.060 Procedures for processing a Use Permit application.**
- 17.94.070 Review and consideration of a Use Permit application.**
- 17.94.080 Location.**
- 17.94.090 Setbacks.**
- 17.94.100 Service gaps.**
- 17.94.110 Height determination.**
- 17.94.120 Visual compatibility.**
- 17.94.130 Signs prohibited.**
- 17.94.140 Lighting.**
- 17.94.150 Roads and parking.**
- 17.94.160 Vegetation protection and facility screening.**
- 17.94.170 Fire Prevention.**
- 17.94.180 Noise.**
- 17.94.190 Radio frequency emission regulations**
- 17.94.200 Co-located and multiple-user facilities.**
- 17.94.210 Abandonment of facility.**
- 17.94.220 Agreement and security to maintain and remove facility.**
- 17.94.230 Indemnification.**

17.94.010 Purpose. The purpose of this chapter is to provide a uniform and comprehensive set of standards for Major wireless communication facilities (as defined in Section 17.04.927 of this Code of Ordinances). The regulations contained herein are designed to protect and promote public safety, community welfare, and the visual quality of the County of Tuolumne, as set forth in the goals, policies, and programs of the Tuolumne County General Plan, while at the same time providing for the installation of new communication facilities. It is also the intent of this chapter to ensure a balance between public concerns and private interests in establishing wireless communication and related facilities.

17.94.020 Applicability. The provisions of this chapter apply only to major wireless communication facilities and modifications to preexisting major wireless communication facilities.

17.94.030 Exempt facilities. The following facilities are exempt from the provisions of this chapter:

A. Minor wireless communication facilities (as defined in Chapter 17.04).

B. Preexisting major wireless communication facilities, except that substantial modifications to such facilities shall comply with the provisions of this chapter.

C. Major wireless communication facilities added to an approved co-located or multiple-user wireless communication facility.

D. Major wireless communication facilities located within the interior of a structure or on the exterior of a structure, including, but not limited to, a building or water tank, which do not change the outward appearance of the structure when viewed from 25 feet away. As used in this subsection, structure shall not include a wireless communication tower.

E. Major wireless communication facilities located on an electrical transmission tower or utility pole that do not substantially change the

appearance of the structure, as determined by the Community Development Department Director (Director). Substantial change is defined in Chapter 17.04.

F. Major wireless communication facilities located on parcels on tribal lands or under the jurisdiction of a public entity, including federal, state, or local government agencies; public utilities; special service districts; or other public agencies.

G. Wireless communication facilities used by government agencies, public utilities, or other public agencies where the height does not exceed 100 feet.

H. Wireless communication facilities, including community networks or neighborhood repeaters, where the principal use of the facility is to receive and transmit communication services to occupants other than those of the parcel on which the facility is located, subject to the following provisions, as determined by the Director:

1. The facility shall be located, designed, and screened to reduce visual obtrusiveness and maintain consistency with the height of neighboring residences or other structures.
2. A plan for a wireless communication facility—community network or neighborhood repeater—shall be submitted to the Community Development Department providing the following information:
 - a. A map showing the location of the proposed facility and all land uses adjacent to the site.
 - b. A map identifying the boundaries of the area that will be served by the proposed facility and all related facilities within the county that are part of the same network of coverage as the proposed facility.
 - c. Proof of legal access to the parcel on which the proposed facility is to be located.

- d. The design of the facility and any accessory equipment, including a visual simulation with mock-ups or photo-montages, to demonstrate that it will blend with its surroundings and that any communication towers include “anti-climbing” features to reduce the potential for trespass and injury. The visual simulation shall be drawn to scale, showing views of the facility from public areas and private residences, from four points that together form a 360 degree view and as otherwise required by the Director. All photo montages must cover all public vantage points at ground level, located five feet above grade. If public vantage points aren’t available, the photos shall be taken from the nearest property line. The photos for the visual simulation must be taken close enough to accurately depict the impact of the designed facility on adjacent parcels and clearly reflect the existing conditions on the parcel on which the facility is proposed.
- e. A plan identifying the source of power to the proposed facility.

I. A temporary mobile wireless communication facility on a site for which a Use Permit for a permanent wireless communication facility has been issued. Such temporary facilities may be permitted for a maximum of 90 days subject to administrative approval by the Director. A 90-day extension may be granted by the Director upon written request of the applicant. Three 90-day extensions may be granted for a sum of not more than one year.

The mobile facility shall not exceed the height approved for the permanent facility and shall not be located on the site until all required fire safety measures have been implemented, as determined by the Fire Marshal.

J. A temporary wireless communication tower used for emergencies during a declared local, state or federal state of emergency or exempt towers for weather or fire monitoring cameras. Such temporary facilities may be permitted for a maximum of 90 days subject to administrative approval by the Director. A 90-day extension may be granted by the Director upon written request of the applicant. Three 90-day extensions may be granted for a sum of not more than one year.

K. Removal of wireless telecommunication facilities.

17.94.040 Permit required.

A. Major wireless communication facilities are declared to be conditional uses and require the issuance of Use Permits in all zoning districts.

B. Major wireless communication facilities shall be prohibited in the M-U, R-3, R-2, R-1, RE-1, RE-2, RE-3, O, or O-1 zoning districts, or any zoning district when combined with the :H, :HDP, or :D combining districts, except as provided in Section 17.94.100.

17.94.050 Application for a Use Permit.

A. An application for a Use Permit shall be filed with the Director on a form prescribed by the Director along with required information and fees, as established in Title 3 of this Code.

B. In addition to the application requirements in ~~Chapter 17.102~~Chapter 17.98, an application for a Use Permit for a major wireless communication facility shall be accompanied by the following information:

1. A map showing the location of the proposed facility and all land uses surrounding the site within 1,000 feet of the boundaries of the parcel on which the facility is proposed or on adjacent parcels, whichever is greater.
2. The design of the facility, including a cross-section or silhouette of the facility.
3. A visual impact analysis drawn to scale, including a visual impact demonstration through mock-

ups or photo-montages of the facility as viewed from the perimeter of the property, from each of the four points. All photo montages must cover all public vantage points at ground level, located five feet above grade. The visual analysis must accurately depict the impact of the designed facility on adjacent parcels and clearly reflect the existing conditions on the parcel on which the facility is proposed. The Director may require adjustments to the viewpoints, scale, or other aspects of a visual impact analysis until simulations are provided that provide adequate information to decision makers.

4. Maps identifying the boundaries of the area that will be served by the proposed facility.
5. A map identifying all related facilities within a five-mile radius of the project site that are part of the same network of coverage as the proposed facility.
6. An alternative site analysis that identifies the list of sites that were vetted and rejected by the applicant with a short description of why they were not suitable. The applicant shall fill out and submit the County's Alternative Sites Form along with the application for the Use Permit.
7. A title report.
8. Proof of legal access to the parcel on which the proposed facility is to be located.
9. Information addressing security considerations, including exterior lighting, fencing, gates, and access.
10. Maps identifying the location of existing major wireless communication facilities within a two-mile radius of the proposed facility.
11. A plan identifying the source of power to the proposed facility. If electrical service is proposed, the plan shall include the location of

- proposed overhead or underground distribution lines to extend service to the proposed facility.
12. A landscape and maintenance plan identifying all existing vegetation, and/or landscaping that is to be retained on the site, any additional vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas, and the program for maintaining landscaping in a healthy and attractive condition. The Director may waive the requirement for a landscape and maintenance plan in instances where the solutions for maintaining landscaping do not exist on site or where landscaping is not appropriate or feasible.
13. A tree protection plan for trees larger than six inches in diameter at a height of four and one-half feet when such trees are present on the project site. This plan shall be prepared by a certified arborist or registered forester and give specific measures to protect trees during project construction (see Section 17.94.170 [A], which identifies specific measures for tree protection). The Director may allow planting and maintenance of new trees in instances where protecting one or more existing trees is not feasible.
14. If the applicant will not be providing wireless communication services itself, either:
- a. A signed agreement with a provider of wireless communication services or a letter of intent to use the proposed facilities from such a provider shall be submitted with the application, or
 - b. **Submittal of such information shall be made a condition of**

approval of the use permit to be submitted prior to issuance of a building permit;

15. A copy of the certification from the Federal Communications Commission specifying that the facility's radio frequency emissions will comply with the applicable regulations of the Federal Communications Commission.
16. Other information as required by the Director that is necessary to conduct environmental review in accordance with the California Environmental Quality Act (CEQA). The Director may waive one or more of the items of information listed herein if similar information is already on file with the Community Development Department or to waive any requirements that are not applicable to the project site or specific site conditions.

C. The Director is authorized at their discretion to execute a contract with an independent technical expert to review applications where the facility design or location has technological or siting challenges. The Director shall determine if a review by a technical expert is required within 30 days of the submittal of an application. The applicant shall pay all the costs of said review, including any administrative costs incurred by the County. Failure of the applicant to pay the costs of such review shall render the application incomplete. Applicant may designate portions of the application that is proprietary information by clearly identifying them in the application. The Director shall determine if the applicant's request for proprietary treatment of an application material is reasonable before disclosing the information to a technical expert or to any third party.

17.94.060 Procedures for processing a Use Permit application.

A. Processing of a Use Permit application for a major wireless communication facility shall be in accordance with ~~Chapter 17.104~~**Chapter 17.100**, except as provided in Subdivisions B and C.

B. For applications involving co-location or modification subject to Section 6409(a) of the federal Spectrum Act, a decision shall be rendered within 60 days of application submission. The 60-day clock begins when:

1. The applicant submits an application; and
2. The applicant submits written documentation addressing the applicable eligible facilities request criteria, including that the proposed modification would not cause a "substantial change" to the existing structure.

C. Notice of any public hearing for a Use Permit for a major wireless communication facility shall be given in accordance with Section 17.98102.110, except the notice to adjacent property owners shall be mailed to owners of all property within 1,000 feet of the boundaries of the parcel on which the facility is proposed or to owners of adjacent parcels, whichever is greater.

17.94.070 Review and consideration of a Use Permit application. Any application for a Use Permit for a major wireless communication facility shall be reviewed for compliance with the provisions herein. In considering the application, the decision-making body shall not approve or conditionally approve an application that has not demonstrated that all the provisions can be met.

17.94.080 Location. Major wireless communication facilities shall be located to harmonize with the surrounding community as follows:

A. No facility shall be located on any parcel zoned M-U, R-3, R-2, R-1, RE-1, RE-2, RE-3, O, or O-1, or zoned any primary district when combined with the :H, :HDP, or :D combining districts, except as provided in Section 17.94.100.

B. No facility shall be installed within the height restriction areas or planning referral areas of the Columbia or Pine Mountain Lake Airports or any helipad unless the airport or helipad owner/operator indicates that it will not adversely affect the operation of the airport or helipad and the Airport Land Use Commission determines the location is consistent with the Airport Land Use Compatibility Plan.

C. No facility shall be installed at a location where special painting or lighting will be

required by the Federal Aviation Administration (FAA) regulations.

D. No facility shall be installed on an exposed ridgeline or at a location readily visible from any locally adopted scenic route, as identified in Figure 16.1 of the Tuolumne County General Plan, Volume II, Technical Background Report, unless it blends with the surrounding existing natural or built environment and a finding is made that no other location is technologically feasible.

17.94.090 Setbacks. Major wireless communication facilities shall adhere to the following setbacks:

A. Facilities shall be set back the distance equal to or greater than the height of the facility from all property lines.

1. When located in non-residential zoning districts and located 200 feet or more from a residential zoning district or residence, a minimum 50 foot setback will be required.
2. A variance is not needed if a service gap situation happens and tower can't meet a setback

B. Facilities shall be set back 200 feet from any parcel zoned M-U, R-3, R-2, R-1, RE-1, RE-2, RE-3, or any district that is combined with the :H, :HDP, or :D combining district.

C. Facilities shall be set back 10 feet from all roads, rights-of-way, and public easements.

D. Facilities shall be set back 200 feet from any publicly dedicated trail, public park, or public outdoor recreation area.

