



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

292 West Beamer Street
Woodland, CA 95695-2598
(530) 666-8775 FAX (530) 666-8728
www.yolocounty.org

YOLO COUNTY PLANNING COMMISSION

CHAIR: Leroy Bertolero
VICE-CHAIR: Don Winters
MEMBERS: Jeb Burton; Mary Kimball; Mary Liu; Jeff Merwin; Don Peart

AGENDA

THURSDAY APRIL 10, 2008

**Board of Supervisors Chambers
625 Court Street, Room 206
Woodland, CA. 95695**

Please refer to the last page of this agenda for notices regarding accommodations for persons with disabilities and for appeals of Planning Commission actions.

ADMINISTRATIVE AGENDA

8:30 a.m.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES**
 - 3.1 Minutes of March 13, 2008.
4. **PUBLIC REQUESTS**

The opportunity for members of the public to address the Planning Commission on any subject relating to the Planning Commission, but not relative to items on the present agenda. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

5. **CORRESPONDENCE**

CONSENT AGENDA

None

TIME SET AGENDA

8:45 a.m.

- 6.1 **2008-004:** Adopt findings and approve Major Variance to reduce front yard setback requirements to allow for the reconstruction of a demolished home located at 38904 Aspen Street, near Kentucky Ave., and West Street, just north of the City of Woodland, in the Agricultural General (A-1) zone (APN: 027-081-13). A Categorical Exemption has been prepared for this project. Owner/Applicant: Medina (C. Baracco) (Continued from March 10, 2008 meeting)

8:50 a.m.

- 6.2 **2007-031:** Use permit for a new winery in the Agricultural Preserve (A-P) zone. The property is located west of County Road 92B and north of County Road 15B, south of Zamora (APN: 054-230-05). A Negative Declaration has been prepared for this project. Owner/Applicant: Gugierre (C. Baracco)

9:15 a.m.

- 6.3 **2007-073:** Lot Line Adjustment and Williamson Act successor agreement between two parcels in the Agricultural Preserve (A-P) zone. The application also includes Williamson Act successor agreements for two additional parcels. The properties are located on County Road 98 approximately one mile northwest of the City of Davis (APN: 041-120-03, 041-120-04, 040-200-15, & 040-200-16). A Categorical Exemption has been prepared for this project. Owner/Applicant: Staib/Stone (J. Anderson)

9:30 a.m.

- 6.4 **2007-058:** Adoption of proposed amendments to the Yolo County Zoning Ordinance (Article 2 of Title 8 of the County Code) pertaining to the review and permitting of accessory structures in the agricultural and residential zone districts. The recommended changes would apply to all such-zoned properties in the unincorporated area of Yolo County. A Categorical Exemption has been prepared for this project. Owner/Applicant: Yolo County (E. Parfrey)

9:45 a.m. WORKSHOP

- 6.5 **2006-090:** Discussion of the proposed Downtown Mixed Use (DMX) zoning district as an amendment to the Yolo County Code and rezoning of properties in downtown Esparto along Yolo Avenue and Woodland Avenue from C-2 (Community Commercial) to DMX. A Negative Declaration has been prepared for this project. Owner/Applicant: Yolo County (E. Parfrey)

REGULAR AGENDA

7. DISCUSSION ITEMS

- 7.1 Brown Act Training (P. Pogledich)

8. DIRECTOR'S REPORT

A report by the Assistant Director on the recent Board of Supervisor's meetings on items relevant to the Planning Commission and an update of the Planning and Public Works Department activities for the month. No discussion by other Commission members will occur except for clarifying questions. The Commission or an individual Commissioner can request that an item be placed on a future agenda for discussion.

9. COMMISSION REPORTS

Reports by commission members on information they have received and meetings they have attended which would be of interest to the commission or the public. No discussion by other commission members will occur except for clarifying questions.

10. FUTURE AGENDA ITEMS

The opportunity for commission members to request that an item be placed on a future agenda for discussion. No discussion by other commission members will occur except for clarifying questions.

11. ADJOURNMENT

The next scheduled meeting of the Yolo County Planning Commission is May 8, 2008.

Respectfully submitted by,

David Morrison, Assistant Director
Yolo County Planning and Public Works Department

***** NOTICE *****

If requested, this agenda can be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact David Morrison, Assistant Director for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting should telephone or otherwise contact David Morrison, Assistant Director as soon as possible and preferably at least 24 hours prior to the meeting. David Morrison, Assistant Director may be reached at 530-666-8041, or at e-mail david.morrison@yolocounty.org, or at the following address: Yolo County Planning and Public Works Department, 292 West Beamer Street, Woodland, CA 95695.

***** NOTICE *****

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of that Board within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable to the Clerk of the Board must be submitted at the time of filing. The Board of Supervisors may sustain, modify or overrule this decision.



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PLANNING COMMISSION STAFF REPORT

April 10, 2008

FILE #2008-004 Variance to reduce both front and rear yard setback requirements to allow the rebuilding and enlargement of a single-family dwelling located in the General Agriculture (A-1) zone.	
APPLICANT/OWNER: Rosendo Medina 38904 Aspen Street Woodland, CA 95695	
LOCATION: 3890 Aspen Street, just north of the City of Woodland near the corner of West and Kentucky Streets (APN: 027-081-13) (Attachment A)	ZONING: A-1 (General Agriculture) FLOOD ZONE: A (areas within the limits of the 100-year flood plain) SOIL TYPE: Yolo silt Loam (Class I)
ENVIRONMENTAL DETERMINATION: Categorical Exemption	
REPORT PREPARED BY: _____	REVIEWED BY: _____
Craig Baracco, Associate Planner	David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission:

1. **DETERMINE** that a Categorical Exemption under Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines is the appropriate environmental documentation for the project (**Attachment D**);
2. **ADOPT** the **FINDINGS** (**Attachment B**) for the project; and
3. **APPROVE** the variance described in the Findings attached hereto, subject to the Conditions of Approval (**Attachment C**).

REASONS FOR RECOMMENDED ACTIONS

As directed by the Planning Commission, staff has prepared Findings and Conditions of Approval for a modified version of the variance first considered during the March 13, 2008 Planning Commission meeting. The Findings and Conditions of Approval will allow the home to be rebuilt on an enlarged footprint. The applicant will be required to have 25-foot front and rear yard setbacks. The recommended action will allow the orderly development of the property and the restoration the applicant's single family home.

BACKGROUND

As the Planning Commission has previously been advised, the applicants have applied to rebuild a home destroyed by fire on a larger footprint. The proposed setbacks of the replacement home do not meet the setback requirements of the A-1 zone. They have applied for a variance from front and rear yard setback requirements so that a building permit may be issued.

On March 13, 2008, the Planning Commission reviewed this application and held a public hearing. After some discussion, the Planning Commission directed staff to prepare Findings and Conditions of Approval for a revised version of the variance sought by the applicants, and continued this item to its next meeting. The revised version of the variance will allow a front and rear yard setback of 25 feet which is a greater setback than the applicant is requesting.

The Findings and Conditions of Approval will grant a variance from the setback requirements for the new home, which will allow a home of roughly the same size as the applicant had originally proposed.

ENVIRONMENTAL DETERMINATION

Under Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines, minor setback variances not resulting in the creation of any new parcels are exempt from CEQA review.

SUMMARY OF AGENCY COMMENTS

A "Request for Comments" was prepared and circulated for the project from January 25, 2008 to February 14, 2008. The project was also brought before the Development Review Committee on February 13, 2008. County Environmental Health has recommended that the sewer pipe connection be made of non-corrosive materials, a condition that has been included in the Conditions of Approval. No other significant comments were received.

APPEALS

Any person who is dissatisfied with the decision of the Planning Commission may appeal its decision to the Board of Supervisors by filing with the Clerk of the Board of Supervisors (625 Court Street, Room 204, Woodland, CA 95695) within fifteen (15) days of the Commission's decision. A written notice of the appeal specifying their reason(s) and the payment of the fees to cover expenses of the application and the appeal process shall be made at the Clerk of the Board and the Planning and Public Works Department.

ATTACHMENTS

- ATTACHMENT A** Revised Site Plan
- ATTACHMENT B** Findings
- ATTACHMENT C** Conditions of Approval
- ATTACHMENT D** Categorical Exemption
- ATTACHMENT E** March 13, 2008 Staff Report

Findings For Medina Variance ZF 2008-004

Upon due consideration of the facts presented in this staff report, testimony at the public hearing for Zone File #2008-004, and all other documents in the record, and in accordance with the California Environmental Quality Act (CEQA), the Yolo County General Plan, the Woodland Area General Plan, Yolo County Zoning Code Section 8-2.2904 (variance requirements), the Yolo County Planning Commission approves a variance allowing the rebuilding of a replacement home with front and rear yard setbacks of 25 feet and finds the following concerning the project:
(A summary of evidence to support each FINDING is shown in Italics)

California Environmental Quality Act (CEQA) Guidelines

In determining that the proposed Categorical Exemption for this project is the appropriate level of environmental review under CEQA, the Planning Commission finds:

Under Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines, minor set back variances not resulting in the creation of any new parcels are exempt from CEQA review. The variance at issue in this application meets these criteria.

Variance Findings:

In accordance with Section 8-2.2904 of Article 27 of the Yolo County Code, the Planning Commission finds:

- a. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;

The A-1 Zone requires a front yard requirement of 90 feet from the right-of-way and a rear yard setback of 50 feet. The applicant shall be allowed to rebuild the home with front and rear yard setbacks of 25 feet. The variance does not constitute a grant of a special privilege with respect to this parcel. Residences of a similar (or even larger) size may be constructed on other parcels in this vicinity that are zoned A-1. By granting this variance, the Planning Commission finds that it is simply ensuring that the subject parcel enjoys the same residential development rights as other surrounding parcels. If the Planning Commission were to instead deny the requested variance, the subject parcel would not enjoy the same privileges as other parcels in the same vicinity and zone.

Conditions of approval have been prepared for this project, which limit this waiver specifically to the rebuilding of the previously destroyed house at this specific parcel. The variance will not apply generally.

ATTACHMENT B

- b. That, because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter would deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and

While the property is zoned A-1, the subject parcel is approximately 8,500 sq. ft in area, a size which renders the parcel non-viable for any form of agriculture. Given the depth of the lot of 85 feet, no home can meet the existing setbacks in the A-1 zone. The lot is served by City of Woodland sewer service and a community well; no significant new City services will need to be provided in connection with the proposed home. The property lies on the edge of the City and is surrounded by urban land uses such as homes and light industrial development. The parcel had previously been developed with a single-family-home.

Due to the size, dimensions, and services available to this parcel, applying the setbacks found on a typical A-1 zoned is not appropriate. The unique circumstances found on this property make it appropriate to apply the front and rear setbacks found in residential zones. Both the R-1 (Single-family) and R-2 (Single-family or Duplex) require front and rear yard setbacks of 25 feet.

Given the unique, urban-style size, configuration and services found on this parcel, setbacks normally found in those zones are appropriate. Therefore, front and rear yard setbacks of 25 feet are appropriate for this property alone.

- c. That the granting of such variance will be in harmony with the general purpose and intent of this chapter and will be in conformity with the Master (General) Plan.

The property is designated Agriculture/Low Density Residential in the Yolo County Woodland Area General Plan. Reconstruction of an existing single-family home with a slightly larger footprint is consistent with the provisions of this land use designation.

**Conditions Of Approval
Medina Variance
ZF# 2008-004**

The applicant shall be responsible for all costs associated with implementing the following Conditions of Approval, which the Planning Commission finds are necessary and appropriate:

Planning

1. This variance shall apply solely to the rebuilding of a single-family home, previously destroyed by fire, located at 38904 Aspen Street, Woodland.
2. The front and rear yards shall be a minimum of 25 feet as measured from base of wall to property line.
3. All other requirements of the Yolo County Zoning Code for the A-1 zone shall be followed, including side yards, parking, height of building, and any accessory structures built on the site.

Building

4. The applicant shall apply for a building permit for the construction of the single-family home, shall follow all applicable building codes and regulations, and pay all appropriate fees.
5. All structures within the 100-year floodplain shall be elevated a minimum of 1 foot above Base Flood Elevation.

Environmental Health

6. The sewer pipe connection to the City of Woodland sewer service shall be made of non-corrosive materials.

County Counsel

7. In accordance with Yolo County Code Section 8-2.2415, the applicants, owners, their successors or assignees shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

ATTACHMENT C

8. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to the action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Failure to comply with the **CONDITIONS OF APPROVAL** as approved by the Planning Commission may result in the following:

- Non-issuance of future building permits;
- Legal action.

COUNTY RECORDER

Filing Requested by:

Yolo County Planning and Public Works

Name

292 West Beamer Street

Address

Woodland, CA 95695

City, State, Zip

Attention: Craig Baracco



Notice of Exemption

To: Yolo County Clerk
625 Court Street
Woodland, CA 95695

Project Title: ZF# 2008-004

Rosendo Medina
38904 Aspen Street
Woodland, CA 95695

Project Location: 38904 Aspen Street, just north of the City of Woodland, near the corner of West and Kentucky Streets (APN: 027-081-13).

Project Description: A variance to allow a structure in the required front and rear yard setbacks in the A-1 zone.

Exempt Status: Setback variance not resulting in the creation of any new parcels.

Reason why project is exempt:

Under Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines, setback variances not resulting in the creation of any new parcels are exempt from CEQA review.

Lead Agency Contact Person: Craig Baracco, Associate Planner
Telephone Number: (530) 666-8833

Signature (Public Agency): _____ Date:

ATTACHMENT D



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PLANNING COMMISSION STAFF REPORT 2008

April 10,

FILE #2007-031: A use permit to allow the construction and operation of a winery, including both production and tasting facilities, in the Agricultural Preserve (A-P) Zone (**Attachment A**).