E. Facilities shall be set back 200 feet from any open space, as defined in Chapter 17.04.

F. Guy-wire anchors for wireless communication towers shall be set back at least 20 feet from any property line.

17.94.100 Service gaps. Notwithstanding the location and setback limitations of this chapter, a major wireless communication facility shall be granted a permit for a location in which it would otherwise be prohibited if the following can be established:

A. The applicant establishes that the facility is necessary to comply with federal law or will fill an existing significant gap (as defined in Chapter 17.04) in the ability of remote users to access the applicant's communication service,

B. That there is no alternative to the proposed location, and

C. That the manner in which it proposes to fill the gap complies in all other respects with this section unless an applicant has established that an inability to comply with any other provision would prevent the facility from being constructed at that location.

As a condition of approval of a Use Permit for a major wireless communication facility to fill a service gap, the approval authority may require the facility to be designed and used as a co-location or multiple-user facility. The County will work with applicants who are using grant funds to address service gaps and may choose to provide accommodations to those applicants related to fees.

17.94.110 Height determination. The maximum height of a wireless communication tower shall be 200 feet or twice the height of the tallest tree within one half mile. The height of a wireless communication tower shall be measured from the ground surface below the center of the base of the tower to the top of the tower itself or to the tip of the highest antenna or piece of equipment attached hereto, whichever is higher. In the case of structure-mounted towers, the height of the tower includes the height of the portion of the structure on which it is mounted. In the case of towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

17.94.120 Visual compatibility.

A. Facility structures and equipment shall be located, designed, and screened to reduce visual obtrusiveness and maintain compatibility with neighboring residences and the character of the community. This requirement shall apply to all applications, except when the applicant submits technical evidence that clearly depicts the need for a facility without screening, inability to camouflage the facility. The requirements for screening may be modified only after evidence is accepted by the decision-making body.

B. The following requirements shall apply to the design and location of all major wireless communication facilities.

1. The visual exterior surface of wireless communication support facilities, including vaults, equipment rooms, utilities, and

equipment enclosures, shall be constructed out of non-reflective and non-flammable materials.

2. Support facilities shall not be taller than 15 feet in height and shall be designed to look like a building or facility typically found in the area in which the facility is located.
3. Support facilities proposed on hillsides, hilltops, or other visually sensitive areas shall be located and/or designed as follows:
 - a. Sited below the ridgeline;
 - b. Designed to minimize their profile;
 - c. Placed underground, depressed, or located behind earth berms; or
 - d. Designed to resemble a natural feature of the surrounding landscape.
4. All buildings, poles, towers, antenna supports, antennas, and other components of each wireless communication site shall be finished in a color that will minimize their visibility to the greatest extent feasible.

The design of communication towers shall include anti-climbing features to reduce the potential for trespass and injury. Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner prior to the final building inspection by the Division of Building and Safety.

17.94.130 Signs prohibited. The use of any portion of a communication facility for signs other than warning or equipment information is prohibited.

17.94.140 Lighting. Exterior lighting of major wireless communication facilities shall be limited to manually operated or manned remote-operated lights. Exterior lighting shall be kept off except when personnel are present and shall not illuminate the site at any other time. Lighting required by the Airport Land Use Commission (ALUC) is exempt.

17.94.150 Roads and parking. To minimize ground disturbance, major wireless communication facilities shall be served by the minimum roads needed to provide safe access and minimum parking areas needed to serve maintenance vehicles, as follows:

A. Existing roads and parking areas shall be used, whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the Fire Prevention Bureau and the Department of Public Works.

B. Any new roads built to serve the facility shall meet the width and structural requirements of the Fire Prevention Bureau and the Department of Public Works.

C. Any new parking areas constructed shall have an all-weather surface and shall be no larger than 350 square feet unless otherwise required by the Fire Prevention Bureau of the Department of Public Works.

17.94.160 Vegetation protection and facility screening. Major wireless communication facilities shall maintain and enhance existing native vegetation and install suitable landscaping to screen the facility, as described below. See Section 17.94.050 for the landscape and maintenance plan and tree protection plan requirements.

A. Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power or communication line routes shall be protected from damage, both during the construction period and thereafter, as follows:

1. Grading, cutting, filling, and the storage or parking of equipment or vehicles shall be prohibited in landscaped areas as shown on the landscape plan and within the drip line of any trees required to be preserved. Such areas shall be fenced to the satisfaction of the Director. Trash, construction debris, or spoils shall not be placed within these fences nor shall the fences henceforth be opened or moved until the project is complete and written approval to take the fences down has been received from the Director.
2. All underground lines shall be routed such that a minimum

amount of damage is done to tree root systems.

B. All areas disturbed during construction other than the access road or parking areas shall be replanted with vegetation compatible with vegetation in the surrounding area to the satisfaction of the Director.

C. All vegetation on the site shall be maintained in a healthy and attractive condition. If any vegetation dies, it shall be replaced within six months as follows:

1. Vegetation planted as implementation of the landscape plan shall be replaced with species of the same size and suitable variety.
2. Native vegetation that dies as a result of construction or operation of the communication facility may be replaced at the discretion of the Director with similar species of a size acceptable to the Director to ensure rapid return to the preexisting condition.

D. No vegetation shall be removed after completion of construction of the major wireless communication facility that would increase the visibility of the facility itself or the access road and power or communication lines serving it, except when required by the Fire Prevention Bureau to abate a fire hazard or authorized by the Director to prevent blocking transmission capabilities.

17.94.170 Fire prevention. Major wireless communication facilities shall be designed and operated to minimize the risk of igniting a fire or intensifying one that otherwise occurs. The following measures shall be implemented when determined necessary by the Fire Prevention Bureau:

A. At a minimum, one-hour fire-resistant interior surfaces shall be used in the construction of all buildings.

B. Monitored automatic fire extinguishing systems approved by the Fire Prevention Bureau and rapid entry systems shall be installed in all equipment, buildings, and enclosures.

C. Vegetation clearance for fire hazard reduction may be required around all new structures and along access roads as determined by the Fire Prevention Bureau.

D. All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to the final inspection under the building permit.

17.94.180 Noise. Major wireless communication facilities shall be constructed and operated to minimize the amount of disruption caused to the residents of nearby homes and the users of nearby public parks and trails. All the following measures shall be implemented to minimize disruption:

A. Construction activities shall only take place on weekdays, Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturday, Sunday, and County holidays, unless otherwise approved by the Director.

B. All generators shall be enclosed within buildings.

C. Noise attenuation measures shall be included to reduce noise levels to an exterior noise level consistent with the requirements of the Tuolumne County General Plan at each property line.

D. Exterior testing of equipment and maintenance activities shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m. This restriction shall not apply to emergency situations or to an impending failure of the communication system.

17.94.190 Radio frequency emissions regulations. Major wireless communication facilities shall be sited, constructed, and operated so they comply with the radio frequency emission regulations of the Federal Communications Commission. A major wireless communication facility shall not emit radio frequency emissions to exceed those permitted by the Federal Communications Commission regulations.

17.94.200 Co-located and multiple-user facilities. The alternatives analysis required under Section 17.94.050(B)(6) shall address the potential for co-location at an existing or new site and the potential to locate facilities as close as possible to the intended service area.

A. All co-located and multiple-user wireless communication facilities shall be designed to promote and enable facility and site sharing, including parking areas, access roads, utilities

and equipment buildings, to minimize overall visual impact to the community.

B. Any new facility shall make available unutilized space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good-faith effort in achieving co-location shall be required of the host entity. Requests for utilization of facility space and responses to such requests shall be made in a timely manner and in writing, and copies shall be provided to the Community Development Department. Co-location is not required in cases where the addition of the new services or facilities would cause quality of service impairment to the existing facility or if it became necessary for the host to go offline for a significant period. An applicant shall submit an engineering report substantiating the fact that an existing tower or structure cannot support co-location of additional equipment.

C. If the establishment of facilities on a site or parcel already improved with an existing microwave band or other public service use or facility is anticipated to create interference, approval shall include provisions for the relocation of said existing public use facilities. All costs associated with said relocation shall be borne by the applicant for the additional facilities.

D. A co-located facility shall be a permitted use not subject to a County discretionary permit if the co-located facility on which the co-located facility is proposed was subject to a discretionary permit by the County and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the co-located facility in compliance with the California Environmental Quality Act (Division 13, commencing with Section 21000, of the Public Resources Code); the requirements of Section 21166 do not apply; and the co-located facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.

17.94.210 Abandonment of facility. A major wireless communication facility that has not been used for 18 months shall be deemed abandoned and shall be removed in accordance with the agreement to maintain and remove the facility referenced in Section 17.94.220.

17.94.220. Agreement and security to maintain and remove facility. An agreement to maintain the major wireless communication facility or to remove it upon abandonment of the facility or if it becomes structurally obsolete shall be signed by the owner of the property on which the facility is proposed and be submitted along with a security in the form of a letter of credit, certificate of deposit or other security as approved by the director to guarantee maintenance and removal of the major wireless communication facility to the director prior to issuance of a building permit for the communication facility. The amount of the security shall be based upon a County-approved (either verified by County-appointed engineer or approved by the Director) engineer's estimate submitted by the property owner for the cost of maintaining the facility over the life of the facility and the cost to remove the facility. The agreement shall bind the property owner and the property owner's successors-in-interest to properly maintain the exterior appearance of and ultimately remove the facility in compliance with the provisions of this chapter and any conditions of approval of the Use Permit. It shall further bind them to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the County for all costs incurred to perform any work required of the applicant by this agreement that the applicant fails to perform. It shall also specifically authorize the County or its agents to enter into the agreement on behalf of the County. If the owner of the property is bonding with another agency, Tuolumne County must be able to access that bond money, otherwise a separate bond with the County is required. If payment is not made, and the required service is not performed, a lien will be rendered by the County on the real property for the actual cost to the County to abate the situation resulting from the failure of performance of the terms of the agreement.

17.94.230 Indemnification. The property owner, and the successor in interest, shall defend, indemnify, and hold harmless the County of Tuolumne, its officers, agents, and employees from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorney fees and costs awards) arising out of, or in connection with the County's issuance of, an entitlement to establish or modify a wireless communication facility. This indemnification obligation shall extend to any effort to attack, set aside, void, or otherwise reverse or modify the issuance or modification of an entitlement under this chapter, including claims that the County acted negligently.

ARTICLE 5 - Chapter 17.98

COMMON PROCEDURES

Sections:

17.98.010	Purpose.
17.98.020	Requirements for Development and New Land Uses.
17.98.030	Inspections.
17.98.040	Additional Approvals May Be Required.
17.98.050	Applications and Fees.
17.98.060	Environmental Review.
17.98.070	Initiation of Application.
17.98.080	Withdrawal of Application.
17.98.090	Determination of Completeness.
17.98.100	Application Review and Report.
17.98.110	Public Hearing and Public Notice
17.98.120	Permit Time Limits, Expiration, and Extensions
17.98.130	Amendments to Previously Approved Permits.
17.98.140	Revocation or Modification.
17.98.150	Reapplications.
17.98.160	Indemnification and Hold Harmless for Discretionary Land Use Approvals.

17.98.010 Purpose. The purpose of this Chapter is to establish procedures necessary for the efficient processing of land use and development applications, permits, and other approvals. These common procedures apply to all permits described in this article, unless stated otherwise.

17.98.020 Requirements for Development and New Land Uses.

A. Except as otherwise provided in this Zoning Ordinance, structures shall only be erected, reconstructed, structurally altered, enlarged, relocated, or maintained after applying for and securing all permits and licenses required by all laws and ordinances of the County of Tuolumne (County). Structures shall only be designed and used in a manner permitted in the applicable zone.

17.98.030 Inspections. County officials are authorized to perform inspections related to permit issuance, as follows:

A. Preapproval Inspections. Every applicant seeking a permit or any other action in compliance with this Title shall allow the County officials handling the application access to any premises or property that is the subject of the application.

B. Post-approval Inspections. If the permit or other action in compliance with this Title is approved, the owner or applicant shall allow authorized County officials access to the premises to determine compliance with the approved permit and/or any conditions of approval imposed on the permit.

17.98.040 Additional Approvals May Be Required.

A. The establishment, operation, construction, or development of uses, properties, and structures shall be subject to all permitting and licensing requirements imposed by Tuolumne County Ordinance Code Chapter 1.01 or applicable local, state, or federal laws. All applicable permits, licenses, or other approvals, including, without limitation, use, building, grading, or other construction permits and business licenses, if required shall be obtained prior to the start of work or operations. This specifically includes building, grading, or other construction permits and business licenses, and permits/approvals of the responsible public agencies and service districts.

B. Water Supply in Urban Areas. New development in areas served by a public water agency needing discretionary entitlements may need to conduct studies to ensure there is available water supply.

C. Airport Influence Areas. The Community Development Department shall review General Plan Amendments, Zone Changes, and development applications within the Tuolumne County airport influence areas for consistency with the Airport Land Use Compatibility Plan to continue safe operation of the airport.

D. Hazardous Materials. Tuolumne County Environmental Health Division and Tuolumne County Fire Department shall review applications for discretionary entitlements for projects that would use hazardous materials or generate hazardous wastes for compliance with the latest adopted regulations for safety and environmental protection.

E. Wildland Fire. Land development applications that would permit structures in areas subject to wildland fire shall be referred to the Tuolumne County Fire Department/CAL FIRE for review and identification of measures necessary to mitigate the fire hazard.

17.98.050 Applications and Fees.

A. All applications for a permit, as identified in Chapter 17.100 of this Zoning Ordinance, must be submitted in writing to the **Director** on a completed County application designated for the specific request.

B. Minimum submittal requirements shall be established by the Director and as listed on the application checklist. Additional information specific to the permit and necessary for the complete analysis of an application may be required by the Director. All required material, information, and fees shall be provided by the applicant before the application is accepted for processing. Applications initiated by the County shall not require an application fee.

C. Except for phased developments for which the Board of Supervisors or Board designee has approved phased payment of fees, no application shall be considered complete for acceptance and processing until the required fees and deposits are paid in full.

17.98.060 Environmental Review.

A. All projects shall be reviewed for compliance with or exemption from the California Environmental Quality Act (CEQA). Environmental review will be conducted pursuant to Title 14 of the California Code of Regulations (CEQA Guidelines). If Title 14 of the California Code of Regulations is amended, such amendments will govern County procedures.

B. All development that is subject to a discretionary entitlement from the County and to environmental review under CEQA shall evaluate potential impacts to biological resources and mitigate significant impacts for the following or as otherwise required by state or federal law:

1. Species listed or proposed for listing as threatened, rare, or endangered under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA);
2. Species considered as candidates for listing under the ESA or CESA;
3. Wildlife species designated by the California Department of Fish and Wildlife (CDFW) as Species of Special Concern;
4. Animals fully protected under the California Fish and Game Code;
5. Plants considered by CDFW to be "rare, threatened, or endangered in California" (California Rare Plant Ranks [CRPR] of 1A, presumed extinct in California and not known to occur elsewhere; 1B, considered rare or endangered in California and elsewhere; 2A, presumed extinct in California, but more common elsewhere; and 2B, considered rare or endangered in California but more common elsewhere).
6. Sensitive natural communities, including wetlands under federal or state jurisdiction, other aquatic resources, riparian habitats, and valley oak (*Quercus lobata*) woodland.
7. Important wildlife movement corridors and breeding sites.
8. Oak woodlands.

C. Mitigation Monitoring and Reporting Plan (MMRP).

1. Plan required. A mitigation monitoring and/or reporting plan shall be prepared for every project that is subject to either a mitigated negative declaration or an environmental impact report (EIR) and that includes mitigation measures necessary to reduce

- significant environmental impacts to below a level of significance.
2. The following finding shall be made as part of the project approval whenever a mitigated negative declaration proposes a condition necessary to mitigate a significant environmental impact: Per CEQA Guidelines, a reporting and/or monitoring plan has been adopted, as incorporated in conditions of project approval, in order to mitigate or avoid significant effects on the environment.
 3. Monitoring and/or reporting plans (MMRPs) for projects for which an EIR is prepared shall be included in the final EIR. The final MMRP shall be adopted as a condition of project approval. Implementation of the plan shall be the responsibility of the county agency requiring the condition and/or the project proponent, unless otherwise provided.

17.98.070 Initiation of Application.

A. Applications may be initiated by any interested party, the Director, Planning Commission, or Board of Supervisors, except that for any application proposing the specific use or development of land, such application shall only be initiated by either of the following:

1. Property owners or all contract purchasers of a subject property, or any person authorized in writing to act as an agent of the owner or contract purchasers.
2. Public agencies or utilities that have statutory rights of eminent domain for projects they have the authority to construct.

B. Permits may be applied for and processed concurrently. Where more than one type of permit or official approval by the county is required to satisfy the provisions of this title, applications for all required permits and approval may be submitted and processed concurrently. Where more than one application pertaining to the same parcel or parcels is submitted concurrently to the Community

Development Department, the required fees shall be in accordance with Title 3 of the Tuolumne County Ordinance Code.

17.98.080 Withdrawal of Application.

A. Request. The Director may withdraw any application upon written request by the applicant, prior to the final determination on the permit.

B. Inactive Application. A complete application that has been inactive for longer than one year shall be considered withdrawn unless action is initiated. The one-year period may be extended at the discretion of the Director, provided a request for extension is filed by the applicant prior to the conclusion of the one-year period and the Director finds reasonable cause to grant the extension.

C. Incomplete Application. If additional information or submittals are required and the application is not made complete within 60 days of the completeness determination letter, the application may be deemed by the County to have been withdrawn, and no action will be taken. The 60-day period may be extended for an additional period not to exceed one year at the discretion of the Director if it is found that circumstances exist where unusual hardship to the applicant would result from deeming the application withdrawn. If the required material has not been submitted by the specified date, the application shall be deemed withdrawn. An extension shall only be considered by the Director provided a written request for extension and the associated fee are filed by the applicant prior to the conclusion of the initial 60-day period. The written request for extension shall contain the following information:

1. A written explanation of the delay.
2. The date by which the further application material, studies, or information and, when required, further fees will be submitted.

D. Notice of Withdrawal. Upon determination that an application is withdrawn, the Director shall mail a Notice of Withdrawal to the applicant within three business days to notify the applicant that the application has been withdrawn and that all processing of the application has been terminated. A copy of the notice shall be placed in the project file. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans,

exhibits, and other materials must then be filed in compliance with this Chapter.

17.98.090 Determination of Completeness.

A. Application Completeness. The formal processing of an application shall begin on the date the application is deemed complete. The statutory time period of 30 days, established by state law for determining completeness (California Government Code Section 65943 [Permit Streamlining Act]), shall begin the day the application is submitted and date stamped by the Community Development Department. An owner signature or letter authorizing a specific agent (if applicable) and all required fees and/or deposits shall be submitted with the application. Within 30 days of application submittal, the Director shall determine whether the application is complete. The Director shall notify the applicant of the determination that either:

1. All the submittal requirements have been satisfied and the application has been accepted as complete; or
2. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with County development standards and application requirements. Studies or reports for CEQA are not included in the determination of completeness.

B. Application Completeness Without Notification. If the written determination is not made within 30 days after receipt, and the application includes a statement that it is an application for a land use or development permit or entitlement, the application shall be deemed complete for purposes of this Chapter.

C. Resubmittal. Upon resubmittal of any application previously determined to be incomplete, a new 30-day period shall begin during which the Director shall determine the completeness of the application. Application completeness shall be determined, as specified in Section 17.98.090.A, Application Completeness.

D. Expiration of Incomplete Applications. If additional information or submittals are

required and the application is not made complete within six months of the initial completeness determination letter, the application may be deemed by the County to have been withdrawn in accordance with Section 17.98.080, Withdrawal of Application.

E. Right to Appeal. The applicant may appeal the determination in accordance with Chapter 17.102, Appeals, and California Government Code Section 65943 (Permit Streamlining Act).

17.98.100 Application Review and Report.

A. After acceptance of a complete application, the project shall be reviewed in accordance with all applicable provisions of Tuolumne County Ordinance Code Chapter 1.01 and the environmental review procedures of the California Environmental Quality Act (CEQA). The Director may refer an application for review and comment to any other government agency and/or County department that they determine appropriate to ensure compliance with all provisions of the Tuolumne County Ordinance Code and other adopted policies and plans. For permit requests decided at the administrative level, the Director will prepare a report, including a decision to approve, conditionally approve, or deny the application. For permit requests to be heard by the Planning Commission and/or Board of Supervisors, the Director will prepare a report to the recommending authority and designated approving authority describing the project and may include a recommendation to approve, conditionally approve, or deny the application. The report shall be provided to the applicant prior to consideration of the permit request. The report may be amended as necessary or supplemented with additional information at any time prior to the hearing to address issues or information not known at the time the report is prepared.

B. Referrals. The Director may refer an application for an entitlement within the Director's authority to issue to the Commission for action. All matters so referred shall be scheduled for public hearing by the Commission within 45 days of the referral. The Community Development Department shall give notice of the hearing in accordance with Section 17.98.110. Within 90 days of receipt of the referral from the Director, the Commission shall approve, conditionally approve, or deny the

application. If the applicant or any aggrieved party is dissatisfied with the decision of the Commission, they may appeal under the provisions of Chapter 17.102.

C. Referral to Board when Commission unable to take action. Notwithstanding any other procedure established in this Title, if, after concluding a hearing on a matter before it, the Commission is unable to take action, the matter shall be automatically referred to the Board and set for hearing without recommendation.

D. Expiration of Application Review. Applications for which no permit or entitlement is approved within one year following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant, destroyed by the Community Development Department, or retained in the department's files. The Director may extend the time for application review if the applicant is making a good-faith effort to complete the application process as determined through information submitted by the applicant in a written statement describing the efforts being made. Application fees are not refundable if the application review expires as provided herein. Upon expiration of an application review, a new application and fees are required to reestablish review of the land development project.

E. Delinquent Taxes. Prior to approval of an application for any entitlement, as provided herein, the Community Development Department will verify through the records of the tax collector's office that there are no delinquent or unpaid tax liens against the property, or any part thereof, for unpaid state, county, or local taxes or special assessments not yet payable. The Director, Planning Commission, or Board shall not approve the entitlement until all delinquent and unpaid land assessments have been paid. The Director shall establish a procedure to verify delinquent taxes.

F. Return to department if substantial change. When an applicant or a hearing body proposes a change to a project that affects the environmental impact of a project enough to increase the significance level of at least one impact, that project shall be returned to staff for further analysis and report prior to being re-noticed for hearing and action.

17.98.110 Public Hearing and Public Notice.

A. Public Hearing Required. Where required pursuant to this Title, the following procedures shall govern the public notice and public hearing for a permit or other approval.

B. Notice of Hearing - Content. The notice of public hearing shall include the following information:

1. Date, time, and place of hearing.
2. Identification of the reviewing or approving authority.
3. Location of project, including the Assessor's Parcel Number (APN) and street location.
4. Project description.
5. Identification of project proponents/applicants.
6. CEQA determination statement.
7. Statement related to appeals and challenges, if applicable.
8. Information on the availability and location of staff reports and public review materials.

C. Notice of Hearing - Delivery. Pursuant to California Government Code Sections 65090 to 65094, not less than 10 days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The date for determining minimum 10-day advance notice for U.S. mail notices shall be the date of delivery to a property address, not the date of postmark.