APPLICANT: John Giguere
Crew Wine Company
3632 East Lincoln Avenue
Sacramento, CA 95818

OWNER: Vintage Wine Trust
1101 Fifth Avenue, Suite 310
San Rafael, CA 94901

LOCATION: Northwest corner of County Roads 92B and County Road 15B, three miles southwest of the town of Zamora (APN: 054-230-05) (**Attachment B**)

ZONING: Agricultural Preserve (A-P)
SOILS: Sehorn-Balcom Complex (Class III)
Corning Gravelly Loam (Class IV)
FLOOD ZONE: C (areas outside the 100 year and 500 year flood plains)

ENVIRONMENTAL DETERMINATION: Negative Declaration

REPORT PREPARED BY:

REVIEWED BY:

Craig Baracco, Associate Planner

David Morrison, Assistant Director

RECOMMENDED ACTIONS:

That the Planning Commission:

1. **HOLD** a public hearing and receive comments;
2. **ADOPT** the Negative Declaration as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment C**) together with the Memo of Errata (**Attachment D**);
3. **ADOPT** the Findings (**Attachment E**); and
4. **APPROVE** a Use Permit subject to the Conditions of Approval (**Attachment F**).

REASONS FOR RECOMMENDED ACTIONS:

The project meets the primary county goals of ensuring long-term stability and productivity of the county's agricultural lands, while promoting agriculture as an industry that produces and processes food products. This project will continue to expand the agricultural use of the surrounding lands by providing a processing facility for locally grown grapes. The project also helps increase the local economy through the expansion of tourism and associated support

services in appropriate locations within Yolo County.

PROJECT DESCRIPTION:

The application is a request for approval of a Major Use Permit to construct and operate a winery in Yolo County, including both hospitality and production facilities. The project is located on a 160-acre parcel located west of County Road 92B and north of County Road 15B, and approximately 3.5 miles southwest of the town of Zamora. The proposed facilities will be constructed in two phases and include a 2,100 square foot tasting room, 2,400 square foot vineyard shop and office building, tank farm, bottling and barrel storage buildings.

The facility will be served by an on-site well and self-contained septic system. Winery wastewater and solid waste will be subject to requirements set by the Central Valley Regional Water Quality Control Board (CVRWQCB). Wastewater generated from winery production will be processed on-site at a proposed wastewater treatment pond under a permit from CVRWQCB.

The facility will employ eight full time and eight seasonal employees during the bottling and crush production cycles. Typical hours of operation will be 8:00 am to 5:00 pm daily, with periods of 24-hour operation during September and October.

A gravel off-street parking area will serve the site, with adequate ingress and egress to County Roads 15B and 92B. Parking requirements for the proposed wine production and wine tasting operations total 62 spaces with two van accessible striped/paved spaces. A commercial driveway approach will be required for the new uses and permitted through County Public Works. Plantings of several acres of wine grapes and an orchard of olive trees will surround the proposed buildings.

Surrounding Land Uses and Setting: The project is located at the northwest corner of County Road 15B and County Road 92B, east of I-505 and three miles southwest of the town of Zamora. Land uses surrounding the project site entirely consist of agricultural lands, including a mix of open space and row crops. All parcels adjacent to the property are zoned A-P and most are in active Williamson Act contract.

ANALYSIS

A number of issues have been raised in the review of this project, including neighbors of the project, the Yolo-Zamora Advisory Committee, and other Agencies. Each of these issues are analyzed below.

Water Quality/Supply: A number of new buildings will be constructed as part of this project. The driveways and parking area will be overlain with gravel. Absorption rates will decrease slightly, but would be addressed through the construction of an on-site retention pond. A Stormwater Pollution Prevention Plan is required for the project. The facility will construct a self-contained septic system established for domestic wastewater purposes. The project, which requires approval from the Central Valley Regional Water Quality Control Board (CVRWQCB) and Yolo County Environmental Health, will include installation of treatment ponds to dispose of wastewater from the winery operation. Additionally, the project will be subject to a CVRWQCB permit, which requires the applicant to comply with best management practices established under the permit agreement.

The project will be served by the construction of an on-site well. The well will need to pass inspection and water quality requirements to meet standards and approvals from Yolo County Environmental Health. The yearly water usage for the winery operation is estimated to be 500,000

gallons per year at maximum production. Agriculture wells in the general vicinity of the project provide water for agricultural uses well in excess of this estimated usage. No new entitlements are anticipated to accommodate the project. The two nearest existing wells to the project location are 3,000 feet and one mile away, respectively. It is highly unlikely that the cone of depression generated by the proposed well will have any impact on water flows on these neighboring wells.

Traffic: Long-term changes to local traffic circulation resulting from the proposed project would be additional employee and visitor trip generation, estimated by the applicant to be one truck delivery per day ten months of each year, and four truck deliveries per day during the crush season (two months per year). The project proposal includes up to eight full-time employees and eight seasonal employees. The applicant estimates an average of ten visitors per day for the wine tasting activities. At the seasonal peak during crush season (August and September), the project will generate an additional forty vehicle trips per day and up to four truck trips per day.

County Roads 15B and 92B are the two County roads providing access to the site. Three single family homes are the only existing development along Road 92B. Both are rural roads with geometric characteristics similar to other low-volume County roads serving agricultural lands; pavement widths and features such as curves do not necessarily meet modern design standards (i.e. 12 foot vehicle lanes and 4 foot paved shoulders). The added volume of traffic due to the project is not likely to have a significant impact on levels of service due to the low volume of traffic currently on the roads and relatively low levels of traffic generated by the project. Accident records for both roads reveal only four accidents in the last nineteen years, with one generating an injury. All four accidents were due to unsafe turning movements.

County Road 15B, between CR90B and CR92B, last received a chipseal in 2002. County Road 92B was reconstructed with a double chipseal in 2002, and it was chipsealed again in 2007. The road surfaces are in good condition. The added traffic from the project may have a small impact on future road maintenance demands, but the impact is considered insignificant in the context of the likelihood of the future demand from current and future property owners served by the roads.

Parking: The applicant must comply with all parking space requirements provided in Section 8-2.2504 of the Yolo County Code including but not limited to the following: The applicant shall provide one (1) parking space for each 2,000 square feet of gross floor area for the winery and storage operations. The applicant shall also provide one (1) parking space for each 200 square feet of gross floor area for the wine tasting and retail area, Parking required for the proposed uses is included in the project site plan and totals sixty spaces. Parking facilities will be adequate for both employee and visitor parking.

The project site is accessed from both County Roads 15B and 92B. The project requirements include commercial driveway encroachments (paved access), per Yolo County standards and specifications. Apart from the driveway connection and the accessible parking, the parking lot and driveway will not be paved. The applicant will be required to annually maintain the gravel driveway and parking lot, per a Condition of Approval.

COMMENTS FROM OTHER AGENCIES:

A "Request for Comments" was circulated for the proposed project from November 28, 2007, to December 12, 2007. This project was reviewed by the County Development Review Committee on January 9, 2008. The Yolo-Zamora Citizen's Advisory Committee reviewed the project on January 28, 2008. The advisory committee voted 6-0 to recommend approval of the project.

An Initial Study/Negative Declaration was prepared and circulated from March 10, 2008, to April 9, 2008. Comments received during both review periods were incorporated into the project where

feasible. A summary of comments is provided below:

AGENCY	COMMENTS	RESPONSE
Yolo County Environmental Health	The applicant is required to seek approval from the Central Valley Regional Water Quality Control Board (CVRWQCB) to determine if there is a potential for the generation of liquid waste that would be detrimental to the groundwater resulting from the project's wine production activity.	Included in Conditions of Approval.
Yolo County Environmental Health	Wine sales and wine tasting must be conducted under a permit from Yolo County Environmental Health, unless operated according to the exemption found in the State Health Law, Health and Safety Code 113785 (b)(2). Additionally, any retail food sales from the proposed use must be done under permit.	Included in Conditions of Approval.
Yolo County Public Works	The applicant is required to obtain an encroachment permit and to pave the driveway approach.	Included in Conditions of Approval.
Yolo County Building Division	The applicant is required to comply with accessibility requirements and provide disabled access, including paved accessible-parking spaces.	Included in Conditions of Approval.
Central Valley Regional Water Quality Control Board	Applicant shall obtain required permits or waivers from the Regional Water Board before operations commence.	Included in Conditions of Approval

APPEALS:

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of the Board within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable to the Clerk of the Board must be submitted at the time of filing. The Board of Supervisors may sustain, modify, or overrule this decision.

ATTACHMENTS:

- Attachment A** - Site Plan
- Attachment B** - Location Map
- Attachment C** - Initial Study/Negative Declaration

Attachment D - Memo of Errata
Attachment E - Findings
Attachment F - Conditions of Approval

FINDINGS
CREW WINERY USE PERMIT
(ZF #2007-031)

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2007-031, the Yolo County Planning Commission finds the following:

(A summary of evidence to support each FINDING is shown in Italics.)

California Environmental Quality Act (CEQA) and Guidelines

1. That the recommended Initial Study/Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and is the appropriate environmental document and level of review for this project.

The environmental document for the project, prepared pursuant to Section 15000 et. seq. of the CEQA Guidelines, provides the necessary proportionate level of analysis for the proposed project, and sufficient information to reasonably ascertain the project's potential environmental effects. The environmental review process has concluded that there will not be a significant effect on the environment as a result of the proposed project.

General Plan

2. That the proposal and requested land use is in conformity with the General Plan.

The General Plan Land Use designation for the property is Agricultural. The project is consistent with the following General Plan Land Use policy:

LU-18 Agricultural Area Uses. Yolo County shall consider the placement of certain agricultural related land uses in agricultural areas, by means of conditional use permits, which uses may be incompatible with urban sites by reason of hazard or nuisance to concentrations of people. Findings for approval shall include, but are not limited to:

- The use is directly related to agricultural land use (cultivation of agricultural plants or the raising of animals); and

The proposed project involves commercial agricultural uses such as wine production and storage facilities, as well as visitor attractions related to the tasting and purchasing of wine. This use is directly related to the growing, processing, and bottling of the grapes/wine.

- Will not diminish nor prevent agricultural use on site or on adjoining agricultural lands; and

The processing facility will not diminish nor prevent agricultural use on this site or on adjoining agricultural lands. The subject site is currently open space. This project supports and promotes a healthy and competitive agricultural community and economy.

- The use has some hazard or nuisance aspect which precludes it from being placed in an urban area; and

ATTACHMENT E

The location of this facility in the less populated area of the County is preferable due to the winery operation. The location of the facility will place it in proximity to both existing and planned grape growing operations.

- The use can be developed in the area without significant reduction of cultivation, growth, and harvesting of the indigenous agricultural products.

The development of the winery will enhance the production of indigenous agricultural products. This project will encourage the planting of additional wine grapes and will enhance the market for the existing agricultural products.

Zoning Code

In accordance with Section 8-2.404.5 of the Yolo County Code, the Planning Commission finds the following:

3. The requested land use is listed as a conditional use in the zoning regulations and is allowed under the following authorization:

The property is zoned Agricultural Preserve (A-P). The proposed new uses are consistent with the A-P designation under Section 8-2.404.5. The new uses will promote and enhance the agricultural community and economy.

Use Permit

In accordance with Section 8-2.2804 of the Yolo County Code, the Planning Commission finds the following:

4. The requested use is essential or desirable to the public comfort and convenience.

The proposed new uses provide a necessary service to local farming industry. It is desirable for uses of this type to be located in an area accessible to agricultural operations and away from urban areas.

5. The requested land uses will not impair the integrity or character of a neighborhood or be detrimental to public health, safety or general welfare.

The requested uses will create little or no impact to the character of the area. The tasting and retail room, future winery expansion, and special events will slightly increase traffic on existing County Roads. Proposed buildings are consistent with or improve upon structures found in the Agricultural zone.

Based upon conditions set forth by Yolo County Planning and Public Works Department, Yolo County Environmental Health, Central Valley Regional Water Quality Control Board, Bureau of Alcohol, Tobacco and Firearms, Department of Alcoholic Beverage Control, and Conditions of Approval for this Use Permit, the proposed uses will not result in serious public health problems. Continued compliance will be required with all agencies.

6. The requested use will be in conformity with the General Plan.

Yolo County General Plan's Land Use Policy LU-18 discusses the consideration of placement of certain agricultural related land uses in agricultural areas, by means of conditional use permits, which uses may be incompatible with urban sites by reasons of hazard or nuisance

to concentrations of people. The very nature of the project lends itself to requiring close proximity to the product that is being processed, namely wine grapes.

7. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided.

The existing facility will construct a self-contained septic to be used for domestic purposes. All wine production waste will be treated by on-site treatment ponds. The Central Valley Regional Water Quality Control Board will be the reviewing agency for domestic and process wastewater disposal from the proposed project, which is subject to CVRWQCB permits.

The project site is accessed off of County Roads 92B and 15B. An encroachment permit and commercial driveway will be required as per Yolo County Public Works Standards.

**CONDITIONS OF APPROVAL
CREW WINERY
USE PERMIT
(ZF #2007-031)**

Planning

1. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval contained herein. The applicant shall comply with both the spirit and the intent of all applicable requirements of the Yolo County General Plan, the County Code, and these Conditions of Approval.
2. This Use Permit shall commence within one year from the date of the Planning Commission's approval or said permit shall be null and void. The Director of Planning and Public Works may grant an extension of time, however such an extension shall not exceed a maximum of one year.
3. The applicant shall comply with all parking space requirements provided in Section 8-2.2504 of the Yolo County Code including but not limited to the following: The applicant shall provide one (1) parking space for each 2,000 square feet of gross floor area for the winery and storage operations. The applicant shall also provide one (1) parking space for each 200 square feet of gross floor area for the wine tasting and retail area. Based on the proposed winery and wine-tasting operations, a total of 62 parking spaces will be required, including two van accessible paved parking spaces. The owner shall designate off-street loading spaces for the winery operation prior to commencement of said use.
4. The applicant shall ensure that the gravel parking lot is annually maintained in a condition acceptable to Yolo County Planning and Public Works standards.
5. Any lighting used to illuminate the off-street parking or loading areas shall be so arranged as to direct light away from adjoining lots and the night sky.
6. Any outside storage shall require screening from public view through the use of fencing or landscaping, if necessary, prior to commencement of use.
7. The applicant shall apply for and maintain a Yolo County Business License prior to commencement of the winery operations.