1. Notice of public hearing shall be published in at least one newspaper of general circulation in the County.
2. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners of property **as follows:**

Total Areas of Parcels Subject to Entitlement Distance for Notification

- **Less than 2 gross acres – within a radius of 300 feet of the exterior boundaries of the property involved in the application**
- **2 gross acres to less than 10 gross acres - within a**

- radius of 500 feet of the property involved in the application
 - 10 gross acres or larger- within a radius of 1,000 feet of the property involved in the application
- ~~within a radius of 300 feet of the exterior boundaries of the property involved in the application~~, using for this purpose the last known name and address of such owners as shown on the current tax assessor's records. The radius may be increased as determined necessary by the Director based on the nature of the proposed project. If the number of owners exceeds 1,000, the County may, in lieu of a mailed notice, provide notice by placing a notice of at least 1/8 page in one newspaper of general circulation within the County.
- 3. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent, the applicant, and to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the proposed project.
- 4. When an appeal is being noticed, the appellant shall also receive notice.
- 5. Notice of the public hearing shall be posted at Community Development Department offices.
- 6. Notice of the public hearing shall be mailed to any person who has filed a written request for notice. If the request is for more than a single hearing, the request must be accompanied by the fee set forth in Chapter 3.40. Renewals shall be requested annually.
- 7. Notice of the public hearing shall be posted at other locations

designated by the Board of Supervisors.

- 8. In addition to the notice required by this section, the County may give notice of the hearing in any other manner it deems necessary.
- 9. The Board Clerk shall be responsible for ensuring compliance with all notice requirements.

D. Requests for Notification. Any person who requests to be on a mailing list for notice of hearing shall submit such request in writing to the Board Clerk. The County may impose a fee that is commensurate with recovering the cost of such notification.

E. Receipt of Notice. Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this Title shall not constitute grounds for any court to invalidate the actions of a designated approving authority for which the notice was given. Where notice of any hearing or proceeding is published, posted, or mailed in accordance with the provisions of this Title, the failure of any person to receive or observe such notice shall not invalidate any such hearing or proceeding.

F. Hearing Procedure. Hearings as provided for in this Chapter shall be held at the date, time, and place for which notice has been given, as required in this Chapter. The recommending authority and approving authority shall conduct the public hearing and hear testimony from interested persons. The summary minutes, together with the names of all persons testifying, shall be prepared and made part of the permanent file of the case. Any hearing may be continued to a date certain with no additional notice required. If the hearing is not continued to a specific date/time, the hearing shall be re-noticed.

G. Time Limit for Decision. A decision on the matter shall be rendered at the conclusion of the public hearing by the approving authority. The failure to render such a decision shall be deemed to constitute a denial.

H. Conditions Attached to Permit. In granting an entitlement, the Director, Commission, or Board shall attach whatever conditions are reasonable and necessary to fulfill the intent and purposes of this title. Such conditions and the proposal of the applicant as considered and approved shall be a part of such

entitlement, and all changes shall be in accordance with the specified conditions and the proposal as approved. Issuance of any entitlement may be made subject to guarantees and evidence that attached conditions are being or will be complied with.

I. Notice of Decision. Written notice of decision of the approval authority shall be provided to the applicant and all parties requesting such notification. Notices of decisions are not required for actions of a recommending body. The notice of decision shall be provided within three business days of the determination as follows:

1. Planning Commission Determination. The written notice of decision shall include:
 - a. The application request as acted upon by the Planning Commission.
 - b. Any conditions of approval or other requirements applied to the decision.
 - c. The action taken by the Planning Commission.
 - d. The deadlines, criteria, and fees for filing an appeal.
2. Board of Supervisors Determination. The written notice of decision shall include:
 - a. The application request as acted upon by the Board of Supervisors.
 - b. Any conditions of approval or other requirements applied to the decision.
 - c. The action taken by the Board of Supervisors.

17.98.120 Permit Time Limits, Expiration, and Extensions

A. Time Limits. Any permit not exercised within the specified time limit from the date of approval shall expire and become void, except where an extension of time is approved pursuant to this section.

B. Exercising Permits. The exercise of a permit occurs when the property owner has expended at least 25 percent of total project cost. A permit may be otherwise exercised pursuant to a condition of the permit or

corresponding legal agreement that specifies other substantial efforts or expenditures that constitute exercise of the permit. The following are the criteria for determining if a permit has been exercised and therefore would not expire, except as otherwise provided in this Title:

1. A building permit, grading permit, encroachment permit, well permit, or on-site sewage treatment and disposal permit is issued; construction commenced on the primary building on site; at least one building inspection has been requested and passed; and the building permit remains active for any approved phase of the project.
2. A Certificate of Occupancy is issued for the use or structure.
3. The site is occupied in accordance with the approved permit.
4. The site is occupied in accordance with an approved phase of a phased development.
5. An extension of time is approved in accordance with Section 17.98.120.C, Permit Extensions, if applicable.

C. Permit Extensions. The approval of an extension extends the expiration date for up to two years from the original permit or entitlement expiration date.

1. Process. Extension of time requests for projects shall be considered if submitted in writing to the Community Development Department at least 30 days prior to the expiration date of the permit or approval, along with appropriate fees and application submittal materials. The same approving authority that granted the original permit may extend the period within which the exercise of a permit must occur. Notice and/or public hearing shall be provided in the same manner as for the original permit, as applicable.
2. Conditions. The permit, as extended, may be conditioned to comply with any development

standards that may have been enacted since the permit was initially approved. Extensions may be granted only if it is found that there have been no significant changes in the General Plan, Tuolumne County Ordinance Code, or character of the area within which the project is located that would cause the approved project to become nonconforming and that the granting of an extension will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

3. Permit Extension Findings. The extension may be granted only when the designated approving authority finds that the original permit findings can still be made and there are no changed circumstances, or there has been diligent pursuit to exercise the permit or entitlement that warrants such extension.

4. Exceptions. This subsection shall apply to all entitlements contained in this Title, except those pertaining to amendments under Section 17.100.110, Amendments to the General Plan and Zoning Ordinance.

D. Expiration of entitlement. Entitlements (or permits) contained in this Title, except those pertaining to amendments under Section 17.100.110, Amendments to the General Plan and Zoning Ordinance, shall expire upon the following:

1. If the time limits are reached with no extension requested, or a requested extension is denied or expires, the entitlement shall expire.
2. If an entitlement is granted and is not exercised within three years of the effective date of the entitlement, such entitlement shall be deemed to be expired and of no further effect. Extensions may be granted by the Director upon written request of the applicant if made prior to

the original expiration date for a period or periods not to exceed a total of six years.

3. Any entitlement that has been granted for real property for which a tentative subdivision map or parcel map has been approved and the tentative map has not expired, shall expire upon expiration of the tentative map or as provided in paragraph 2, whichever occurs later.
4. The expiration of any entitlement subject to a development agreement shall be extended for the period provided in the development agreement.
5. Entitlement Expiration for a Closed Business. All entitlements shall expire when a business or use is closed or discontinued for more than one calendar year. Approval of new entitlements based on current requirements shall be required prior to any business activity or use on the site.

17.98.130 Amendments to Previously Approved Permits.

A. Applicability. Any person holding a permit granted under this Title may request an amendment to that permit. For the purpose of this section, the amendment of a previously approved permit may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit.

B. Request for Amendment. An applicant may request an amendment to a permit after the effective date of the permit.

C. Review Process. A permit amendment may be granted only when the designated approving authority makes all findings required for the original approval. The designated approving authority for amendment to a previously approved permit shall be determined as follows:

1. Substantial Conformance. The Director may approve minor changes to a previously approved permit at the administrative level, as specified in Section 17.100.070.

2. Minor Amendment. Minor amendments to a previously approved permit shall be processed as follows:
 - a. Applicability. A minor amendment is a non-substantive change of a previously approved permit. Minor amendments include:
 - i. Changes to residential projects that result in a change in total number of units equal to or less than 10 percent of the existing number of units or equal to or less than 10 units, whichever is less.
 - ii. Floor plan changes that result in a change in total square footage equal to or less than 10 percent of the existing square footage or equal to or less than 2,500 square feet, whichever is less.
 - iii. Modifications to parking and circulation configurations that do not change the basic parking areas or circulation concept and do not reduce the number of required parking spaces by 10 percent or less of the otherwise required parking spaces.
 - iv. Building placements that do not change the general location of the building or layout of the site.
 - v. Changes to allow fulfillment of a condition of approval in a manner that may vary from that specified in the original conditions, provided that the intent and purpose of such original condition is fully met.
 - vi. Other requests similar to the above-listed minor amendments, as determined by the Director.
 - b. Review Process. The Director is the designated approval authority for minor amendments. No public hearing shall be required. A written notice of decision shall be issued in the same manner as the original permit.
3. Major Amendment. Major amendments to a previously approved permit shall be processed as follows:
 - a. Applicability. A major amendment is a substantive change of a previously approved permit. Major amendments include:
 - i. Changes to residential projects that result in a change in total number of units of more than 10 percent of the existing number of units or more than 10 units.
 - ii. Floor plan changes that result in a change in total square footage of

- more than 10 percent of the existing square footage or more than 2,500 square feet.
 - iii. Modifications to parking and circulation configurations that change the basic parking areas or circulation concept or result in a reduction of the number of required parking spaces exceeding 10 percent of the otherwise required parking spaces.
 - iv. Building placements that change the general location of the building or layout of the site.
 - v. Changes to a condition of approval in a manner that changes the effect of the condition from its original form and intent.
 - vi. All amendments to an approved Development Agreement.
 - vii. Other requests similar to the above-listed major amendments, as determined by the Director.
 - b. Review Process. The original approving authority shall be the designated approving authority for major amendments. A major amendment shall be processed in the same

manner and subject to the same standards as the original application.

17.98.140 Revocation or Modification.

A. Notwithstanding any other provisions of this Title, if any change for which a permit has been secured is not carried out in accordance with the approved proposal and conditions that are a part of such permit, and if the grantee of such permit is given notice by the Community Development Department to bring such use into compliance within 30 days and fails to do so, the County may initiate proceeding, as detailed in Section 17.98.0140.C. Notwithstanding the above, the Director may immediately revoke such a permit if they determine that such action is necessary to prevent irremediable harm arising from a failure to comply with the terms of the permit. Procedures for the revocation of modification of previously approved permits or entitlements are as follows:

1. Revocations. The County's action to revoke a permit or entitlement shall have the effect of terminating the permit or entitlement and denying the privileges granted by the original approval.
2. Modifications. The County may choose to allow the modification of the operational characteristics instead of revoking a permit or entitlement. These modifications may include, but are not limited to, operational aspects related to buffers, duration of the permit or entitlement, hours of operation, landscaping, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation.

B. Applicability. Revocation proceedings for any permit or entitlement granted in accordance with this Title may be initiated by the County if any of the following apply:

1. A violation of conditions of approval or applicable development standards exists.
2. The permit or entitlement was obtained by misrepresentation or fraud.

3. The use has become detrimental to the public health or safety or constitutes a nuisance.
4. Circumstances under which the permit or entitlement was granted have changed to a degree that affects the validity of the findings contained in the original permit or entitlement.

C. Notice of Intent to Initiate Revocation or Modification Proceedings. Such revocation may be initiated by adopting a Resolution of Intention, which is a resolution indicating the County's intent to revoke the approval or permit. Such resolution may be adopted by either the Planning Commission or the Board of Supervisors. The Resolution shall allow opportunity for the permittee to correct the noncompliance to the satisfaction of the County. Such opportunity for correction may be provided by scheduling a hearing on the revocation, for a date that will allow equitable time for correction.

D. Approving Authority.

1. The Planning Commission shall be the designated approving authority for consideration of a revocation or modification of a permit or entitlement where the Director or Planning Commission was the original approving authority.
2. The Board of Supervisors shall be the designated approving authority for consideration of a revocation or modification of a permit or entitlement where the Board of Supervisors was the original approving authority.

E. Noticed Public Hearing. The decision to revoke or modify a permit granted pursuant to the provisions of this Title shall be considered at a noticed public hearing, as applicable. Public notice shall be provided and a public hearing conducted pursuant to Section 17.98.110, Public Hearing and Public Notice, except that a special notice shall also be delivered in writing to the applicant and/or owner of the property for which the permit was granted.