Resources

8. Prior to issuance of the first building permit(s), the applicant shall mitigate for the loss of Swainson's Hawk habitat through participation in the Yolo County Habitat Conservation Plan. The applicant shall pay a Swainson's Hawk mitigation fee for the area disturbed by development. The fee is currently set at \$8,660 per acre. The exact acreage to be mitigated shall be calculated upon submission of a grading plan to the Department of Planning and Public Works.

Attachment F

Public Works

9. A County encroachment permit will be required, and a paved commercial driveway access shall be constructed and completed according to Yolo County Public Works specifications, prior to commencement of the proposed uses.
10. The applicant shall submit a grading and drainage plan for the site for review and approval of County Public Works, and submit and meet all the requirements of a Stormwater Pollution Prevention Plan.

Building

11. Prior to commencement of the proposed uses, the applicant shall provide two paved accessible parking stalls with van access space as specified by the Chief Building Official. An accessible path of travel to and from the accessible parking spaces to the facility shall be required.
12. All building permit plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of any construction.
13. The applicant shall pay the appropriate fees prior to the issuance of Building Permits, including, but not limited to, School and Fire District fees, County Facilities Fees and Environmental Health Fees.

Zamora Fire Department

14. The applicant will maintain proper defensible space around all buildings.
15. Access to an adequate water supply for fire fighting shall be maintained at all times.

Environmental Health

16. The applicant must comply with the requirements of a Waiver or Permit for Waste Discharge, as regulated by the Central Valley Regional Water Quality Control Board. The Permit must be obtained prior to initiating any winemaking operations.
17. The water system will likely be classified as a public water system that will be regulated under permit by Yolo County Environmental Health. Monitoring wells should precede the installation of a domestic well and testing to assure that the water quality for the winery is equivalent to that of a community water system. The construction of the domestic well will be required to be done under permit by Yolo County Environmental Health.
18. Disposal of domestic wastewater by way of a septic system is allowable under permit from Environmental Health. Liquid waste, other than domestic sewage must not be disposed of into the septic system.

19. If the wine tasting operations meet the definition as a retail food facility, as described under Health and Safety Code 113785(b)(2), the operation must meet Environmental Health permit requirements that include, but are not limited to, facility construction standards and water quality standards, prior to commencement of said uses.
20. The applicant shall meet all of the Hazardous Materials Business Plan requirements of Yolo County Environmental Health.

County Counsel

21. In accordance with Yolo County Code Section 8-2.2415, the applicants, owners, their successors or assignees shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.
22. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to the action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Failure to comply with the **CONDITIONS OF APPROVAL** as approved by the Planning Commission may result in the following:

- Non-issuance of future building permits;
- Legal action.



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

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M E M O R A N D U M

TO: Chair Bertolero and Members of the Planning Commission

FROM: Jeff Anderson, Assistant Planner

DATE: April 10, 2008

RE: Continuation of Agenda Item 6.3, Lot Line Adjustment and Williamson Act Successor Agreement (ZF 2007-073)

Staff requests that Agenda Item 6.3 be continued to the May 8, 2008 Planning Commission hearing. Planning staff and County Counsel have worked closely with the applicant and the Department of Conservation staff to discuss options for resolving the unique situation that is posed by the application. The continuation of this project will give staff and the applicant additional time to solve the issues.



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PLANNING COMMISSION STAFF REPORT

APRIL 10, 2008

FILE #2007-058: Accessory Structure Ordinance Amendments. Amendments to the following sections of the Yolo County Zoning Ordinance (Chapter 2 of Title 8 of the County Code) are proposed: Articles 2, 4, 5, 6, 7, 7.1, 8, 9, 10, 11, and 26. A new Article 34 is also proposed to be added to Chapter 2.	
APPLICANT: Yolo County	
LOCATION: The unincorporated area of Yolo County (APN: numerous)	ZONING: Applies in all residential and agricultural zones in unincorporated Yolo County FLOOD ZONE: A, B, C
ENVIRONMENTAL DETERMINATION: Negative Declaration	
REPORT PREPARED BY:	REVIEWED BY:
Eric Parfrey, Principal Planner	David Morrison, Assistant Director

RECOMMENDED ACTIONS:

That the Planning Commission recommend the following actions to the Board of Supervisors:

1. **INTRODUCE** by title only and waive the first reading of the Accessory Structure Ordinance Amendments to the Yolo County Code (**Attachment A**);
2. **CONDUCT** a public hearing regarding the ordinance and receive testimony; and
3. **CONTINUE** the ordinance to a future regularly scheduled Board of Supervisors meeting for consideration for adoption of the ordinance, together with appropriate CEQA documents and related Findings.

REASONS FOR RECOMMENDED ACTIONS:

The Planning Commission held two previous workshops on the ordinance at the November 8, 2007 and January 24, 2008 meetings. Since the January meeting, the ordinance has been further revised by staff based on comments received from the citizens advisory committees and other interested parties. The accessory structures regulations in the Yolo County Zoning Ordinance must be updated and amended to clarify the procedures for the review and

permitting of accessory structures located on lands zoned for agricultural or residential use. A key component of the recommended changes would bring county regulations into conformance with current State law pertaining to residential second units, and with the 2007 California Building Code.

BACKGROUND:

“Accessory structures” are secondary structures that are in addition and incidental to the primary structure on a lot, such as a private residence. “Accessory structures” include garages, second dwelling units, barns, gazebos, and pools.

Most accessory structures that are currently built in the unincorporated area require the issuance of a Building Permit, with over-the-counter Planning Division review of setbacks and other issues (a process called a “Site Plan Review”). This process would not be changed with these ordinance amendments.

Smaller accessory structures that are one-story buildings less than 120 square feet in size, and are used as storage sheds, playhouses and similar uses, are not currently subject to a Building Permit. These smaller sheds and accessory structures would continue to be exempt from a Building Permit under the new proposed zoning amendments (and under the newly adopted Building Code regulations that went into effect in Yolo County on January 10, 2008). However, these structures are required to meet setback standards contained in the existing and revised zoning ordinance.

The portions of the current Yolo County Zoning Ordinance (Chapter 2 of Title 8 of the County Code) that address accessory structures need to be updated for clarity and to achieve conformance with State law and the updated 2007 California Building Code. In the current County code, the standards for accessory structures appear in various places and are not entirely consistent. In addition, definitions and design standards are not included in the current regulations for various types of common accessory structures such as detached workshops, pool houses or cabanas, game rooms/exercise studios, artist studios, storage buildings, arbors/trellises, greenhouses, and storage or shipping containers.

The setback requirements for accessory structures in the current County zoning regulations have been updated to be consistent with the more restrictive setback standards in the 2007 California Building Code. The current regulations have also been revised to address conversions of accessory structures such as garages into dwelling units or studios.

Finally, the current zoning ordinance has been updated to include procedures for the review and permitting of residential second units (“granny units”), to accommodate State mandates that such second units be allowed. The ordinance has been augmented to include definitions of attached and detached residential second units, and provisions for the use, design, and permitting of these structures in conformance with 2002 State Law (Section 65852.2 of the California Government Code)

Most Recent to Proposed Zoning Regulations

Since the January 24, 2008 Planning Commission workshop, the following changes have been made to the accessory structures ordinance amendments:

- Clarified text throughout to distinguish between accessory uses that are currently, and will continue to be, allowed “by right” (“allowed” not “permitted” uses) versus

those uses that must receive a Minor Use Permit from the Zoning Administrator (“permitted uses”);

- Added text to clarify that “allowed” accessory uses will continue to be processed through an administrative “Site Plan Review,” which involves staff checking setback and other requirements before a Building Permit is issued over-the-counter; and
- Added definitions and applicable regulations for “greenhouses,” “arbor/trellis”, “auto cover and carport,” and “storage or shipping container.”

As part of the effort to simplify the regulations for the benefit of both County staff and the general public, the following table below has been included in the proposed new Article 34 of Chapter 2 (**bold text** indicates changes since the last draft). The table summarizes the types of accessory structures that are allowed by right, or by conditional permit, in each of the zone districts. The table clarifies that almost all types of accessory structures are allowed by right, through issuance of a building permit if over 120 square feet in size, in all districts. The only types of accessory structures that require issuance of a Minor Use Permit by the Zoning Administrator are farm labor camps in the agricultural zones; second housing units, guest house, and conversions that do not meet the standard zone setbacks; and animal enclosures in the residential zones.

**Table 8-2.3404
Accessory Structures: Allowed Zone Districts**

Accessory Structure	ZONE DISTRICTS								
	AP	AGI	A1	RS	RRA	R1	R2	R3	R4
<i>Agricultural support structures:</i>									
- Farm office	X	X	X						
- Barn	X	X	X	X	X				
- Roadside stand	X	X	X						
- Greenhouse, agricultural	X	X	X						
<i>Accessory housing structure:</i>									
- Farm labor camp	C	C	C						
- Ancillary dwelling	X		X						
- Second Unit, detach.				X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹
- Second Unit, attach.				X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹
- Guesthouse				X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹
- Accessory structure conversion	X		X	X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹
<i>Non-dwelling accessory structure²:</i>									
- Detached garage	X	X	X	X	X	X	X	X	X
- Detached workshop	X	X	X	X	X	X	X	X	X
- Poolhouse (cabana)	X		X	X	X	X	X	X	X
- Game/exercise room	X		X	X	X	X	X	X	X
- Storage building	X	X	X	X	X	X	X	X	X
- Storage or shipping container	X	X	X	X	X				

- Artist studio	X		X	X	X	X	X	X	X
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<i>Miscellaneous accessory structure²:</i>									
- Pools and Spas	X	X	X	X	X	X	X	X	X
- Attached patio cover	X	X	X	X	X	X	X	X	X
- Gazebo	X	X	X	X	X	X	X	X	
- Animal enclosures	X	X	X	X	X	C	C		
- Trellis/arbor	X	X	X	X	X	X	X	X	X
- Vehicle covers/ carports	X	X	X	X	X	X ³	X ³	X ³	X ³
- Greenhouse, household	X	X	X	X	X	X	X	X	X
<i>Temporary buildings:</i>									
- Temp. sales office				X	X	X	X	X	X

Legend: X = ~~Permitted~~ **Allowed** use; C = **Permitted** conditional use (Minor Use Permit)

Notes:

1. ~~Second units, guest houses, Accessory housing structures,~~ and accessory structure conversions to an accessory housing structure, in residential zones are an allowed use by right if standard zone setbacks for rear and side yards, and parking standards, are met. If the structure or required parking intrudes into the required standard zone setback for rear and side yards, a Minor Use Permit is required.
2. Non-dwelling and miscellaneous accessory structures require issuance of a Building permit if over 120 square feet in size. All accessory structures must conform with setback requirements in Section 8-2.3405.
3. **Vehicle covers and carports are allowed in all districts provided they meet setback requirements, with the exception that vehicle covers are not allowed in the R-3 and R-4 zones.**

PUBLIC AND AGENCY COMMENTS:

A “Request for Comments” and “Notice of Availability of Environmental Document” and “Notice of Intent to Adopt a Negative Declaration” were mailed out to approximately 60 staff, individuals, and organizations, on September 17, 2007. The draft ordinance changes were circulated to county agencies and interested parties including the Yolo County Office of Economic Development, Environmental Health Department, the cities of Davis, West Sacramento, Winters, and Woodland, all of the County’s citizens advisory committees, all libraries and school districts, and all County Service Areas in the county.

An Initial Study/Negative Declaration (IS/ND) was circulated between September 17, 2007, and October 18, 2007. No letters were received in response to the IS/ND.

A public workshop was scheduled and held at the Planning and Public Works Department to discuss the proposed ordinance changes with members of the public on October 15, 2007. However, no members of the public attended.

Some the County’s citizens advisory committees have held discussions on the proposed ordinance amendments. Most recently, the Dunnigan Advisory Committee received this draft of the ordinance amendments and discussed the changes at their meeting of January 15, 2008. Members of the Dunnigan Advisory Committee recommended further revisions at the January 24, 2008 Planning Commission hearing and have submitted additional comments for later drafts of the ordinance.

On March 20, 2008, a copy of the most recent draft ordinance was sent again to the citizens advisory committees via e-mail.

ATTACHMENTS:

Attachment A – Draft Accessory Structure Ordinance Amendments

Attachment B – Current Section 8-2.2602 (Accessory buildings) and Section 8-2.2608 (Projections into yards and courts)

Attachment A

Draft Accessory Structure Ordinance Amendments to Chapter 2 of Title 8 of the Yolo County Code

Proposed changes to the existing zoning ordinance are shown in legislative font: deleted sections and text are shown in ~~strikeout~~, and new or added sections and text is shown in underline (except for the entirely new Article 34). Changes to the previous drafts of these proposed amendments (dated 2-20-08 and 3-20-08) are shown in **bold** (e.g., ~~law governing the same~~ **Section 8-2.2411**).

CHAPTER 2

Article 2. Definitions

Sec. 8-2.204.1 Accessory agricultural support structure

“Accessory agricultural support structure” shall mean an uninhabited agricultural building or facility that is incidental and accessory to the primary agricultural use of the subject property. Such structures include, but are not limited to, the following: farm office, barn, roadside stand, and reservoir.

Sec. 8-2.204.3 Accessory use.

“Accessory use” shall mean a use lawfully permitted in the zone, which use is incidental to, and subordinate to, the principal use of the site or of a main building on the site and serving a purpose which does not change the character of the principal use, and which is compatible with other principal uses in the same zone and with the purpose of such zone. (§ 3.003, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.203.5 Accessory housing structure

“Accessory housing structure” shall mean a residential building that is in addition to the primary residential dwelling on a parcel. Such structures include, but are not limited to, the following: farm labor camp, ancillary dwelling, residential second unit, and guest house.

Sec. 8-2.203.7 Accessory non-dwelling building

“Accessory non-dwelling building” shall mean an uninhabited non-residential building that is incidental and accessory to the primary residential use of the subject property. Such structures include, but are not limited to, the following: detached garage, detached workshop, pool house or cabanas, game room/exercise studio, artist studio, and storage building.

Sec. 8-2.204.9 Accessory structure.

“Accessory structure” shall mean a detached subordinate structure or building located on the same parcel as the main building and designed and intended for a use which is subordinate to the use of the main building.

Sec. 8-2.209.5. Ancillary dwelling.

“Ancillary dwelling” shall mean a dwelling unit allowed in addition to the primary or principal dwelling on agriculturally-zoned parcels. structure designed, intended, or used for residential purposes, as elsewhere provided for herein, and including “Granny Units,” and be located appurtenant to, clustered with, and on the same parcel as the main residential facilities. It

shall not include labor camps. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.209.7. Animal enclosure.

“Animal enclosure” shall mean a building accessory to the primary residential use that is designed to house household pets or hobby animals. Such enclosures include, but are not limited to, horse stables, chicken coops and aviaries.

Sec. 8-2.210.9. Arbor/trellis.

“Arbor/trellis” shall mean an incidental decorative landscape feature.

Sec. 8-2.210.9. Artist studio.

“Artist studio” shall mean a building separate from the primary structure that is designed for the storage and use of equipment and supplies associated with sculpture, painting, photography and similar activities.

Sec. 8-2.215.2 Barn.

“Barn” shall mean a building used to store farm vehicles and equipment, as a warehouse for farm products and supplies, to house livestock, or to conduct maintenance activities.

Sec. 8-2.220. Building, accessory.

Same as “Accessory structure.” Refer to Section 8-2.204.5 of this chapter.

“Accessory building” shall mean a detached subordinate building located on the same building site as the main building and designed and intended for a use which is subordinate to the use of the main building. (§ 3.020, Ord. 488)

Sec. 8-2.222. Building, main.

“Main building” shall mean a building in which is conducted the principal use of the parcel upon building site on which such building is situated. (§3.022, Ord. 488)

Sec. 8-2.224.3. Building, storage.

“Storage building” shall mean a building separate from the primary structure that is designed for the storage of miscellaneous household goods and materials including, but not limited to, food, lumber, construction materials, household chemicals, personal records, furniture, pet supplies, and books.

Sec. 8-2.224.5 Cabana.

Same as “Pool house.” Refer to Section 8-2.287.6 of this chapter.

Sec 8-2.241.5. Farm office.

“Farm office” shall mean a private administrative office that is located within an enclosed building and is necessary to and used for the management of an ongoing agricultural operation. ~~within an enclosed building for the purpose of running a farming operation.~~ (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.244.3 Game room/exercise studio.

“Game room/exercise studio” shall mean a building separate from the primary structure that is designed to provide indoor recreation for the occupants of the primary structure.

Sec. 8-2.244.5 Garage, detached.

“Detached garage” shall mean a building separate from the primary structure that is designed for the storage of passenger vehicles, utility or recreational trailers, or boats.

Sec. 8-2.247.2. Gazebo.

"Gazebo" shall mean a stand-alone unenclosed shade structure.

Sec. 8-2.247.5. Greenhouse.

"Greenhouse" shall mean an agricultural structure, ~~or residential accessory structure,~~ with transparent or translucent roof and/or wall panels intended for the raising of **agricultural** plants. "Greenhouse" shall also mean a residential accessory structure, with transparent or translucent roof and/or wall panels intended for the raising of **household** plants. (~~§ 2, Ord. 1244, eff. February 3, 2000~~)

Sec. 8-2.249. Guest house.

"Guest house" shall mean a detached residential structure limited to sleeping and bathing facilities (i.e. no kitchen) that encompasses up to 600 square feet in living area, exclusive of attached garage space. detached living quarters of a permanent type of construction, appurtenant to or within close physical proximity of the main residential dwelling; where no compensation in any form is received or paid, whether directly or indirectly. (~~§ 3.048, Ord. 488, as amended by § 2, Ord. 1244, effective February 3, 2000~~)

Sec. 8-2.270.10 Miscellaneous accessory structure

"Miscellaneous accessory structure" shall mean an uninhabited building or facility that is incidental and accessory to the primary residential use of the subject property, other than accessory housing or accessory non-dwelling structures. Such structures include, but are not limited to, the following: pool/spa, attached patio cover, gazebo, animal enclosure, and automobile cover.

Sec. 8-2.275.1 Non-dwelling accessory structure

Same as "Accessory non-dwelling building." Refer to Section 8-2.203.7 of this chapter.

Sec. 8-2.279.5. Office, temporary sales.

"Temporary sales office" shall mean a temporary structure erected or a mobile home parked on a residentially-zoned parcel and used to facilitate the sale of homes within the same subdivision or an adjacent subdivision.

Sec. 8-2.284.5. Patio cover, sunshade, or breezeway, attached or unattached.

"Attached patio cover, sunshade, or breezeway" shall mean an unenclosed roof structure attached or unattached to a principal dwelling and intended to provide shade to a patio deck or other area.

Sec. 8-2.287.61 Pool house.

"Pool house" shall mean a building that is located adjacent to a swimming pool and is designed for the dressing and showering of pool users.

Sec. 8-2.287.62 Pool/spa.

"Pool/spa" shall mean a facility for recreational use (e.g. swimming pool) that is capable of containing water to a depth of eighteen (18) inches or more at any point.

Sec. 8-2.288. Primary Dwelling.

"Primary Dwelling" shall mean a structure designed, intended, and use for residential purposes, as elsewhere provided for herein. It shall not include Ancillary Dwelling; Residential Second Unit, Secondary Dwelling; Guest House; or Living Quarters. (§ 3.086, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.292.9 Reservoir.

“Reservoir” shall mean a privately-owned water storage facility (i.e., an in-ground excavation or above-ground tank) used for irrigation. For permitting purposes, a reservoir includes the associated on-site water transmission works.

Sec. 8-2.294.5 Residential second unit, attached:

“Residential second unit, attached” shall mean a separate, self-contained dwelling unit that shares at least one common wall with a primary residential structure allowed in addition to the primary dwelling on residentially-zoned parcels as provided by Section 65852.2 of the California Government Code.

Sec. 8-2.294.6 Residential second unit, detached:

“Residential second unit, detached” shall mean a separate, self-contained dwelling unit allowed in addition to the primary dwelling on residentially-zoned parcels as provided by Section 65852.2 of the California Government Code.

Sec. 8-2.297. Roadside stand.

“Roadside stand” shall mean a structure, either temporary or permanent, used for the display and sale of agricultural products. (§ 3.095, Ord. 488, as amended by § 1, Ord. 488.182, eff. June 6, 1985, and § 1, Ord. 1010, eff. August 8, 1985)

Sec. 8-2.299. Secondary Dwelling.

(§ 3.097, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.297. Storage or shipping container.

“Storage or shipping container” shall mean a structure over 120 square feet in size, either temporary or permanent, used for the storage or shipping of materials and equipment.

Sec. 8-2.299.14 Temporary accessory building

“Temporary accessory building” shall mean a structure erected on a non-permanent foundation that would remain on the subject property for a specified purpose and time period. Such structures include, but are not limited to temporary sales office.

Sec. 8-2.210.9. Trellis.

Same as “Arbor/trellis.” Refer to Section 8-2.210.9 of this chapter.

Sec. 8-2.299.26.5 Vehicle cover or carport.

“Vehicle cover or carport” shall mean a structure composed of wood, metal, concrete, stucco, canvas, heavy plastic, or other material, supported by columns or poles, that is erected on a permanent or non-permanent foundation for the purpose of covering a vehicle and protecting it from sun and rain.

Sec. 8-2.299.27.9 Workshop, detached.

“Detached workshop” shall mean a building separate from the primary structure designed for the storage and use of tools associated with handicrafts such as carpentry, welding, electronics assembly, or other similar activities.

Article 4. Agricultural Preserve Zone (A-P)

Sec. 8-2.403. Accessory uses (A-P).

In addition to the accessory structures allowed pursuant to Section 8-2.3400 of this ordinance, the following accessory uses shall be allowed subject to issuance of any requisite Building Permit and ~~The following accessory uses shall be reviewed over the counter by the Planning and Public Works Department and their authorization shall be subject to Site Plan Review and approval by the Planning Division of setbacks, facilities, infrastructure, and health, and safety issues: ; and, issuance of any requisite Building Permit:~~

- ~~(a) Agricultural buildings and structures, appurtenant to an agricultural use no longer necessary for the operation of the principal use may be rented or leased for a similar use;~~
- ~~(b) Private stables;~~
- (c) Home occupations;
- (d) Accessory uses that enhance the primary use of agricultural lands or the agricultural industry, or any necessary equipment or facilities for the support or maintenance of the principal operation. For the purposes of this section, "accessory use" shall include temporary or permanent supply, services, or preparation areas for on-site purposes;
- (e) One ancillary dwelling, except where located on a single Antiquated Subdivision parcel or lot of less than eighty (80) acres (as amended by §12, Ord. 1303, eff. July 24, 2003);
- ~~(f) A farm office incidental and necessary to the conduct of a principal use;~~
- ~~(g) Roadside stand;~~
- (h) Temporary landing strips appurtenant to a principal use;
- ~~(i) Temporary shelters for herdsmen; and,~~
- (j) Privately-owned reservoirs and/or water retention basins, with associated on-site water transmission facilities, provided that such reservoir or retention facility is found to have a potential either to provide flood control, fire suppression, water supply, wildlife habitat improvement, groundwater recharge, or tailwater enhancement.
(§ 5.03, Ord. 488, § 4, Ord. 488.47, as amended by § 1, Ord. 652, eff. May 5, 1971, § 1, Ord. 488.122, eff. October 13, 1971, § 5, Ord. 488.155, eff. May 14, 1973, § 2, Ord. 488.182, eff. June 6, 1985, § 2, Ord. 1010, eff. August 8, 1985, §§ 18 and 22, Ord. 488.188, eff. January 2, 1986, § 2, Ord. 1158, eff. March 4, 1993, § 3, Ord. 1244, eff. February 3, 2000, and § 3, Ord. 1250, eff. August 20, 2000, as amended by §13, Ord. 1303, eff. July 24, 2003)
- (k) Subject to Section 8-2.2703.5 of this chapter, ancillary dwelling where located on a single Antiquated Subdivision parcel or lot of less than eighty (80) acres. (§14, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.404 Conditional uses (A-P) Minor Use Permit.

Upon review and approval, or conditional approval by the Zoning Administrator, the following conditional uses shall be authorized by Minor Use Permit:

- (a) Agricultural labor camps **consistent with State law.**

Sec. 8-2.405. Height regulations (A-P).

There shall be no height regulations in the AP Zone except where required for conditional uses or as specified in Section 8-2.3400 of this Chapter. (§ 5.05, Ord. 488, § 4, Ord. 488.47, as amended by § 16, Ord. 652, eff. May 5, 1971, and § 3, Ord. 1244, eff. February 3, 2000)

Article 5. Agricultural Exclusive Zone (A-E)

Sec. 8-2.505. Height regulations (A-E).

There shall be no height regulations in the AE Zone except where required for conditional uses and as set forth in Section 8-2.3400 and Section 8-2.2406 ~~of Article 24~~ of this chapter. (§

5.05, Ord. 488, as amended and renumbered to § 6.05, Ord. 488, by § 3, Ord. 488.47, as amended by § 17, Ord. 652, eff. May 5, 1971)

Article 6. Agricultural General Zone (A-1)

Sec. 8-2.603. Accessory uses (A-1).

In addition to the accessory structures allowed pursuant to Section 8-2.3400 of this ordinance, the following accessory uses shall be allowed subject to issuance of any requisite Building Permit and~~The following accessory uses shall be reviewed over the counter by the Planning and Public Works Department and their authorization shall be subject to Site Plan Review and approval by the Planning Division of setbacks, facilities, infrastructure, and health, and safety issues: ; and, issuance of any requisite Building Permit:~~

- ~~(a) Agricultural buildings and structures, appurtenant to an agricultural use no longer necessary for the operation of the principal use may be rented or leased for a similar use;~~
- ~~(b) Private stables;~~
- ~~(c) Home occupations;~~
- ~~(d) One ancillary dwelling, except where located on a single Antiquated Subdivision parcel or lot of less than twenty (20) acres (as amended by §24, Ord. 1303, eff. July 24, 2003);~~
- ~~(e) A farm office incidental and necessary to the conduct of a principal use;~~
- ~~(f) Roadside stand;~~
- ~~(g) Temporary landing strips appurtenant to a principal use;~~
- ~~(h) Temporary shelters for herdsmen;~~
- ~~(i) Accessory uses that enhance the primary use of agricultural lands or the agricultural industry, or any necessary equipment or facilities for the support or maintenance of the principal operation. For the purposes of this section, "accessory use" shall include temporary or permanent supply, services, or preparation areas for on-site purposes;~~
- ~~(j) Privately-owned reservoirs and/or water retention basins, with associated on-site water transmission facilities, provided that such reservoir or retention facility is found to have a potential either to provide flood control, fire suppression, water supply, wildlife habitat improvement, groundwater recharge, or tailwater enhancement.~~
- ~~(§ 5.03, Ord. 488, § 4, Ord. 488.47, as amended by § 1, Ord. 652, eff. May 5, 1971, § 1, Ord. 488.122, eff. October 13, 1971, § 5, Ord. 488.155, eff. May 14, 1973, § 2, Ord. 488.182, eff. June 6, 1985, § 2, Ord. 1010, eff. August 8, 1985, §§ 18 and 22, Ord. 488.188, eff. January 2, 1986, § 2, Ord. 1158, eff. March 4, 1993, § 3, Ord. 1244, eff. February 3, 2000, and § 3, Ord. 1250, eff. August 20, 2000, as amended by §13, Ord. 1303, eff. July 24, 2003)~~
- ~~(k) Subject to Section 8-2.2703.5 of this chapter, ancillary dwelling where located on a single Antiquated Subdivision parcel or lot of less than eighty (80) acres. (§14, Ord. 1303, eff. July 24, 2003)~~
- ~~(k) Subject to Section 8-2703.5 of this chapter, ancillary dwellings where located on an Antiquated Subdivision parcel or lot less than twenty (20) acres. (§25, Ord. 1303, eff. July 24, 2003.)~~

Sec. 8-2.404 Conditional uses (A-1) Minor Use Permit.