F. Findings. A land use permit may be revoked or modified by the designated approving authority that originally approved the permit if any of the following findings can be made:

1. Circumstances under which the permit was granted have been changed to a degree that one or more of the findings contained in the original permit can no longer be met.
2. The permit was issued, in whole or in part, based on a misrepresentation or omission of a material statement in the application, or in the evidence presented during the public hearing, for the permit.
3. One or more of the conditions of the permit have not been fulfilled or have been violated.
4. The use or structure for which the permit was granted has ceased to exist or has lost its legal nonconforming use status.
5. The improvement is in violation of any applicable code, law, ordinance, regulation, or statute.
6. The improvement or use allowed by the permit has become detrimental to the public health, safety and general welfare, or the manner of operation constitutes or is creating a public nuisance.

G. Permits issued in error are null and void. All departments, officials, and employees of the County who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Title and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with these provisions. Any permit or license issued in conflict with this title shall be null and void.

17.98.150 Reapplications.

A. Applicability. An application shall not be accepted or acted upon if, within the past one year, the County has denied an application for a project that has the majority of the same characteristics on the same real property, unless the Director finds one or more of the following circumstances to exist:

1. New Evidence. There is new evidence that would support approving the project that was not presented at the previous hearing and could not have been previously discovered in the

- exercise of sufficient diligence by the applicant.
2. Substantial and Permanent Change of Circumstances. There has been a substantial change of circumstances making the project financially infeasible since the previous hearing that affects the applicant's real property.
 3. Mistake at Previous Hearing. A mistake was made at the previous hearing that was a material factor in the denial of the previous application.

17.98.160 Indemnification and Hold Harmless for Discretionary Land Use Approvals.

A. Applicability. At the time of submitting an application for a discretionary land use approval, and as a condition of approval, all applicants requesting such an approval agree, as a part of the required application, to defend, indemnify, and hold harmless the County from any claim, action, or proceeding brought to attack, set aside, void, or annul any subsequent approval by the County that is brought within the applicable statute of limitations. The indemnification shall include damages awarded against the County, costs of suit, attorneys' fees, and other costs and expenses incurred in connection with any such claim, action, or proceeding. County Counsel shall draft, and the approving authority shall approve, such language as may be included as a condition of approval of any entitlement or discretionary land use approval granted by the County. The provisions of this section shall apply in all cases whether or not such language is reflected in the approval of any entitlement or discretionary land use approval granted by the County.

B. Notification. In the event that a claim, action, or proceeding referenced in Section 17.98.160.A is brought, the County shall promptly notify the applicant thereof. Nothing set forth in this section shall prohibit the County from participating in the defense of any claim, action, or proceeding.

ARTICLE 5 - Chapter 17.100

PERMITS AND PROCEDURES

Sections:

17.100.010	Purpose.
17.100.020	Zoning Clearance.
17.100.030	Site Development Permit.
17.100.040	Planned Unit Development.
17.100.050	Use Permit.
17.100.060	Temporary Use Permit.
17.100.070	Minor Modifications.
17.100.080	Reasonable Accommodation.
17.100.090	Variance.
17.100.100	Emergency Permits.
17.100.110	General Plan and Zoning Ordinance.
17.100.120	Home Occupation Permit.
17.100.130	Similar Use Determination.
17.100.140	Specific Plan.
17.100.150	Community Plan.

17.100.010 Purpose. The purpose of this Chapter is to establish permit types and procedures necessary for the efficient processing of land use and development applications, permits, and other approvals.

17.100.020 Zoning Clearance. The Zoning Clearance process is intended to ensure that all new and modified uses and structures comply with applicable provisions of this Zoning Ordinance, using administrative procedures and a thorough but typically "over-the-counter" planning approval for Building Permits, and other County applications that require approval from a different County department and can be processed by the Community Development Department in a relatively short time.

A. Applicability. A Zoning clearance by the Director or designee is required for the following actions:

1. Ministerial actions:
 - a. All structures that require a Building Permit.
 - b. Housing projects in R-2, R-3, M-U, C-1, and C-O that comply with the County's adopted Objective Site and Design Standards that request relief from minimum lot

size, building intensity, floor rea ratio, parking requirements, and setbacks.

c. Discretionary actions:

- a. All planning permit approvals to ensure compliance with applicable conditions of approval.
- b. ABC license
- c. Stormwater review from Public Works department
- d. Other County applications that may be subject to the provisions of this County Code of Ordinances, including, but not limited to, encroachment, and grading and improvement plans.

B. Application. Zoning Clearance does not require a separate application through the Community Development Department.

C. Approving Authority. A zoning clearance is processed as part of the related County action, such as a Building Permit application.

D. Notification. No public hearing or public notice is required for review of a Zoning Clearance.

E. Conditions of Approval. The Director or designee may impose requirements on discretionary actions that require Zoning Clearance to ensure compliance with this Zoning Ordinance and to prevent adverse or detrimental impact to the surrounding neighborhood.

F. Findings for Approval. Zoning Clearance shall be granted only when the Director or designee finds the proposal to be in conformance with all applicable provisions of this Zoning Ordinance.

G. Notice of Decision. Approval of a Zoning Clearance shall be issued as part of the related action, such as a Building Permit application. No separate written notice of decision is required by the Community Development Department.

H. Effective Date. A Zoning Clearance is effective immediately following approval of the related action, such as a Building Permit application.

I. Appeals. Zoning Clearances are a ministerial action and are not subject to appeal, regardless of whether a related action is appealable.

J. Expiration. An approved Zoning Clearance does not expire, but may be associated with other entitlements that may expire.

K. Amendments. Any amendments affecting an approved Zoning Clearance shall be handled as a new Zoning Clearance review.

17.100.030 Site Development Permit. The Site Development Permit process is intended to ensure that certain types of proposed developments will serve to achieve a design that is consistent with the purpose for that land use.

A. Applicability.

1. Permit Required. A Site Development Permit shall be secured prior to construction or expansion (of a use or structure) of the following unless exempted as provided in this section:
 - a. Building projects in any C-K (commercial recreational), C-O (neighborhood commercial), C-1 (general commercial), C-2 (heavy commercial), C-S (special commercial), BP

(business park), M-1 (light industrial), M-2 (heavy industrial), K (general recreational), R-2 (medium-density residential), R-3 (multiple-family residential) or MU (Mixed-Use) District.

2. Exceptions. No Site Development Permit shall be required:

- a. When the Director issues a written waiver before construction consisting of exterior repair, construction consisting exclusively of interior remodeling, construction that adds less than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less, or construction that adds appurtenances, such as fences or overhangs, to exterior areas used for the operation of a permitted use on the site prior to the addition;
- b. When the Director issues a written waiver before development for which a Development Agreement, Use Permit, or Planned Unit Development Permit has been issued;
- c. For construction of residential units;
- d. For construction of an emergency shelter in any R-2, R-3, C-O, C-1, or M-U District;
- e. Commercial structures consistent with zoning designation and general plan land use designations that are less than 10,000 square feet in floor area and meet objective site and design standards. The project shall not involve the use of significant amounts of

hazardous substances, shall have all the necessary public services and facilities available or can be made available, shall not be within 200 feet of a residential property, shall have primary access from a state highway, county-maintained road, or special district-maintained road, shall meet standards for parking, lighting, and accessibility, and shall demonstrate community design consistency related to roof, façade, windows and doors, color, and architectural details. The project shall also not result in a condition described in Cal. Code Regs. Tit. 14, § 15300.2.

B. Application.

1. Application Filing and Processing. Applications for a Site Development Permit shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.
3. Application Requirements. Evaluation of the application's request for a Site Development Permit will require plans, elevations, and other information as necessary to show the location and details of the proposed use of land or structures.
4. Application Completeness Review. An application completeness review will be conducted within 30 days of application submittal. The determination of whether further environmental review is required will be made as part of the completeness review.

C. Approving Authority. Site Development Permits shall be approved by the specified approving authority as designated in Table

17.96.1, Approving Authority for Land Use Permits. These permits may be granted by the Director or referred to the Planning Commission. The decision to refer the application to the Commission will be based on potential project impacts. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Site Development Permit application.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Site Development Permits referred to the Planning Commission. No public hearing is required for Site Development Permits where the Director is the approving authority.

E. Conditions of Approval. The approving authority shall review the application and may impose conditions in order to achieve the purposes of this Zoning Ordinance, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings.

F. Findings for Approval. Before approving or conditionally approving any such application; the approving authority shall find that under the circumstances of the particular case; the proposed development will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use. No Site Development Permit shall be issued unless it is consistent with the Tuolumne County General Plan.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the Director.
2. The action taken by the Director.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Site Development Permits shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration.

1. Site Development Permits shall expire two years from the date the approval was granted, unless the permit has been exercised in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.
2. Exceptions. A Site Development Permit for a public utility installation may be valid for a longer period if specified by the approving authority.

K. Extension of Time. The expiration date of a Site Development Permit may be extended in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.

L. Amendments. An applicant may request an amendment to a Site Development Permit after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 17.98.130, Amendments to Previously Approved Permits.

17.100.040 Planned Unit Development. The purpose of a Planned Unit Development Permit process is intended to encourage the creative use of land by permitting carefully controlled relief from the strict application of some provisions for development in this code. It is the intent of this section to carry out the general purposes of this code by continuing to observe adequate standards related to public safety, health, and general welfare without inhibiting the advantages of modern imaginative site planning and to implement the following objectives:

- To provide a more desirable living environment;
- To encourage creative approaches to the development of land;
- To encourage the observation of and the appropriate use of open space;
- To encourage variety in the physical development of the county; and
- To conserve cultural and natural resources.

A. Applicability. Within any principal zoning district with which a Planned Unit Development Combining (PD) District has been overlain, the structures permitted and the regulations applying to such structures as set forth in this

code may be modified or supplemented by a Planned Unit Development Permit.

B. Application.

1. Application Filing and Processing. Applications for a rezoning and Planned Unit Development Permit shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. Planned unit developments shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve or deny an application for a planned unit development.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Planned Unit Development Permits.

E. Conditions of Approval. In approving a Planned Unit Development Permit, the approving body shall require that the use and development of the property conform with a site plan, architectural drawings, and statements submitted in support of the application or with such modifications thereof as may be deemed necessary to protect the public health, safety, or general welfare and to secure the objectives of the General Plan. The approving body may impose conditions as may be necessary to achieve these purposes:

1. Setbacks, yard areas, and open spaces.
2. Fences, walls, and screening.
3. Building materials, building scale, built-in fire protection, and architectural treatments.
4. Parking, parking areas, and vehicular ingress and egress in addition to the minimum requirements of Chapter 17.30, Off Street Parking.
5. Common and private open space, landscape, and maintenance of landscape and grounds.
6. Such other conditions as may be determined to ensure that development will be in accordance with the intent and purposes of this section and the General Plan.

F. Findings for Approval. Before approving or conditionally approving any application for a

Planned Unit Development Permit, the Planning Commission and Board of Supervisors shall make the following findings:

1. The proposed planned unit development is consistent with the Tuolumne County General Plan;
2. The proposed planned unit development will not overburden existing public facilities;
3. The size and terrain of the parcel are suitable for the proposed planned unit development;
4. Under the circumstances of the particular case, the proposed planned unit development will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed development, or be detrimental or injurious to property or improvements in the neighborhood;
5. Under the circumstances of the particular case, the advantages of an efficient, integrated, and well-planned development are sufficient to justify exemption from the normal application of this code; and
6. Under the circumstances of this particular case, the public benefit derived from the development proposed in the Planned Unit Development Permit can be quantified and is sufficient to justify exemption from the normal application of this code.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the Planning Commission or Board.
2. The action taken by the Planning Commission or Board.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Planned unit developments shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration. Planned developments shall expire two years from the date the approval was granted, unless the permit has been exercised in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions. When a Planned Unit Development Permit is approved in conjunction with the execution of a development agreement, the time limits shall be extended for the period provided for in the development agreement, but not beyond the duration of the agreement.

K. Extension of Time. The expiration date of a Planned Unit Development Permit may be extended in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.

L. Amendments. An applicant may request an amendment to a Planned Unit Development Permit after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 17.98.130, Amendments to Previously Approved Permits.

17.100.050 Use Permit. The Use Permit process is intended to allow the proper integration in the community of uses that may be suitable only on certain conditions in specific locations in a zoning district or when a site has certain unusual characteristics.

A. Applicability. A Use Permit is required prior to establishment or construction of any use so designated in the applicable zoning district. Use Permits may be transferred by the permittee to another person but not to another location.

B. Application.

1. Application Filing and Processing. Applications for a Use Permit shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. Use Permits shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Use Permit application.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Use Permits.

E. Conditions of Approval. In approving an application for a Use Permit, the approving authority may impose reasonable and appropriate conditions to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings. Conditions may include:

1. Requirements for special building setbacks, open spaces, buffers, fences, walls, and screening.
2. Requirements for installation and maintenance of landscaping and erosion-control measures.
3. Requirements for street and other infrastructure improvements and related dedications.
4. Regulation of vehicular ingress, egress, and traffic circulation.
5. Regulation of hours of operation or other characteristics of operation.
6. Requirements for security.
7. Requirements for periodic review.
8. Other conditions as may be deemed necessary to make the findings required by this section.

F. Findings for Approval. A Use Permit may only be granted when the following findings are made by the approving authority:

1. The proposed use is in accordance with the provisions of this section.
2. The proposed use is consistent with the General Plan.
3. The proposed use can be accommodated within the current capacity of existing municipal facilities.
4. The size and terrain of the parcel can accommodate the proposed use without negative effects to the environment.
5. Under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use, or be injurious to property and improvements in the neighborhood.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and

interested parties having requested notices in writing ~~and record owners of real property within 300 feet of the subject parcel as measured from the property line.~~ The notice shall include:

1. The application request as acted upon by the Planning Commission.
2. The action taken by the Planning Commission.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Use Permits shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration.

1. Use Permits shall expire two years from the date the approval was granted, unless the permit has been exercised in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.
2. Exceptions. A Use Permit for a public utility installation may be valid for a longer period if specified by the approving authority.

K. Extension of Time. The expiration date of a Use Permit may be extended in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.

L. Abandonment of Use.

1. If the use for which a Use Permit has been granted ceases for a period of 18 months, said use shall be considered to be abandoned and the Use Permit shall become null and void. Reestablishment of an abandoned use shall require the issuance of a new Use Permit.
2. Uses that were established under Use Permits issued prior to the effective date of the ordinance codified in this section and which have ceased, may be reestablished within a period of 18 months from the effective date of the ordinance codified in this section. Uses that are not reestablished within

that time period shall be deemed abandoned.

M. Amendments. An applicant may request an amendment to a Use Permit after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 17.98.130, Amendments to Previously Approved Permits.

17.100.060 Temporary Use Permit. The Temporary Use Permit process establishes a process for review and approval of certain uses that are intended to be of limited duration and will not permanently alter the character or physical facilities of the site where they occur.

A. Applicability. A Temporary Use Permit is required for each individual, agency, organization, institution, or business wishing to conduct a temporary activity or use in conformance with the standards of this section.

B. Application.

1. Application Filing and Processing.

Applications for a Temporary Use Permit shall be filed and processed in accordance with Chapter 17.98.

2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. Temporary Use Permits shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Temporary Use Permit application.

D. Notification. No public hearing or notice is required for processing of a Temporary Use Permit.

E. Conditions of Approval. In approving an application for a Temporary Use Permit, the approving authority may impose reasonable and appropriate conditions in order to achieve the purposes of this code, ensure consistency with the goals and policies of the General Plan, and justify making the necessary findings.

Conditions may include:

1. Hours of operation.
2. Walls, fences, and lighting necessary to reduce possible detrimental effects to surrounding properties and to protect the public health, safety, and welfare of the County.

3. The issuance of a cash performance bond deposited with the County to defray the County's costs of providing services or cleaning up the property in the event the permittee fails to do so.
4. An additional insured endorsement of public liability insurance, naming Tuolumne County as an additional named insured, and which includes coverage for the effective dates of the permit with a minimum limit of liability of \$1 million per claim or occurrence.

F. Findings for Approval. Prior to approving a Temporary Use Permit as prescribed by this section, the approving authority shall make all the following findings:

1. The operation will not jeopardize, endanger, or otherwise constitute a risk to public health, safety, or welfare.
2. The proposed site will accommodate the temporary use without hindering the lawful use of other properties in the vicinity.
3. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the traffic that the temporary use will or could reasonably be expected to generate.
4. Adequate temporary parking will be available either on site or at an acceptable alternate location.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the approving authority.
2. The action taken by the approving authority.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Temporary Use Permits shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration. Temporary Use Permits shall expire one year from the date the original approval was granted, unless a shorter period is specified in the terms of the permit approval. Temporary Use Permits may be renewed in accordance with Section 17.100.080.N.

K. Extensions of Time. No extensions are permitted for Temporary Use Permits.

L. Amendments. Amendments to an approved Temporary Use Permit shall be processed as a new application.

M. Conflicting Regulations. Where this Chapter prescribes regulations more restrictive than the land use district in which a temporary use is proposed, the provisions of this Chapter shall apply.

N. Annual Renewal of Temporary Use Permit.

1. Request for Renewal. A request for renewal of a Temporary Use Permit must be filed in writing, along with any required fees, with the Director a minimum of 30 days prior to the expiration date of the approved permit.
2. Temporary Use Permits may be granted a renewal if all of the following conditions are met:
 - a. There has been no change in the number of the specified events under the approved Temporary Use Permit.
 - b. There has been no change in the duration or operation of the specified events under the approved Temporary Use Permit.
 - c. All events have been conducted in accordance with the time and duration specified under the approved Temporary Use Permit. Failure to conduct an approved event as specified in any year will result in termination of the Temporary Use Permit and no renewal shall be granted.
 - d. Upon review of the Temporary Use Permit, the Director may modify

the permit at any time to ensure compatibility with existing uses, changes in underlying land use designations, or compliance with the terms of the approved permit.

17.100.070 Minor Modifications. The Minor Modification process establishes an alternate means of granting relief from the requirements of this Title when so doing would be consistent with the purposes of the Zoning Ordinance and it is not possible or practical to approve a variance.

A. Applicability. The Director may grant modifications as specifically identified in any other section of this Title and as follows:

1. Dimensional Requirements. Relief from dimensional requirements of property development standards specified in this Title, not to exceed 10 percent of the requirement. Types of standards for which modifications may be approved by the Director include:
 - a. Setbacks. Front, side, and rear yard setback standards.
 - b. Parking. The dimensional standards for parking spaces, aisles, driveways, landscaping, garages, and parking facility design.
 - c. Fences. Standards for the location, height, and design of fences.
 - d. Lot Coverage. Standards for the maximum amount of lot coverage.
 - e. Landscaping. Standards for required landscaping and plantings.
 - f. Transparency. Required ground-floor building transparency.
 - g. Other Standards. Up to 10 percent of other development standards not listed in Section 17.100.090.B, Application.

2. Exclusions. Modification of the following standards may not be granted:
 - a. Lot area, width, or depth.
 - b. Residential density.
 - c. Maximum floor-area ratio (FAR).

B. Application.

1. Concurrent Processing. If a request for a Minor Modification is being submitted in conjunction with an application for another approval, permit, or entitlement that requires Planning Commission action, it shall be heard and acted upon at the same time and in the same manner as that application.
2. Application Requirements. An application for a Modification shall be filed with the Planning Department, in accordance with Section 17.98.050, Applications and Fees.
3. In addition to any other application requirements, the application shall state in writing the nature of the modification requested and explain why the findings necessary to grant the modification are satisfied. The applicant shall also submit plans delineating the requested modification.

C. Approving Authority. Minor Modifications shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Minor Modification application.

D. Notification. No public hearing or notice is required to process a Minor Modification.

E. Conditions of Approval. In approving a modification, the approval authority may impose any conditions deemed necessary to:

1. Ensure that the proposal conforms in all significant respects with the General Plan and any other applicable plans or policies adopted by the Board of Supervisors;
2. Achieve the general purposes of this Title or the specific purposes of the zoning district in which the project is located;

3. Achieve the findings for a modification granted; or
4. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.
5. The approval authority may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

F. Findings for Approval. A decision to grant a Modification shall be based on the following findings.

1. The Modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance.
2. There are no alternatives to the requested modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public.
3. Granting the requested modification would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Title.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the Director.
2. The action taken by the Director.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Minor Modifications shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration, Extensions, and Amendments. Modifications granted under this section may only be extended or revised as provided for in Chapter 17.98.

17.100.080 Reasonable Accommodation. In accordance with the Fair Housing Act and with the California Fair Employment and Housing Act, the County provides for reasonable accommodation in the application of zoning regulations to provide equal opportunity to persons with disabilities, as defined in those acts, to use a dwelling.

A. Applicability.

1. A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of a requirement of this zoning ordinance or other county requirement, policy, or practice acts as a barrier to fair-housing opportunities. A person with a disability is a person who has a physical or developmental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the acts.
2. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting; development and use of housing or housing-related facilities that would eliminate regulatory barriers; and provide a person with a disability equal opportunity to housing of their choice.
3. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the property.
4. A reasonable accommodation may be granted in compliance with this section without the need for the approval of a variance.

B. Application.

1. Application Filing and Processing. Applications for a variance shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.
3. Application Requirements. Evaluation of the applicant's request for reasonable accommodation will require written statements and evidence identifying:
 - a. The Zoning Ordinance provision from which accommodation is being requested; and
 - b. The basis for the claim that the individual, who is or will be the occupant of the dwelling, for which the accommodation is requested, is considered disabled under the Fair Housing Act, and why the accommodation is necessary to make the specific housing available to the individual.

C. Approving Authority. Requests for reasonable accommodation shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a reasonable accommodation request application.

D. Notification. No public hearing or notice is required for processing a reasonable accommodation request.

E. Conditions of Approval. In granting a request for reasonable accommodation, the approval authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall be rescinded if the person for whom the accommodation was requested no longer resides on the property.

F. Findings for Approval. A reasonable accommodation may only be approved or conditionally approved by the decision-making

body when all the following findings are made by the approving authority:

1. The individual requesting the accommodation has a disability as defined under the acts or housing that is the subject of the request will be used by an individual considered disabled under the acts;
2. ~~The special needs created by the disability warrant the accommodation;~~ The requested accommodation is necessary for the individual to have equal opportunity to use and enjoyment of the housing and housing-related services;
3. ~~There is an identified potential benefit to the disabled resident that can be accomplished by the requested accommodation;~~
4. ~~The requested accommodation will not create potential significant adverse impacts on surrounding land uses;~~
5. ~~3. There are no feasible alternative accommodations that provide an equivalent level of benefit that will reduce the impact on surrounding land uses;~~ The requested accommodation will not require a fundamental alteration in the nature of a County program or law, including but not limited to land use and zoning;
6. 4. The requested accommodation will not impose an undue financial or administrative burden on the County.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the approving authority.
2. The action taken by the approving authority.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Requests for reasonable accommodation shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration and Extension of Time. Approved reasonable accommodation requests expire with transfer of ownership of the property and, if applicable, as detailed in the findings for approval.

K. Amendments. Any amendments affecting an approved request for reasonable accommodation shall be handled as a new reasonable accommodation request.

17.100.090 Variance. Variances from the terms of the Zoning Ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

A. Applicability. A Variance is required for any request to modify the requirements of this Title greater than those adjustments allowed through other permit or approval procedures. Variances do not apply to land use or density and shall not waive or modify a specific procedural requirement. In no case shall cost to the applicant be the primary reason for granting a variance. The provisions of this section shall not apply to public safety regulations based on authority mandated by state law or other ordinances.

B. Application.

1. Application Filing and Processing. Applications for a variance shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. Variances shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Variance application.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Variances.

E. Conditions of Approval. In approving an application for a variance, the approving authority may impose reasonable and appropriate conditions to achieve the purposes of this Zoning Ordinance, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings. Conditions may include:

1. Requirements for special building setbacks, open spaces, buffers, fences, walls, and screening.
2. Requirements for installation and maintenance of landscaping and erosion-control measures.
3. Requirements for street and other infrastructure improvements and related dedications.
4. Regulation of vehicular ingress, egress, and traffic circulation.
5. Regulation of hours of operation or other characteristics of operation.
6. Requirements for increased security.
7. Requirements for periodic review.
8. Requirements for special building design and features to enhance the visual impact and integrate the use into the community.
9. Other conditions as may be deemed necessary to make the findings required by this section.