Upon review and approval, or conditional approval by the Zoning Administrator, the following conditional uses shall be authorized by Minor Use Permit:

- (a) Agricultural chemicals, sales, and storage;
- (b) Agricultural processing plants;
- (c) Agricultural products storing plants and yards;
- (d) Animal feed and sales yards;
- (e) Animal hospitals, veterinary offices, and kennels;
- (f) Dairies;

- (g) Cemeteries, crematories, mausoleums, and columbariums;
- (h) Electrical distribution stations, transmission substations, communication equipment buildings, and public utility service yards;
- (i) Fertilizer plants and yards;
- (j) Forest products manufacturing and processing plants;
- (k) Hog farms;
- (l) Agricultural labor camps consistent with **State law**.

Sec. 8-2.605. Height regulations (A-1).

There shall be no height regulations in the A-1 Zone except where required for conditional uses and as set forth in Section 8-2.3400 and Section 8-2.2406 of Article 24 of this Chapter. (§ 6.05, Ord. 488, as renumbered to § 7.05, Ord. 488, by § 2, Ord. 488.47, as amended by § 18, Ord. 652, eff. May 5, 1971)

Article 7. Residential Suburban Zone (R-S)

Sec. 8-2.703. Accessory uses (R-S).

In addition to the accessory structures allowed pursuant to Section 8-2.3400 of this ordinance, the following accessory uses shall be ~~permitted~~ **allowed** in the R-S Zone:

- (a) Animal and fowl breeding, hatching, raising, and fattening, including poultry, fowl, birds, rabbits, chinchillas, fish, and frogs for domestic use, and keeping bovine animals, horses, burros, mules, sheep, goats, and pigs. The keeping of such fowl and animals shall conform to all other provisions of ~~law governing the same~~ **Section 8-2.2411**. No pen, coop, stable, barn, or corral shall be kept or maintained within ~~fifty (50')~~ **twenty-five (25)** feet of any dwelling or other building used for human habitation, ~~or within 100 feet of the front lot line of the lot upon which it is located, or within twenty-five (25') feet of the street side of a corner lot.~~ **a required side yard or front yard setback**, or within ~~100~~ **300** feet of any ~~public park church~~, school, hospital, or ~~similar~~ institution **licensed by the State for the care or treatment of humans**. There shall be no raising, killing, or dressing of any such animal or poultry for commercial purposes.
 - (b) ~~Garages, private, and~~ Parking areas, private;
 - (c) (Repealed by § 4, Ord. 1158, eff. March 4, 1993);
 - (d) Home occupations;
 - ~~(e) Living quarters of persons regularly employed on the premises, but not including labor camps and dwellings for transient laborers;~~
 - (f) Pets, household;
 - (g) Signs as provided in Section 8-2.2406 of Article 24 of this chapter;
 - ~~(h) Swimming pools, private, exclusively for the use of the residents and guests, subject to the provisions of Section 8-2.2407 of Article 24 of this chapter;~~
 - ~~(i) Other accessory uses and buildings customarily appurtenant to a permitted use, subject to the requirements of Section 8-2.2602 of Article 26 of this chapter;~~
 - ~~(j) Mobile homes as temporary guest houses in accordance with subsection (7) of subsection (b) of Section 8-2.2404 of Article 24 of this chapter; and~~
 - ~~(k) Temporary tract offices providing tract homes are for sale in the subdivision in which the offices are located.~~
- (§ 8.03, Ord. 488, as amended by §§ 21 and 41, Ord. 488.188, eff. January 2, 1986, and §4, Ord. 1158, eff. March 4, 1993)

Sec. 8-2.704. Conditional uses (R-S).

The following conditional uses shall be permitted in the R-S Zone:

- (a) Buildings and structures, public and quasi-public, and uses of an educational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses;
 - (b) Communication equipment buildings;
 - (c) Foster homes, nursery schools, and day care centers; **and**
 - (d) Recreation areas and facilities, public and private noncommercial, such as country clubs, golf courses, and swimming pools. ~~;~~ **and**
 - ~~(e) Guest house not rented or otherwise conducted as a business.~~
- (§ 8.04, Ord. 488, as amended by § 19, Ord. 652, eff. May 5, 1971, § 5, Ord. 488.167, eff. September 4, 1974, § 5, Ord. 488.180, eff. April 18, 1985, § 35, Ord. 488.188, eff. January 2, 1986, and § 8, Ord. 1158, eff. March 4, 1993)

Sec. 8-2.705. Height regulations (R-S).

No main building in the R-S Zone shall exceed thirty-five (35') feet in height, and no accessory building shall exceed fifteen (15') feet in height, except as provided in Section 8-2.3400 and Section 8-2.2605 of Article 26 of this chapter. (§ 8.05, Ord. 488)

Article 7.1. Residential, Rural, Agricultural Zone (RRA)

Sec. 8-2.713. Accessory uses (RRA).

In addition to the accessory structures allowed pursuant to Section 8-2.3400 of this ordinance, the following accessory uses shall be ~~permitted~~ **allowed** in the RRA Zone, subject to the limitation of the number of animal units set forth in subsection (b) of Section 8-2.712 of this article:

- (a) Animal and fowl breeding, hatching, raising, and fattening, including poultry, fowl, birds, rabbits, chinchillas, fish, and frogs for domestic use, and keeping bovine animals, horses, burros, mules, sheep, goats, and pigs. The keeping of such fowl and animals shall conform to all other provisions of ~~laws governing the same~~ **Section 8-2.2411**. No pen, coop, stable, barn, or corral shall be kept or maintained within ~~fifty (50')~~ **twenty-five (25')** feet of any dwelling or other building used for human habitation, ~~or within 100 feet of the front lot line of the lot upon which it is located, or within twenty-five (25') feet of the street side of a corner lot~~ **a required side yard or front yard setback**, or within ~~100~~ **300** feet of any ~~public park church~~, school, hospital, or ~~similar~~ institution **licensed by the State for the care or treatment of humans**;
- ~~(b) Garages, private, and parking areas, private;~~
- (c) (Repealed by § 5, Ord. 1158, eff. March 4, 1993)
- (d) Home occupations;
- ~~(e) Living quarters of persons regularly employed on the premises, but not including labor camps and dwellings for transient laborers;~~
- (f) Pets, household;
- (g) Signs as provided in Section 8-2.2406 of Article 24 of this chapter;
- ~~(h) Swimming pools, private, exclusively for the use of the residents and guests, subject to the provisions of Section 8-2.2407 of Article 24 of this chapter;~~
- ~~(i) Other accessory uses and buildings customarily appurtenant to a permitted use, subject to the requirements of Section 8-2.2602 of Article 26 of this chapter; and~~
- ~~(j) Temporary tract offices providing tract homes are for sale in the subdivision in which the offices are located. (§ 2, Ord. 488.177, eff. March 7, 1985, as amended by § 42, Ord. 488.188, eff. January 2, 1986, and § 5, Ord. 1158, eff. March 4, 1993)~~

Sec. 8-2.714. Conditional uses (RRA).

The following conditional uses shall be permitted in the RRA Zone:

- (a) Buildings and structures, public and quasi-public, and uses of an educational, religious, cultural, and public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses;
 - (b) Communication equipment buildings;
 - (c) Foster homes, day nurseries, nursery schools, and day care centers;
 - (d) Recreation areas and facilities, public and private noncommercial, such as country clubs, golf courses, and swimming pools; and
 - ~~(e) Guest houses not rented or otherwise conducted as a business.~~
- (§ 2, Ord. 488.177, eff. March 7, 1985, as amended by § 40, Ord. 488.188, eff. January 2, 1986, and § 9, Ord. 1158, eff. March 4, 1993)

Sec. 8-2.715. Height regulations (RRA).

No main building in the RRA Zone shall exceed thirty-five (35') feet in height, and no accessory building shall exceed fifteen (15') feet in height, except as provided in Section 8-2.3400 and Section 8-2.2605 of Article 26 of this chapter. (§ 2, Ord. 488.177, eff. March 7, 1985)

Article 8. Residential One-Family Zone (R-1)

Sec. 8-2.803. Accessory uses (R-1).

In addition to the accessory structures allowed pursuant to Section 8-2.3400 of this ordinance, the following accessory uses shall be ~~permitted~~ allowed in the R-1 Zone:

- (a) Pets, household;
 - (b) Rooming and boarding of not more than two (2) persons;
 - (c) Signs as provided in Section 8-2.2406 of Article 24 of this chapter; and
 - ~~(d) Other accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the requirements of Section 8-2.2602 of Article 26 of this chapter;~~
 - (e) Home occupations subject to the requirements of Section 8-2.251 of Article 2 of this chapter; and
 - ~~(f) Temporary tract offices providing tract homes are for sale in the subdivision in which the offices are located.~~
- (§ 9.03. Ord. 488, as amended by §§ 31 and 43, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.804. Conditional uses (R-1).

The following conditional uses shall be permitted in the R-1 Zone:

- (a) Buildings and structures, public and quasi-public, and uses of a recreational, educational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, and warehouses;
- (b) Communication equipment buildings;
- (c) Foster homes, nursery schools, and day care centers;
- ~~(d) Guest houses;~~
- ~~(e) Home occupations subject to the requirements of Section 8-2.251 of Article 2 of this chapter; and~~
- (f) (e) Off-street public parking areas on sites contiguous to nonresidential zones, subject to the provisions of Article 25 of this chapter. (§ 10.04, Ord. 488, as amended by § 21, Ord. 652, eff. May 5, 1971, § 7, Ord. 488.167, eff. September 4, 1974, § 7, Ord. 488.180, eff. April 18, 1985, and §§ 28 and 37, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.805. Height regulations (R-1).

No main building in the R-1 Zone shall exceed thirty (30') feet in height, and no accessory building shall exceed fifteen (15') feet in height, except as provided in Section 8-2.3400 and

Section 8-2.2605 of Article 26 of this chapter. (§9.05, Ord. 488)

Article 9. Residential One-Family or Duplex Zone (R-2)

Sec. 8-2.903. Accessory uses (R-2).

In addition to the accessory structures allowed pursuant to Section 8-2.3400 of this ordinance, the following accessory uses shall be **permitted allowed** in the R-2 Zone:

- (a) Pets, household;
 - (b) Rooming and boarding of not more than two (2) persons;
 - (c) Signs as provided in Section 8-2.2406 of Article 24 of this chapter;
 - ~~(d) Other accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the requirements of Section 8-2.2602 of Article 26 of this chapter;~~
 - (e) Home occupations subject to the requirements of Section 8-2.251 of Article 2 of this chapter; and
 - ~~(f) Temporary tract offices providing tract homes are for sale in the subdivision in which the offices are located.~~
- (§ 10.03, Ord. 488, as amended by §§ 32 and 44, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.904. Conditional uses (R-2).

The following conditional uses shall be permitted in the R-2 Zone:

- (a) Buildings and structures, public and quasi-public, and uses of a recreational, educational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, and warehouses;
- (b) Communication equipment buildings;
- (c) Foster homes, nursery schools, and day care centers;
- ~~(d) Guest houses; and~~
- (e) (Repealed by § 28, Ord. 488.188, eff. January 2, 1986)
- (f) Off-street public parking areas on sites contiguous to nonresidential zones, subject to the provisions of Article 25 of this chapter. (§ 10.04, Ord. 488, as amended by § 21, Ord. 652, eff. May 5, 1971, § 7, Ord. 488.167, eff. September 4, 1974, § 7, Ord. 488.180, eff. April 18, 1985, and §§ 28 and 37, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.905. Height regulations (R-2).

No main building in the R-2 Zone shall exceed thirty (30') feet in height, and no accessory building shall exceed fifteen (15') feet in height except as provided in Section 8-2.3400 and Section 8-2.2605 of this chapter.

(§ 10.05, Ord. 488)

Article 10. Multiple-Family Residential Zone (R-3)

Sec. 8-2.1003. Accessory uses (R-3).

In addition to the accessory structures allowed pursuant to Section 8-2.3400 of this ordinance, the following accessory uses shall be **permitted allowed** in the R-3 Zone:

- (a) Pets, household;
- (b) Signs as provided in Section 8-2.2406 of Article 24 of this chapter;
- ~~(c) Other accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the requirements of Section 8-2.2602 of Article 26 of this chapter;~~
- (d) Home occupations subject to the requirements of Section 8-2.251 of Article 2 of this chapter; and

~~(e) Temporary tract offices providing tract homes are for sale in the subdivision in which the offices are located.~~

(§ 11.03, Ord. 488, as amended by §§ 33 and 45, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.1004. Conditional uses (R-3).