F. Findings for Approval. A variance may only be granted when the following conditions are met:

1. The special circumstances or conditions were not created or caused by the applicant.
2. Granting the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
3. Granting of the variance does not authorize a use or activity that is not otherwise expressly authorized by the zone where the property is located.
4. Granting the variance will not under the circumstances of the particular case, be detrimental to the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not under the circumstances of the particular case, be detrimental to the public welfare or

injurious to property or improvements in the neighborhood.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing, ~~and record owners of real property within 300 feet of the subject parcel as measured from the property line.~~ The notice shall include:

1. The application request as acted upon by the Planning Commission.
2. The action taken by the Planning Commission.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Use Permits shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration.

1. Use Permits shall expire two years from the date the approval was granted, unless the permit has been exercised in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.
2. Exceptions. A Use Permit for a public utility installation may be valid for a longer period if specified by the approving authority.

K. Amendments. An applicant may request an amendment to a Use Permit after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 17.98.130, Amendments to Previously Approved Permits.

17.100.100 Emergency Permits. The purpose of this section is to establish procedures for the issuance of Emergency Permits.

A. Applicability. The procedures of this section apply where persons or public agencies seek a permit for emergency work where the circumstances of an emergency do not allow sufficient time for the permit process otherwise

applicable to the work needed to address an emergency.

B. Application. Applications for permits for emergency work shall be made to the Director by letter or email during business hours if time allows, or by telephone or in person if time does not allow. The information to be reported during the emergency, if it is possible to do so, or to be reported fully in any case after the emergency, shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;
4. The remedial, protective, or preventative work required to deal with the emergency;
5. The circumstances during the emergency that appear to justify the course(s) of action taken, including the probable consequences of failing to act; and
6. Any other information deemed necessary by the Director.

C. Approving Authority. The Director is the approval authority for Emergency Permits.

D. Notification. Prior to issuance of an Emergency Permit, when feasible, the Director shall provide public notice of the emergency work with the extent and type of notice determined on the basis of the nature of the emergency itself.

1. Verification of Emergency. The Director or designee shall verify the facts, including the existence and nature of the emergency, insofar as time allows.
2. The Emergency Permit shall be a written document that includes the following information:
 - a. The date of issuance;
 - b. An expiration date;
 - c. The scope of work to be performed; and
 - d. Terms and conditions of the permit.

E. The Director may grant a permit for emergency work, including an expiration date and the requirement for a regular permit application later, if the Director finds that:

1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits, and the work can and will be completed within 30 days unless

otherwise specified by the terms of the permit; and

2. Public comment on the proposed emergency action has been reviewed if time allows.

F. The Director shall report on the granting of an Emergency Permit in writing to the Board of Supervisors at their next meeting following the issuance of the emergency permit. The report shall contain a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall have been mailed at the time the application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing. The report of the Director shall be informational only. The decision to issue an Emergency Permit is solely at the discretion of the Director.

17.100.110 Amendments to the General Plan and Zoning Ordinance. This section establishes guidelines and procedures for amending the General Plan or Zoning Ordinance. The General Plan and these procedures are to be consistent with state planning laws (California Government Code Section 65300 et seq.) and state General Plan Guidelines. Amendments to the Zoning Ordinance must be consistent with the General Plan.

A. Applicability. The procedures in this section shall apply to:

1. All proposals to change the text of the General Plan and the maps that illustrate the application of its provisions, and
2. All proposals to change the text of this Title, a zoning district classification, or a zoning district boundary line shown on the Zoning Map.

B. Application.

1. Application Filing and Processing. Applications for a General Plan Amendment shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. General Plan Amendments shall be approved by the specified approving authority as designated in Table

17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, modify, or deny a General Plan Amendment application.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all General Plan Amendments or Zoning Ordinance Amendments.

E. ~~General Plan~~. Findings for Approval.

1. ~~General Plan Amendment~~. Prior to approving a General Plan Amendment ~~or Zoning Ordinance Amendment~~, as prescribed by this Chapter, the Board of Supervisors shall make all the following findings, which shall be made by Resolution:

- a. The general plan amendment is consistent in principle with the general plan, zoning code and any applicable specific plan.
- b. The proposed amendment would not be detrimental to the public health, safety, or welfare of the community;
- c. The project site is suited to the uses permitted under the proposed land use designation.
- d. The anticipated land uses on the subject site would be compatible with existing and future surrounding uses. ~~That the amendment will not adversely impact the existing community.~~

~~1. That the amendment is consistent with the intent of the vision, goals, and policies of the General Plan as a whole.~~

~~2. That the amendment prescribes reasonable controls and standards for affected land uses to promote compatibility with those established, lawful uses. That the amendment provides for the~~

~~protection of the general health, safety, and welfare of the community.~~

2. Zoning Ordinance Amendment. Prior to approving a Zoning Ordinance Amendment, as prescribed by this Chapter, the Board of Supervisors shall make all the following findings, which shall be made by Resolution:

- a. The ordinance amendment is consistent in principle with the general plan, zoning code and any applicable specific plan
- b. The proposed amendment would not be detrimental to the public health, safety, or welfare of the community
- c. The project site is suited to the uses permitted under the proposed zoning district.
- d. The anticipated land uses on the subject site would be compatible with existing and future surrounding permitted uses.

3. In approving a General Plan or Zoning Ordinance Amendment, the Board of Supervisors may make modifications to the proposal to ensure that the approval will comply with the required findings.

F. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties who have requested notices in writing. The notice shall include:

1. The application request as acted upon by the Board of Supervisors.
2. The action taken by the Board of Supervisors.

G. Effective Date. General Plan or Zoning Ordinance Amendments shall become effective 30 days following the date of adoption.

H. Appeals. Actions taken by the Board of Supervisors are final and are not subject to appeal.

I. Expiration. Approved General Plan Amendments and Zoning Ordinance Amendments do not expire.

J. General Plan Amendments. Any amendments affecting an approved General Plan Amendment or Zoning Ordinance

Amendment, with the exception of clerical errors, shall be handled as a new application.

K. Frequency of General Plan Amendments. Pursuant to Government Code Section 65358, no mandatory element of the General Plan may be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one change to the General Plan.

L. Additional Notice Required. Pursuant to Government Code Section 65352, at least 45 days prior to Board action on a proposed General Plan Amendment, the Director shall notify the Local Agency Formation Commission (LAFCO), and any area-wide planning agency or federal agency whose operations may be significantly affected by the proposed action, including the Yosemite National Park and Stanislaus National Forest, and each governmental body, commission, or board, including those of any school or special districts, whose jurisdiction lies wholly or partially within the County whose functions include recommending, preparing plans for, or constructing major public works projects.

M. General Plan. Abandonment after Proceedings Have Begun. Any application for an amendment may be withdrawn by the written request of all persons who signed such application prior to the public hearing by the Commission or Board or by verbal statement by the authorized agent of the person who signed such application at the hearing or hearings of the Commission or Board. The Commission or Board may abandon any proceedings for an amendment initiated by the Director, Commission, or Board, provided that any hearing of which public notice has been given shall be held.

17.100.120 Home Occupation Permit. These regulations are provided so that certain incidental and accessory uses may be established in residential neighborhoods under conditions that will ensure their compatibility with the neighborhood. They are intended to protect the rights of the residents to engage in certain home occupations that are harmonious with a residential environment.

A. Applicability. The provisions of this section shall apply to the operation of small, home-operated businesses and occupations in residential dwellings. A home occupation may

be permitted as an accessory use in any structure authorized for residential use in the County with a Home Occupation Permit.

1. Prohibited Home Occupations. Certain uses are not compatible with residential activities and shall be prohibited. Prohibited home occupations shall include:
 - a. Barber and beauty shops.
 - b. Food catering or production, except in compliance with the Cottage Food Act (Government Code Section 51035) and Section 17.100.140.F.
 - c. Massage, except certified massage practitioners.
 - d. Outdoor storage of equipment, materials, and other accessories specific to the construction trades.
 - e. Pet sitting and dog walking, except for home office uses associated with this activity.
 - f. Vehicle storage, cleaning, dismantling, installation, manufacture, repair, service, sale, lease, rental, or dispatching, and driving instruction.
 - g. Welding.
 - h. Any use that does not comply with Section 17.100.140.E.

B. Application.

1. Application Filing and Processing. Applications for a permit shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.
3. For home occupations conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to submittal of an application for a Home Occupation Permit.

C. Approving Authority. The Director is authorized to approve, conditionally approve,

modify or deny applications for Home Occupation Permits, and may refer applications for Home Occupation Permits to the Planning Commission for review.

D. Notification. The Director shall post all Home Occupation Permits in a database accessible to the public and at the Community Development Department.

E. Operating Standards. Home occupations shall comply with all the following operating standards at all times:

1. No dwelling shall be built or altered for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted.
2. No more than two persons other than a member of the immediate family occupying such dwelling shall be employed. Exceptions are allowed for cottage food uses consistent with the State Cottage Food Act (Government Code Section 51035).
3. There shall be no signs other than those permitted by Chapter 17.34, Signs.
4. There shall be no advertisement of the location in a public forum.
5. All merchandise, supplies, equipment, or other materials stored outdoors shall be screened from public view.
6. The storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential areas shall be prohibited.
7. The conduct of any home occupation, including, but not limited to, the storage of goods and equipment, shall not reduce or render unusable areas provided for off-street parking, setbacks, and yard areas as required by the regulations application to the land use district.
8. Electrical or mechanical equipment that creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit or that increases noise or fire hazards not normally associated with a residential use shall be prohibited.

9. There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and all applicable state and local laws. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises.
10. The use of utilities shall be limited to the usage normally associated with a residential use.
11. A Home Occupation Permit shall not be transferable to another property or dwelling unit or to any subsequent owner of the property or dwelling unit for which the Home Occupation Permit was originally approved.
12. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, nor shall the use require additional parking spaces than provided on site.
13. There shall not be any regular commercial delivery to or from the dwelling where a home occupation is being conducted.
14. No special off-street parking area shall be allowed in connection with the home occupation; however, the driveway may be used for such parking.
15. Storage and parking of vehicles on the premises, used in conjunction with the home occupation, shall be limited to automobiles and light trucks not exceeding 15,000 pounds gross vehicle weight.
16. Home occupation activities shall be conducted indoors.
17. No more than 500 square feet of floor area may be used for storage of materials and supplies used for the home occupation.
18. Noise generated by the conduct of the home occupation shall not exceed that normally associated with a residential use.

F. Cottage Food Operation.

Notwithstanding any of the provisions above, a cottage food operation, as defined by the State of California under the provisions and allowances of Assembly Bill 1616, shall be allowed in any legally established residential

unit in Tuolumne County provided the following requirements are met:

1. Each cottage food operation shall conform to all state and county laws, regulations, and requirements.
2. The operator of a cottage food operation shall reside within the residential unit used for such activity as their primary residence.
3. No dwelling shall be built or altered for the purpose of conducting the cottage food operation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a cottage food operation is conducted.
4. No cottage food operation shall be located within 300 feet of another such operation.
5. Between the hours of 7:00 p.m. one day and 8:00 a.m. the following day, no cottage food operation shall sell or offer for sale from the residence food items prepared from that residence.
6. Commercial delivery of items used in a cottage food operation shall be prohibited between the hours of 7:00 p.m. one day and 8:00 a.m. the following day.
7. All cottage food operations shall conform to the requirements and restrictions of the General Plan Noise Element.
8. Customers shall be prohibited from parking vehicles upon the property where they are purchasing products offered for sale by a cottage food operation, unless said property is at least 1 acre in size and occupied by a single-family residence. Customer parking may be permitted on property developed with two or more residential units, provided said property is at least 2 acres in size.
9. Only those individuals residing in the residential unit, as their primary residence, shall participate in a cottage food operation, with the exception that a cottage food operation may be permitted one full-time equivalent employee.
10. Customers of any cottage food operation shall be prohibited from

consuming any products purchased from the cottage food operation on the property where such product was produced.

11. Where a cottage food operation is conducted from any residential unit, the operator of the cottage food operation shall police, clean, and maintain the property regarding discarded items that may result from the cottage food operation.
12. The individual granted approval for a cottage food operation being conducted within or upon a property with more than one residential unit shall post signage and enforce requirements prohibiting, at all times, the loitering of one or more persons within or upon the property where the cottage food operation is being conducted.
13. There shall be no display, sale, or advertising signs on the premises.
14. Within 30 days of receipt of a Home Occupation Permit from Tuolumne County for a cottage food operation, the operator of such facility shall present proof of receipt of a permit for same from the County of Tuolumne Environmental Health Services, and Department of Public Health.
15. The cottage food operator shall contact the local waste disposal company to ascertain whether additional trash removal services shall be required for the level of food production being created. The cottage food operator shall provide to the County comments from the local waste disposal company that adequate trash removal shall occur for the level of activities added by the Cottage Food Operation.
16. Violations of Section 17.100.0140.F, Cottage Food Operation, may result in the revocation of the Home Occupation Permit issued by Tuolumne County. Operators who have had their County-issued Home Occupation Permit revoked shall be prohibited for two years from applying for another Home Occupation Permit for a cottage food operation.

17. All merchandise, supplies, equipment, or other materials stored outdoors shall be screened from public view.
18. The storage of hazardous, toxic, or combustible materials shall be in approved containers designated for such materials and shall be screened from public view.
19. Compliance with section 17.100.120.E.9 above.
20. The cottage food operation Home Occupation Permit shall not be transferable to another property or dwelling unit or to any subsequent owner or tenant of the property or dwelling unit for which the Home Occupation Permit was originally granted.
21. For a cottage food operation conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to submittal of an application for a cottage food operation Home Occupation Permit, and shall be submitted with such Home Occupation Permit application.
22. Cottage food operation activities shall be conducted wholly indoors.
23. No more than 500 square feet of floor area may be used for storage of materials and supplies used for or in association with the cottage food operation.
24. Where any cottage food operation employs an individual other than the primary operator, all local, county, state, and federal labor laws shall apply and be conformed with.

17.100.130 Similar Use Determination. The land use table may not include all possible uses. When a specific use is not listed and it is unclear whether the use is permitted, permitted with a permit or Site Development Permit, or not permitted, the Similar Use Determination establishes a process for the review and possible addition of new uses to the land use table.

A. Applicability. A Similar Use Determination is required when a use is not specifically listed in this Zoning Ordinance but may be permitted if it is determined to be

similar in nature to a use that is permitted, or permitted with a Use Permit.

B. Application.

1. Application Filing and Processing. Applications for a variance shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. In cases where a specific land use or activity is not defined, the Director shall initially assign the land use or activity to a classification that is substantially similar in character. Use classifications not listed or not substantially similar to the uses in a specified land use district are prohibited in that district. Similar Use Determinations shall be approved by the specified approving authority responsible for the permit approval, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Similar Use Determination application.

D. Notifications. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Similar Use Determinations when such determinations are referred to the Commission by the Director.

E. Conditions of Approval. In approving an application for a Similar Use Determination, the approving authority may impose conditions in order to achieve the purposes of this Zoning Ordinance, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings.

F. Findings for Approval. Prior to approving a Similar Use Determination as prescribed by this Chapter, the approving authority shall make all the following findings:

1. The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher intensity of activity, environmental impact, or population density than the uses permitted in the district.
2. The proposed use will be consistent with the purposes of the applicable district.
3. The proposed use will be consistent with the goals and policies of the

adopted General Plan, any applicable Specific Plan, and the Zoning Ordinance.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties who have requested notices in writing. The notice shall include:

1. The application request as acted upon by the approving authority.
2. The action taken by the approving authority.
3. Findings as listed for the approval.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Similar Use

Determinations shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration. Approved Similar Use Determinations do not expire.

K. Amendments. Any amendments affecting an approved Similar Use Determination shall be handled as a new application.

L. Record of Determinations. The Community Development Department shall maintain all such determinations on record for review by the general public upon request.

17.100.140 Specific Plan. The purpose of this section is to establish procedures for adoption, maintenance, and administration of specific plans, in accordance with the provisions of Sections 65450 through 65457 of the California Government Code, and as may be required for the implementation of the General Plan. The purpose of a Specific Plan is to establish policies and development standards that address area-specific issues. Specific plans are intended to carry out the General Plan in one of three ways:

1. By providing clearer definition of planning policy applicable to the Specific Plan area;
2. Regulating land use for a particular geographic area in greater detail than that provided by the Zoning Ordinance; and/or

3. Bringing together detailed policies and regulations into a focused development scheme.

B. Intent. Specific plans are intended to:

1. Provide a planning framework to guide future public and private developments and promote flexibility while ensuring a coherent community design.
2. Encourage creative approaches to the use of land, through variation in the location of buildings and the appropriate mix of land use activities and dwelling types.
3. Promote and create public and private open space as an integral part of land development design.
4. Provide development regulations for an area without changing countywide ordinances.
5. Provide the ability to respond to changing conditions in the Specific Plan area without the need for a Zoning Ordinance Amendment.

C. Applicability. The following shall serve as a guide for the appropriate use of specific plans:

1. Where unique results or treatments are desired or in areas having sensitive environmental qualities;
2. Where there is a complicated mixture of conditions such as new development, deteriorated structures, underutilized land, and mixed uses;
3. Where there is a need to incorporate considerable detail in a proposed development project that would justify its approval; and/or
4. Where it is more cost-effective to include, with the proposed project, a Master Environmental Impact Report so that subsequent projects within the Specific Plan area would require no further environmental documentation or require only focused environmental reports.

D. Consistency with General Plan. Specific plans shall be consistent with the General Plan.

E. Density Bonus.

1. Specific plans shall be consistent with the density standard prescribed by the General Plan. Transfer of density may occur in the Specific Plan provided that the total density attributable to the Specific Plan area shall not be

exceeded, except as specified in Section 17.100.140.D.2.

2. As an incentive to preserving large areas of protected open space, preserving historically and culturally significant resources, and/or developing inclusionary housing programs for the provision of affordable housing, the Board of Supervisors may approve a density bonus of up to 5 percent within medium- and high-density residential land use areas. This bonus may be over and above any other housing bonus incentives provided in this Zoning Ordinance.

F. Specific Plan Content. A Specific Plan may include written text, maps, diagrams, and descriptions of allowable uses. At a minimum, specific plans shall include:

1. A statement of the relationship of the Specific Plan to the General Plan.
2. A map indicating the distribution, location, and extent of land uses, including open space, within the area covered by the plan.
3. All permitted uses and land use densities.
4. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
5. A map and/or text specifying the proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, energy, and other essential facilities in the Specific Plan area.
6. Public works projects, programs, and implementation measures necessary to carry out the Specific Plan's stated purpose.
7. A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the above noted provisions of the Specific Plan.

G. Application.

1. Application Filing and Processing. Applications for a variance shall be

filed and processed in accordance with Chapter 17.98.

2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

H. Approval Authority. Specific Plans shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Specific Plan application.

I. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Specific Plan applications.

J. Findings for Approval. Prior to approving a Specific Plan as prescribed by this section, the approving authority shall make the following findings:

1. The Specific Plan is consistent with the intent of the goals and policies of the General Plan as a whole and is not inconsistent with any element thereof.
2. The Specific Plan prescribes controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.
3. The Specific Plan provides property development rights while protecting environmentally sensitive land uses and species.
4. The Specific Plan provides for the protection of the health, safety, and/or general welfare of the community.

K. Adoption.

1. Upon approval of the final Specific Plan by the Board of Supervisors, the Land Use Map shall be amended to identify the area covered by the plan. The Board of Supervisor's approval of the final Specific Plan and the establishment of Specific Plan (SP) zoning shall be by Ordinance.
2. The approved final Specific Plan shall be filed in the office of the clerk of the Board and in the Community Development Department.

L. Amendments. Specific Plans may be amended or repealed in the same manner as originally adopted.

M. Relationship to the Zoning Ordinance. Development standards, procedural regulations,

and other provisions of this Title shall apply within a Specific Plan except where they conflict with provisions of the Specific Plan. In that case, the Specific Plan shall supersede the Zoning Ordinance.

17.100.150 Community Plan. The purpose of this section is to establish procedures for adoption, maintenance, and administration of Community Plans as may be desired by the County for the tailoring of goals, policies, and implementation programs for certain communities in the county. The purpose of a Community Plan is to work in concert with the General Plan and provide additional detail and direction for development and services in those communities.

A. Applicability.

1. Community Plans shall be initiated by the County.
2. The following shall serve as a guide for the appropriate use of Community Plans:
 - a. Where unique results or treatments are desired or in areas having sensitive environmental qualities; and/or
 - b. Where there is a complicated mixture of conditions, such as new development, deteriorated structures, underutilized land, and mixed uses; and/or
 - c. Where it is more cost-effective to include, with the proposed Community Plan, a Master Environmental Impact Report so that subsequent projects within the Community Plan area would require no further environmental documentation or require only focused environmental reports.

B. Consistency with General Plan. Community Plans shall be consistent with the General Plan.

C. Community Plan Content. A Community Plan may include written text, maps, diagrams,

and descriptions of background information on the community, and goals, policies, and implementation programs.

D. Application.

1. Application Filing and Processing. Applications for a variance shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

E. Approval Authority. Community Plans shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Community Plan application.

F. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Community Plan applications.

G. Findings for Approval. Prior to approving a Community Plan as prescribed by this section, the approving authority shall make all the following findings:

1. The Community Plan is consistent with the intent of the goals and policies of the General Plan as a whole and is not inconsistent with any element thereof.
2. The Community Plan provides property development rights while protecting environmentally sensitive land uses and species.
3. The Community Plan provides for the protection of the health, safety, and general welfare of the community.

H. Adoption.

1. Upon approval of the final Community Plan by the Board of Supervisors, the Land Use Map shall be amended to identify the area covered by the plan.
2. The approved final Community Plan shall be filed in the office of the clerk of the Board of Supervisors and in the Community Development Department.

I. Amendments. Community Plans may be amended or repealed in the same manner as originally adopted.



OFFICE OF ENVIRONMENTAL COORDINATOR

Quincy Yaley, AICP
Environmental Coordinator

NOTICE OF EXEMPTION

48 Yaney Avenue, Sonora
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Sonora, CA 95370
209 533-5633
209 533-5616 (fax)
209 533-5909 (fax – EHD)
www.tuolumnecounty.ca.gov

PROJECT TITLE: Tuolumne County Ordinance Code Title 17 Revision

**PROJECT
PROPONENT:** Tuolumne County

LOCATION: Unincorporated Tuolumne County

**PROJECT
DESCRIPTION:** Ordinance to revise Title 17, Zoning, of the County Code of Ordinances to correct clerical errors and improve clarity to simplify implementation. Since the most recent code update in April of 2024, County staff have identified various clerical and procedural modifications necessary to improve the accuracy and implementation of zoning regulations. In addition, some changes are needed as result of the County's adoption of the 2024 Housing Element. The proposed revisions are intended to ensure clearer guidance, streamlined processes, and greater alignment with the objectives of the General Plan.

**APPROVING
AGENCY:** Tuolumne County

EXEMPT STATUS (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268)
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- ☒ Categorical Exemption (Sec. 15061(b)(3))
- ☐ Exemption (Sec.21080.05)

RATIONALE FOR EXEMPTION: After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the State CEQA Guidelines because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed revisions are intended to clarify requirements and simplify implementation and will not result in changes in the environment. The changes also improve consistency within the document itself. None of the exceptions listed in Section 15300.2 apply to this project.

LEAD AGENCY CONTACT: Quincy Yaley

TELEPHONE NUMBER: (209) 533-5633

Signature: _____
Quincy Yaley
Environmental Coordinator

Date: _____