The following conditional uses shall be permitted in the R-3 Zone:

(a) Buildings and structures, public and quasi-public, and uses of a recreational, educational, religious, cultural, or public service type, but not including corporation yards, storage or repair yards, and warehouses;

(b) Communication equipment buildings;

(c) Foster homes, nursery schools, and day care centers;

~~(d) Guest houses;~~

(e) (Repealed by § 29, Ord. 488.188, eff. January 2, 1986)

(f) Mobile home parks with a maximum density of ten (10) units per gross acre, subject to the further requirements set forth in Section 8-2.2404 of Article 24 of this chapter;

(g) Nursing homes, licensed; (h) Offices, professional, including offices for:

(1) Accountants;

(2) Architects;

(3) Attorneys;

(4) Chiropracodists;

(5) Chiropractors;

(6) Dentists;

(7) Engineers;

(8) Insurance agents;

(9) Opticians;

(10) Optometrists;

(11) Osteopaths;

(12) Physicians;

(13) Real estate brokers; and

(14) Surgeons;

(i) Off-street public parking areas on sites contiguous to nonresidential zones, subject to the provisions of Article 25 of this chapter;

(j) Rooming houses and boardinghouses for any number of guests;

(k) Schools, private, with organized classes, including music schools and dance studios; and

(l) Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit;

~~(m) Mobile homes as temporary guest houses in accordance with subsection (7) of subsection (b) of Section 8-2.2404 of Article 24 of this chapter.~~

(§ 11.04, Ord. 488, as amended by § 22, Ord. 652, eff. May 5, 1971, § 8, Ord. 488.167, eff.

September 4, 1974, § 8, Ord. 488.180, eff. April 18, 1985, §§ 29 and 38, Ord. 488.188, eff.

January 2, 1986, and Ord. 681.143, eff. July 23, 1992)

Sec. 8-2.1005. Height regulations (R-3).

No main building in the R-3 Zone shall exceed forty (40') feet in height, and no accessory building shall exceed twenty-five (25') feet in height except as provided in Section 8-2.3400 and Section 8-2.2605 of this chapter. (§ 11.05, Ord. 488)

Article 11. Apartment-Professional Zone (R-4)

Sec. 8-2.1103. Accessory uses (R-4).

In addition to the accessory structures allowed pursuant to Section 8-2.3400 of this ordinance, the following accessory uses shall be **permitted allowed** in the R-4 Zone:

- (a) Pets, household;
 - (b) Signs as provided in Section 8-2.2406 of Article 24 of this chapter;
 - ~~(c) Other accessory uses and accessory buildings customarily appurtenant to a permitted use;~~
 - (d) Home occupations subject to the requirements of Section 8-2.251 of Article 2 of this chapter; and
 - ~~(e) Temporary tract offices providing tract homes are for sale in the subdivision in which the offices are located.~~
- (§ 12.03, Ord. 488, as amended by §§ 34 and 46, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.1105. Height regulations (R-4).

No main building in the R-4 Zone shall exceed four (4) stories or forty-five (45') feet in height, and no accessory building shall exceed twenty-five (25') feet in height except as provided in Section 8-2.3400 and Section 8-2.2605 of this chapter. (§ 12.05, Ord. 488)

Article 24. General Provisions

Sec. 8-2.2407. Swimming pools.

Any pool, pond, lake, or open tank not located within a completely enclosed building and containing, or normally capable of containing, water to a depth at any point greater than eighteen (18") inches, when used as a private swimming pool in any Zone, shall comply with the following requirements:

- (a) Such pools shall be used solely for the enjoyment of the occupants of the premises on which they are located and their guests and not for instruction or parties when fees are paid therefore, unless a use permit is first obtained.
- (b) Such pools shall be located on the rear one-half (1/2) of the lot or ~~not less than~~ no closer to the front property line than any existing or proposed principal dwelling or 50 feet from the front property line, whichever is less.
- (c) Such pools shall maintain the side and rear yards required for accessory buildings but in no case be closer than five (5') feet from any lot line nor cover more than forty (40%) percent of any required rear yard.
- (d) Lot coverage by a swimming pool shall not be considered in measuring the maximum lot coverage for buildings.
- (e) Filter and heating systems for swimming pools shall not be located:
 - (1) Within any required yard adjacent to a public street; or
 - (2) Within three (3') feet of a side or rear property line; or
 - (3) Within ten (10') feet from the living area of any dwelling unit on an adjacent parcel, unless enclosed in a soundproof enclosure.
- (f) Fencing and barrier requirements set forth in Yolo County Code Section 7-1.04(p). (§ 25.07, Ord. 488, as amended by § 1, Ord. 488.175, eff. February 14, 1985, and § 2, Ord. 1178, eff. April 27, 1995)

Article 26. Exceptions and Modifications

~~Sec. 8-2.2602. Accessory buildings.~~

~~Accessory buildings in all Residential and Agricultural Zones shall meet the following requirements:~~

- ~~(a) Attached to main buildings. Where an accessory building is attached to the main building by a common wall or continuous roofed structure, it shall be considered a portion of the main building and shall comply in all respects with the requirements of this Chapter applicable to the main building, except as provided in subsection (f) of Section 8-2.2608 of this article.~~

~~(b) Detached from main building. A non-dwelling accessory building requiring a building permit, such as a garage, except a garage determined by the Planning Director to be architecturally compatible with the principal dwelling, shall be located in the rear one-half (1/2) of a lot in a residential zone and sixty (60') feet from the front property line in an agricultural zone, and may be located to within three (3') feet of side and rear property lines. The Planning Director may approve the location of any such standard building to within one foot of side and rear property lines if a standard structure cannot be placed within standard setbacks. Those non-dwelling accessory structures not requiring a building permit, such as a metal shed or gazebo, shall be allowed to locate in the required rear and side yards. In the case of a corner lot, an accessory structure shall maintain a fifteen (15') foot street side yard setback except that such buildings shall not be located closer to any side street line than the main building. Otherwise, dwelling accessory buildings, such as a guest house, shall not be located in any required yard. An accessory structure shall be located at least ten (10') feet from any dwelling unit, and at least six (6') feet from any other accessory structure on the same lot.~~

~~(c) Rear yard coverage. Accessory buildings, including structures permitted within the rear yard by the provisions of subsection (f) of Section 8-2.2608 of this Article, shall not exceed twenty (20%) percent of the area of the rear yard. (§27.02, Ord. 488, as amended by §§ 1 and 2, Ord. 488.37, § 1, Ord. 488.173, eff. September 6, 1984, § 1, Ord. 681.131, eff. August 25, 1988, and §10, Ord. 1244, eff. February 3, 2000)~~

Sec. 8-2.2608. Projections into yards and courts.

Certain architectural features may extend from a main building into required yards or courts as follows:

(a) Cornices, canopies, and eaves may extend beyond the front wall and/or rear wall a distance not exceeding three (3') feet. (b) Open, unenclosed outside stairways may extend beyond the front wall and/or rear wall a distance not exceeding four (4') feet six (6") inches.

(c) Uncovered landings and necessary steps may extend beyond the front wall and/or rear wall a distance not exceeding six (6') feet; provided, however, such landing and steps shall not extend above the entrance floor of the building except for a railing which does not exceed three (3') feet in height.

(d) Bay windows and chimneys may extend beyond the front wall and/or rear wall a distance not exceeding three (3') feet.

(e) Such architectural features may also extend into any side yard a distance of not more than three (3') feet.

~~(f) Accessory structures attached to dwellings, consisting of patio covers, sunshades, and similar structures, may extend into required rear yards provided the following conditions are satisfied:~~

~~(1) No part of the structure shall be located within ten (10') feet of the rear lot line.~~

~~(2) The structure shall be unenclosed on three (3) sides except for the following:~~

~~(i) Required vertical supports;~~

~~(ii) Insect screening; and~~

~~(iii) Kickboards not exceeding one foot in height as measured from the ground level. (§27.08, Ord. 488, as amended by § 3, Ord. 488.37)~~

Article 34. Accessory Structures *[New Article]*

Sections:

- 8-2.3401 Purpose
- 8-2.3402 Applicability
- 8-2.3403 Definitions
- 8-2.3404 Permitting procedures
- 8-2.3405 Development standards

8-2.3401 Purpose

The purpose of this chapter is to provide a clarified and uniform set of procedures and standards for the review and permitting of accessory structures proposed on lands zoned for agricultural or residential use. This chapter implements the policies of the Yolo County General Plan as well as updates the County Code to reflect recent changes in State law.

8-2.3402 Applicability

The provisions of this chapter shall apply to all lands located within the unincorporated areas of the County of Yolo that are zoned for agricultural or residential use as specified in Title 8 of the County Code.

8-2.3403 Definitions

- A. **Accessory agricultural support structures:** Uninhabited buildings or facilities that are incidental and accessory to the primary agricultural use of the subject property. Such structures include, but are not limited to, the following:
1. Farm office: A private administrative office that is located within an enclosed building and is necessary to and used for the management of an ongoing agricultural operation.
 2. Barn: A building used to store farm vehicles and equipment, as a warehouse for farm products and supplies, to house livestock, or to conduct maintenance activities.
 3. Roadside stand: A structure, either temporary or permanent, used for the display and sale of agricultural products.
 4. **Greenhouse, agricultural: An agricultural structure with transparent or translucent roof and/or wall panels intended for the raising of agricultural plants.**
- B. **Accessory housing structures:** Residential structures or buildings that are in addition to the primary residential dwelling on a parcel. Such structures include, but are not limited to, the following:
1. Farm labor camp: any living quarters, dwelling, boardinghouse, tent, bunkhouse, mobile home, or other housing accommodation maintained in connection with any work or place where work is being performed and the premises upon which such accommodations are situated, and/or the areas set aside and provided for the camping of six (6) or more employees by a labor contractor. "Labor camp" shall also mean a labor supply camp. "Labor

supply camp” shall mean any place, area, or piece of land where a person engages in the business of providing sleeping places or camping grounds for five (5) or more employees or prospective employees of another.

2. Ancillary dwelling: A dwelling unit allowed in addition to the primary dwelling on agriculturally-zoned parcels.
3. Residential second unit, detached: A separate, self-contained dwelling unit allowed in addition to the primary dwelling on residentially-zoned parcels as provided by Section 65852.2 of the California Government Code.
4. Residential second unit, attached: A separate, self-contained dwelling unit that shares at least one common wall with a primary residential structure allowed in addition to the primary dwelling on residentially-zoned parcels as provided by Section 65852.2 of the California Government Code.
5. Guest house: A detached residential structure limited to sleeping and bathing facilities (i.e. no kitchen) that encompasses up to 600 square feet in living area, exclusive of attached garage space.

C. **Non-dwelling accessory structures**: Uninhabited non-residential structures or buildings that are incidental and accessory to the primary residential use of the subject property. Such structures include, but are not limited to, the following:

1. Detached garage: A building separate from the primary structure that is designed for the storage of passenger vehicles, utility or recreational trailers, or boats.
2. Detached workshop: A building separate from the primary structure designed for the storage and use of tools associated with handicrafts such as carpentry, welding, electronics assembly or other similar activities.
3. Pool house (cabana): A building that is located adjacent to a swimming pool and is designed for the dressing and showering of pool users.
4. Game room /exercise studio: A building separate from the primary structure that is designed to provide indoor recreation for the occupants of the primary structure.
5. Artist studio: A building separate from the primary structure that is designed for the storage and use of equipment and supplies associated with sculpture, painting, photography and similar activities.
6. Storage building: A building separate from the primary structure that is designed for the storage of miscellaneous household goods and materials including, but not limited to, food, lumber, construction materials, household chemicals, personal records, furniture, pet supplies and books.
7. **Storage or shipping container: A structure over 120 square feet in size, either temporary or permanent, used for the storage or shipping of materials and equipment.**

D. **Miscellaneous accessory structures**: Uninhabited non-residential structures or facilities that are incidental and accessory to the primary residential use of the subject property, other than accessory non-dwelling structures. Such structures include, but are not limited to, the following:

1. Pool/spa: A facility for recreational use (e.g. swimming pool) that is capable of containing water to a depth of eighteen (18) inches or more at any point.
2. **Attached or unattached patio cover, sunshade, or breezeway**: An unenclosed roof structure attached **or unattached** to a principal dwelling and intended to provide shade to a patio deck or other area.

3. Gazebo: A stand-alone unenclosed shade structure.
 4. **Arbor/trellis: An incidental decorative landscape feature.**
 5. Animal enclosure: A building accessory to the primary residential use that is designed to house household pets or hobby animals. Such enclosures include, but are not limited to, horse stables, chicken coops and aviaries.
 6. **Vehicle cover or carport: A structure composed of wood, metal, concrete, stucco, canvas, heavy plastic, or other material, and supported by columns or poles, that is erected on a permanent or non-permanent foundation for the purpose of covering a vehicle and protecting it from sun and rain.**
 7. **Greenhouse, household: A residential accessory structure with transparent or translucent roof and/or wall panels intended for the raising of household plants.**
- E. **Temporary buildings**: Structures erected on a non-permanent foundation that would remain on the subject property for a specified purpose and time period. Such structures include, but are not limited to, the following:
1. Temporary sales office: A temporary structure erected or a mobile home parked on a residentially-zoned parcel and used to facilitate the sale of homes within the same subdivision or an adjacent subdivision.
- F. **Accessory structure conversion**: Conversion of an existing accessory structure from a non-habitable and non-work use, such as a garage or storage shed, to a habitable or work use such as a second unit or artist studio.

8-2.3404 Permitting procedures

- A. **Zone districts**: The structures listed in Section 8-2.3403 of this Chapter shall constitute an ~~permitted~~ **allowed** accessory use or a **permitted** conditional accessory use in the Agricultural and Residential zone districts as indicated in Table 8-2.3404 below.
- B. **~~Permitted~~ Allowed accessory structures**: Prior to the issuance of any Building Permit required pursuant to the California Building Code, structures identified as a ~~permitted~~ **allowed** use in Table 8-2.3404 shall be allowed subject to over-the-counter Site Plan Review and approval by the Planning Division of setbacks, facilities, infrastructure, and health and safety issues. **The over-the-counter Site Plan Review and approval by the Planning Division shall be accomplished at the same time that a Building Permit is issued. The application requirements for an over-the-counter Site Plan Review for an allowed accessory structure shall include a simple plot plan as described in Section 8-2.2703.**
- C. **Conditionally permitted accessory structures**: Prior to the issuance of any Building Permit required pursuant to the California Building Code, structures identified as a **permitted** conditional use in Table 8-2.3404 shall require the granting of a Minor Conditional Use Permit by the Zoning Administrator in accordance with the procedures set forth in Articles 28 **and** 32 of Title 8 of the County Code.

**Table 8-2.3404
Accessory Structures: Allowed Zone Districts**

Accessory Structure	ZONE DISTRICTS								
	AP	AGI	A1	RS	RRA	R1	R2	R3	R4
<i>Agricultural support structures:</i>									
- Farm office	X	X	X						
- Barn	X	X	X	X	X				
- Roadside stand	X	X	X						
- Greenhouse, agricultural	X	X	X						
<i>Accessory housing structure:</i>									
- Farm labor camp	C	C	C						
- Ancillary dwelling	X		X						
- Second Unit, detach.				X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹
- Second Unit, attach.				X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹
- Guesthouse				X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹
- Accessory structure conversion	X		X	X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹	X/C ¹
<i>Non-dwelling accessory structure²:</i>									
- Detached garage	X	X	X	X	X	X	X	X	X
- Detached workshop	X	X	X	X	X	X	X	X	X
- Poolhouse (cabana)	X		X	X	X	X	X	X	X
- Game/exercise room	X		X	X	X	X	X	X	X
- Storage building	X	X	X	X	X	X	X	X	X
- Storage or shipping container	X	X	X	X	X				
- Artist studio	X		X	X	X	X	X	X	X
<i>Miscellaneous accessory structure²:</i>									
- Pools and Spas	X	X	X	X	X	X	X	X	X
- Attached patio cover	X	X	X	X	X	X	X	X	X
- Gazebo	X	X	X	X	X	X	X	X	
- Animal enclosures	X	X	X	X	X	C	C		
- Trellis/arbor	X	X	X	X	X	X	X	X	X
- Vehicle covers/ carports	X	X	X	X	X	X ³	X ³	X ³	X ³
- Greenhouse, household	X	X	X	X	X	X	X	X	X
<i>Temporary buildings:</i>									
- Temp. sales office				X	X	X	X	X	X

Legend: X = **Permitted Allowed** use; C = **Permitted** conditional use (Minor Use Permit)

Notes:

1. ~~Second units, guest houses, Accessory housing structures,~~ and accessory structure conversions to an accessory housing structure, in residential zones are an allowed use by right if standard zone setbacks for rear and side yards, and parking standards, are met. If the structure or required parking intrudes into the required standard zone setback for rear and side yards, a Minor Use Permit is required.
2. Non-dwelling and miscellaneous accessory structures require issuance of a Building permit if over 120 square feet in size. All accessory structures must conform with setback requirements in Section 8-2.3405.
3. **Vehicle covers and carports are allowed in all districts provided they meet setback requirements, with the exception that vehicle covers are not allowed in the R-3 and R-4 zones.**

8-2.3405 Development standards for accessory structures

A. General requirements:

1. Sequence of construction: Except in agricultural zone districts, accessory structures subject to a Building Permit shall not be erected on a lot until construction of the principal structure has started, and an accessory structure shall not be used unless the use of the principal structure has begun.
2. Height restrictions: ~~Except as specified in Section 8-2.3405.B of this chapter., accessory structures shall comply with the height restrictions for principal uses as set forth in the applicable regulations for each zone district.~~ **Height restrictions are** ~~Except~~ as specified in Section 8-2.3405.B of this chapter., ~~accessory structures shall comply with the height restrictions for principal uses as set forth in the applicable regulations for each zone district.~~ **If a specific type of accessory use is not listed, then the maximum height shall be fifteen (15) feet.**
3. Building separation: Detached accessory structures subject to a Building Permit shall be separated from principal structures by a minimum of ten (10) feet and from other detached accessory structures subject to a Building Permit by a minimum of six (6) feet, **except as specified in Section 8-2.3405.B of this chapter.**
4. Setback requirements for non-dwelling or miscellaneous accessory structures in residential zone districts:
 - a. *Front and Side:* Except as provided in Section 8-2.3405.B of this chapter, an accessory structure subject to a Building Permit shall comply with the front yard and side yard setback regulations for principal uses as set forth in the applicable regulations for each zone district. Provided, however, that the Planning Director may approve the location of any standard accessory structure, other than an accessory housing structure, within **the required side yard but at least five** (5) feet ~~of~~ **from** the side property lines if a standard structure cannot be located within standard setbacks. Those accessory structures not requiring a Building Permit, such as a storage shed of less than 120 square feet, may be allowed to locate in the side yard setback area.
 - b. *Rear:* Except as provided in Section 8-2.3405.A.3.c, an accessory structure subject to a Building Permit, other than an accessory housing structure, may be located in the rear setback area provided that it meets the minimum building separation standards listed above, would be a minimum of five (5) feet from the rear property boundary, and its construction would not result in coverage of more than 40 percent of the required rear yard area. Provided, however, that the Planning Director may approve the location of any standard accessory structure, other than an accessory housing structure, within **the required rear yard but at least** three (3) feet ~~of~~ **from the** rear property lines if a standard structure cannot be located within standard setbacks and Building Code standards are met. Those accessory structures not requiring a Building Permit, such as a storage shed of less than 120 square feet, may be allowed to locate in the rear yard setback area.
 - c. *Corner lot setbacks:* Accessory structures on a corner lot shall be located no closer to the street right-of-way than the principal structure on the lot. Where a corner lot backs onto the side yard of an adjoining lot, the minimum rear yard

setback for accessory structures shall be equivalent to the side yard setback of the adjoining lot.

5. **Setback requirements for agricultural support, non-dwelling, and miscellaneous accessory structures in agricultural zone districts:**

Except as specified in Section 8-2.3405.B of this chapter, agricultural accessory structures subject to a Building Permit shall comply with all setback regulations for principal uses as set forth in the applicable regulations for each zone district, provided, however, that the Planning Director may approve the location of any standard accessory structure such as a garage within **the required side or rear yards but at least** five (5) feet **of from the** side and rear property lines if a standard structure cannot be located within standard setbacks. Those accessory structures not requiring a Building Permit, such as a storage shed of less than 120 square feet, may be allowed to locate in the side and rear yard setback area.

6. **Setback, plumbing, and parking requirements for accessory housing structures or conversion of accessory structure in residential and agricultural zone districts:**

- a. ***Setback:*** Accessory housing structures shall be located in the rear one half of a parcel in the residential zone. An accessory housing structure is an allowed use by right if the structure complies with the side and rear yards setbacks for the zone district. A one-story accessory housing structure may intrude into the required zone setback for rear and side yards ~~within~~ **provided it is at least five (5) feet of from the** side and/or rear property lines, upon issuance of a Minor Use Permit. A two-story accessory housing structure may intrude into the required zone setback for rear and side yards ~~within~~ **provided it is at least ten (10) feet of from the** side and/or rear property lines, upon issuance of a Minor Use Permit.
 - b. ***Plumbing devices:*** Full bathing and shower facilities shall be allowed in an accessory housing structure.
 - c. ***Parking:*** Off-street parking shall be provided for the accessory housing structure in addition to that required for the principal dwelling. One space shall be provided for units with up to two bedrooms and two spaces shall be provided for units with three or more bedrooms. On-site parking may be included within the required rear or side yard areas, upon issuance of a Minor Use Permit. Only one new on-site parking space is required for a larger than two-bedroom second unit if there is clear evidence presented that off-site street parking is adequate, upon issuance of a Minor Use Permit. The parking spaces shall be otherwise consistent with the design standards provided in Section 8-2.2502 of this ordinance.
7. **Kitchen or cooking facilities:** An accessory structure shall not contain a kitchen or any other cooking facilities unless specifically permitted as a residential unit (i.e. an ancillary dwelling, or second unit, or farm labor camp).
8. **Conversion of an accessory structure:** Conversion of an existing accessory structure from a non-habitable use that was permitted through a Building Permit, such as a garage, to a habitable or work use such as a second unit or artist studio, is allowed, as set forth in Section 8-2.3405.B, below.

B. Standards for specific types of accessory structures: The general requirements for accessory structures outlined in Section 8-2.3405.A are modified below for the listed specific types of structures.

1. Roadside stands:

- a. *Setbacks:* A roadside stand may be located within the front yard area of agriculturally-zoned parcels provided that they are placed a minimum of 30 feet from the edge of road right-of-way and adequate ingress, egress and a parking area sufficient to accommodate five (5) vehicles is provided.

2. Farm office or barn:

- a. *Plumbing devices:* Agricultural support structures that serve as a primary place of employment, such as a farm office, may include full bathing and shower facilities, and a wet bar area for employee or public use, but shall not include kitchens. The wet bar may be comprised of a counter area and associated overhead cabinets that encompass no more than twenty (20) square feet, a bar sink, and an under-counter refrigerator. The wet bar shall not include cooking facilities nor be configured in a manner that facilitates conversion into a kitchen. The Planning Director shall determine if a proposed wet bar meets these requirements. Agricultural support structures that do not serve as a primary place of employment, such as a barn without a farm office, shall be limited to toilets and washbasins. No bathing facilities shall be allowed.

3. Greenhouse, agricultural:

- a. Building height: There is no height restriction.**

4. Farm labor camp:

- a. *Kitchen or cooking facilities:* A farm labor camp may have cooking or kitchen facilities consistent with applicable health and safety codes.
- b. *Gross floor area:* The gross floor area of a farm labor camp is not limited by this code provided that all other standards are met.
- c. *Plumbing devices:* Full bathing and shower facilities shall be allowed in farm labor camps.

5. Ancillary dwellings:

- a. *Proximity to principal dwelling:* An ancillary dwelling shall be located no more than 250 feet from the principal dwelling on the subject lot.
- b. *Gross floor area:* The gross floor area of an ancillary dwelling is not limited by this code provided that all other standards are met.
- c. *Plumbing devices:* Full bathing and shower facilities shall be allowed in ancillary dwellings.
- d. Building height: There is no height restriction.**

6. Detached second residential unit:

- a. *Density/Lot size:* The minimum net lot area on which a detached second unit may be located is 5,000 square feet. Only one second unit is allowed per parcel.
- b. *Gross floor area:* Detached second units shall encompass between 600 to 1,200 square feet of living floor area, exclusive of any attached garage space. Any portion of the proposed building readily convertible to living space shall be counted as part of the living floor area.
- c. *Maximum footprint area:* The maximum footprint of a detached second unit, including garage, shall not exceed 1,700 square feet in area.
- d. *Building height:* A detached residential second unit shall not exceed **the height of principal dwellings allowed in the subject zone district.**
- e. *Design standard:* A detached second unit proposed on a parcel of less than one acre in area shall reflect the exterior appearance and architectural style of the principal dwelling.
- f. *Number of structures:* A second unit shall not be allowed on a parcel in addition to a guesthouse.

7. Attached residential second unit:

- a. *Density/Lot size:* The minimum net lot area on which an attached second unit may be located is 5,000 square feet. Only one second unit is allowed per parcel.
- b. *Gross floor area:* Attached second units shall be limited in living area to the equivalent of 30 percent of the living area of the principal dwelling to which it is attached up to a maximum of 1,500 square feet, excluding any attached garage. Conversion of floor space in an existing principal dwelling to an attached second unit shall be subject to the same limitations. Any portion of a proposed second unit building addition that is readily convertible to living space shall be counted as part of the living floor area.
- c. *Maximum footprint area:* The maximum footprint of an attached second unit, including garage, shall not exceed 2,000 square feet in area.
- d. *Building height:* An attached residential second unit shall not exceed the height of principal dwellings allowed in the subject zone district.
- e. *Design standard:* An attached second unit shall reflect the exterior appearance and architectural style of the principal dwelling.
- f. *Number of structures:* An attached second unit shall not be allowed on a parcel in addition to a guesthouse.

8. Guest house:

- g. *Density/lot size:* The minimum net lot area on which a guest house may be located is 5,000 square feet. Only one guest house is allowed per parcel.
- h. *Gross floor area:* The living floor area shall not exceed 600 square feet, excluding any attached garage space.
- i. *Maximum footprint area:* The maximum footprint area of the guest house, including any attached garage, shall be 1,000 square feet.
- j. *Plumbing devices and kitchens:* Full bathing and shower facilities shall be allowed in a guest house, but a guest house shall not include a kitchen or cooking facility.
- k. *Occupancy:* A guest house shall be used on a temporary basis only by the occupants of the principal dwelling or their non-paying guests or

employees and is not to be rented for any form of compensation. Temporary occupancy is defined as less than 120 days in any 12-month period.

- l. **Parking:** One offsite parking space shall be provided for a guest house in addition to that required for the principal dwelling. **On-site parking may be included within the required rear or side yard areas, upon issuance of a Minor Use Permit. No (zero) new on-site parking spaces are required if there is clear evidence presented that off-site street parking is adequate, upon issuance of a Minor Use Permit. The parking spaces shall be otherwise consistent with the design standards provided in Section 8-2.2502 of this ordinance.**
- m. **Building height:** A guest house shall not exceed 30 feet in height.
- n. **Design standard:** A guest house proposed on a parcel of less than one acre in area shall reflect the exterior appearance and architectural style of the principal dwelling.
- o. **Number of structures:** A guest house shall not be allowed on a parcel in addition to a second unit.

9. **Storage or shipping container:**

- a. **Allowed zones:** Storage or shipping containers are not an allowed use in R-1, R-2, R-3, and R-4 residential zones, but are allowed in the R-S, RRA, and all agricultural zones.
- b. **Setbacks:** The required front, side, and rear yard setbacks shall be as set forth in Section 8-2.3405(A)(4) and (5) above.
- c. **Building height:** A storage or shipping container may not exceed 15 feet in height.
- d. **Number of structures:** No more than two storage or shipping containers are allowed on a parcel, unless a Minor Use permit has been issued.

10. **Artist studio**

- a. **Density/lot size:** The minimum net lot area on which an artist studio may be located is 4,000 square feet. Only one artist studio is allowed per parcel.
- b. **Gross floor area:** The studio floor area and maximum footprint shall not exceed 600 square feet.
- c. **Location:** An artist studio shall be located in the rear one half of a parcel in a residential zone.
- d. **Plumbing devices and kitchens:** Shower facilities and kitchens shall not be allowed in an artist studio,
- e. **Building height:** An artist studio shall not exceed fifteen (15) feet in height.
- f. **Number of structures:** On parcels less than one acre in area, an artist studio shall not be allowed on a parcel in addition to a second unit or a guest house. On parcels greater than one acre in area, an artist studio may be allowed in addition to a second unit or a guest house.
- g. **Parking:** No new offsite parking space shall be required for an artist studio.

11. **Accessory structure conversion**

- a. **Density/lot size:** The minimum net lot area on which an existing accessory structure may be converted from a non-habitable and non-work use,

- such as a garage or storage shed, to a habitable or work use such as a second unit or artist studio, is 4,000 square feet.
- b. *Gross floor area:* The floor area and maximum footprint for an accessory structure that is converted into a habitable or work use shall conform with the requirements of the specific **habitable or work** accessory use as set forth in this section.
 - c. *Setbacks:* For an existing accessory structure that does not conform with the required setbacks, such as a garage located on the side or rear property line, no additional expansion of the structure footprint shall be allowed, unless a Minor Use Permit is approved.
 - d. *Plumbing devices and kitchens:* The plumbing devices and kitchens allowed for an accessory structure that is converted shall conform with the requirements of the specific accessory use as set forth in this section.
 - e. *Building height:* A converted accessory structure shall conform with the requirements of the specific accessory use as set forth in this section, except that an existing accessory structure that does not conform with the required setbacks shall be limited in the conversion to a height of one story or 15 feet unless a Major Variance application is approved.
 - f. *Number of structures:* An accessory structure converted to a habitable use shall not be allowed on a parcel in addition to a second ancillary dwelling, a second unit, or a guest house. On parcels greater than one acre in area, an accessory structure converted to an artist studio may be allowed in addition to an ancillary dwelling or a second unit.
 - g. **Parking: One offsite parking space shall be provided for any conversion of a non-habitable accessory structure to a habitable accessory housing structure in addition to that required for the principal dwelling. On-site parking may be included within the required rear or side yard areas, upon issuance of a Minor Use Permit. No (zero) new on-site parking spaces are required if there is clear evidence presented that off-site street parking is adequate, upon issuance of a Minor Use Permit. The parking spaces shall be otherwise consistent with the design standards provided in Section 8-2.2502 of this ordinance.**

12. Pool house (cabana):

- a. *Density/lot size:* The minimum net lot area on which a pool house may be located is 5,000 square feet. Only one pool house is allowed per parcel, and all such structures shall be located immediately adjacent to a permitted swimming pool.
- b. *Gross floor area:* The living floor area and maximum footprint shall not exceed 600 square feet.
- c. *Plumbing devices:* Shower facilities shall be allowed in a pool house.
- d. *Kitchens:* Kitchens shall not be allowed in a pool house.
- e. *Building height:* A pool house shall not exceed fifteen (15) feet in height.
- f. *Number of structures:* A pool house shall not be allowed on a parcel in addition to a guesthouse. On parcels greater than one acre in area, a pool house may be allowed in addition to a second unit.

13. Pools and spas:

- a. *Setbacks:* In residential and agricultural zone districts, pools and spas may encroach into the rear yard area provided that a minimum setback of

five feet from the property line is maintained. Pools and spas must be located on the rear one-half of the lot and no closer to the front property line than any existing or proposed principal dwelling or 50 feet, whichever is less. The side and rear yard setbacks for pool equipment (e.g. the filtration pump and heating equipment) shall be as set forth in Section 8-2.2407.

14. Attached or unattached patio covers or sunshade, and breezeways:

- a. *General:* The structure shall be unenclosed on three (3) sides except for required vertical supports; insect screening; and kickboards not exceeding one foot in height as measured from the ground level.
- b. *Setbacks:* **Patio covers, sunshades and breezeways may be attached to, or within ten (10) feet of the principal structure, and within six (6) feet of nearby accessory structures (e.g, a detached garage or cabana), provided that the structures meet all requirements of the Building Code.** In residential zone districts, the required side and rear yard setback **for patio covers, sunshades and breezeways** shall be 50 percent of that required for a principal structure but not less than five (5) feet. The front yard setback may be reduced by five (5) feet.
- c. *Building height:* A patio cover, ~~or~~ sunshade, **or breezeway** may not exceed 15 feet in height.

15. Gazebo:

- a. *Setbacks:* The required front, side, and rear yard setbacks shall be as set forth in Section 8-2.3405(A)(4) and (5) above.
- b. *Building height:* A gazebo may not exceed 15 feet in height.

16. Arbor/trellis:

- a. *General:* The structure shall not have any solid obstruction which exceeds two feet in diameter between the height of three feet six inches and twelve feet.
- b. *Setbacks:* **An arbor/trellis may be allowed within the required front, side, and rear yard setbacks, provided that it is not closer than five feet to the side lot line. An arbor/trellis located in a R-1 or R-2 zone must be sited at least ten (10) feet from the nearest side window located on the adjacent lot. On a corner lot in a residential zone, an arbor/trellis shall not be sited so as to obstruct the vision of vehicular traffic.**
 - b. *Building height:* **An arbor/trellis may not exceed 12 feet in height.**

16. Vehicle cover and Carports :

- a. *Allowed zones:* Vehicle covers are not an allowed use in ~~R-1, R-2~~, R-3, and R-4 residential zones, but are allowed in the **R-1, R-2**, R-S zones and all agricultural zones. Carports are allowed in all zones provided they meet the setback requirements of (b), below.
- b. *Setbacks:* The required front, side, and rear yard setbacks **for vehicle covers and carports** shall be as set forth in Section 8-2.3405(A)(4) and (5) above, **except that a vehicle cover or a carport is not allowed in a side driveway in the R-1 and R-2 zones unless it is located at least ten (10) feet from the nearest side window located on the adjacent lot.**

c. *Building height:* A vehicle cover **or carport** may not exceed 15 feet in height.

17. **Greenhouse, household**

a. *Building height:* A household greenhouse may not exceed 15 feet in height.

Attachment B

Current Accessory Structure Ordinance Regulations

Sec. 8-2.2602. Accessory buildings.

Accessory buildings in all Residential and Agricultural Zones shall meet the following requirements:

- (a) *Attached to main buildings.* Where an accessory building is attached to the main building by a common wall or continuous roofed structure, it shall be considered a portion of the main building and shall comply in all respects with the requirements of this Chapter applicable to the main building, except as provided in subsection (f) of Section 8-2.2608 of this article.
- (b) *Detached from main building.* A non-dwelling accessory building requiring a building permit, such as a garage, except a garage determined by the Planning Director to be architecturally compatible with the principal dwelling, shall be located in the rear one-half (1/2) of a lot in a residential zone and sixty (60') feet from the front property line in an agricultural zone, and may be located to within three (3') feet of side and rear property lines. The Planning Director may approve the location of any such standard building to within one foot of side and rear property lines if a standard structure cannot be placed within standard setbacks. Those non-dwelling accessory structures not requiring a building permit, such as a metal shed or gazebo, shall be allowed to locate in the required rear and side yards. In the case of a corner lot, an accessory structure shall maintain a fifteen (15') foot street side yard setback except that such buildings shall not be located closer to any side street line than the main building. Otherwise, dwelling accessory buildings, such as a guest house, shall not be located in any required yard. An accessory structure shall be located at least ten (10') feet from any dwelling unit, and at least six (6') feet from any other accessory structure on the same lot.
- (c) *Rear yard coverage.* Accessory buildings, including structures permitted within the rear yard by the provisions of subsection (f) of Section 8- 2.2608 of this Article, shall not exceed twenty (20%) percent of the area of the rear yard. (§27.02, Ord. 488, as amended by §§ 1 and 2, Ord. 488.37, § 1, Ord. 488.173, eff. September 6, 1984, § 1, Ord. 681.131, eff. August 25, 1988, and §10, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.2608. Projections into yards and courts.

Certain architectural features may extend from a main building into required yards or courts as follows:

- (a) Cornices, canopies, and eaves may extend beyond the front wall and/or rear wall a distance not exceeding three (3') feet.
- (b) Open, unenclosed outside stairways may extend beyond the front wall and/or rear wall a distance not exceeding four (4') feet six (6") inches.
- (c) Uncovered landings and necessary steps may extend beyond the front wall and/or rear wall a distance not exceeding six (6') feet; provided, however, such landing and steps shall not extend above the entrance floor of the building except for a railing which does not exceed three (3') feet in height.
- (d) Bay windows and chimneys may extend beyond the front wall and/or rear wall a distance not exceeding three (3') feet.
- (e) Such architectural features may also extend into any side yard a distance of not more than three (3') feet.
- (f) Accessory structures attached to dwellings, consisting of patio covers, sunshades, and similar structures, may extend into required rear yards provided the following conditions are satisfied:
 - (1) No part of the structure shall be located within ten (10') feet of the rear lot line.
 - (2) The structure shall be unenclosed on three (3) sides except for the following:
 - (i) Required vertical supports;
 - (ii) Insect screening; and
 - (iii) Kickboards not exceeding one foot in height as measured from the ground level. (§27.08, Ord. 488, as amended by § 3, Ord. 488.37)



County of Yolo

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PLANNING COMMISSION STAFF REPORT WORKSHOP ONLY

APRIL 10, 2008

FILE #2006-090: Esparto Downtown Mixed Use Zoning District	
APPLICANT: Yolo County	
LOCATION: Esparto planning area (APN: numerous)	ZONING: n/a FLOOD ZONE: n/a
ENVIRONMENTAL DETERMINATION: n/a	
REPORT PREPARED BY:	REVIEWED BY:
Eric Parfrey, Principal Planner	David Morrison, Assistant Director

RECOMMENDED ACTIONS:

1. **HOLD** a workshop on the draft Esparto Downtown Mixed Use zoning district regulations (**Attachment A**), accept public testimony, and provide direction to staff; and
2. **SCHEDULE** a public hearing on the Downtown Mixed Use zoning ordinance at a later date.

REASONS FOR RECOMMENDED ACTIONS:

The updated 2007 Esparto General Plan calls for the adoption of a new Downtown Mixed Use (DMX) zoning district to be applied to properties in the downtown area of Esparto. Properties along Yolo Avenue and Woodland Avenue (State Route 16) that are currently zoned Community Commercial (C-2) would be rezoned to the new DMX district. This workshop is an opportunity for the Commission to review the draft zoning regulations, and ask questions of staff, prior to a formal public hearing being scheduled.

BACKGROUND:

The Planning Commission held a workshop on an earlier draft of the DMX ordinance on February 8, 2007.

The draft mixed use ordinance has been prepared for Esparto but could be applied in downtown areas of other unincorporated towns in Yolo County, with some modifications. For example, a similar DMX ordinance could be considered for the other downtown communities that have public services, i.e., Knights Landing and Madison.

The Esparto Citizens Advisory Committee (ECAC) has discussed the ordinance at its regular meetings earlier this year and convened an ad hoc subcommittee to review the regulations. The subcommittee met several times over the past eight weeks. The specific changes that have been incorporated into the draft ordinance, based on comments and discussion at the ECAC meetings, are outlined in **bold font** in the draft ordinance.

In developing the latest DMX ordinance, the ECAC was encouraged by staff to try to reconcile three different documents: the original 2007 DMX draft; the Esparto Design Review Guidelines, adopted as Appendix A of the 2007 Esparto General Plan; and the Development Standards recommended in the 2008 Esparto Revitalization Plan (prepared by Dan Burden).

The most significant changes that have been made to the DMX ordinance since last year include:

- a new definition of “mixed use development” that recognizes vertical and horizontal integration of mixed uses;
- a requirement that new major development projects on vacant lands must include a mix of uses, or if the new project is predominantly commercial it must include significant community benefits and be subject to a conditional use permit;
- deletion of the floor area ratio (FAR) as a way to regulate density;
- a prohibition of “predominantly” (more than 85 percent of gross acreage) residential projects on vacant lands unless they are senior or affordable;
- establishment of a minimum height limit of 22 feet and maximum height of three stories or 40 feet;
- inclusion of detailed sign regulations (Section 8-2.1221); and
- inclusion of detailed design guidelines (Section 8-2.1222).

The draft DMX zone ordinance sets regulations for two different types of situations: redevelopment of existing structures, and construction of new mixed use structures on approximately 25 acres of vacant land located on the north end of the historic Esparto downtown. To address new growth on the vacant lands, Section 8-2.1214 of the draft ordinance proposes separate regulations for development of “Large Projects on Vacant Lands.”

The draft requires that major development projects on vacant parcels must include a mix of residential and non-residential uses. Section 8-2.1214 allows for a single “predominantly commercial” (over 85 percent of the parcel) use such as a hardware store or motel/hotel, if “significant community benefits” are included as part of the project. Section 8-2.1214 also allows for a single “predominantly residential” use if a majority of the units are reserved for senior or affordable housing.

Two entirely new sections have been added to the most recent draft DMX ordinance in order to incorporate and reconcile portions of the Esparto Design Guidelines (part of the 2007 General Plan) and the 2008 Dan Burden Esparto Revitalization Plan. Section 8-2.1221 includes an extensive list of sign regulations, which is more complicated than the countywide sign regulations (found in Section 8-2.2406 of the County Code) but which allows a greater variety of sign types and uses. For example, temporary signs such as banners and daily menu boards are allowed in the Esparto DMX area, but are not allowed countywide. All of these specific sign regulations were recommended by either the Burden Revitalization Plan or the Esparto Design Guidelines.

Section 8-2.1222 includes lengthy building design guidelines. The section states that “new and renovated buildings should be designed consistent with this section and with the Design Review Guidelines of the Esparto General Plan” and that historical buildings may be exempted from some of the individual guidelines. All of these specific building design guidelines were recommended by the Burden Revitalization Plan.

A key component of the proposed regulations continues to be the combination of setback and window requirements in Sections 8-2.1216 and 8-2.1218. The setbacks would mandate that “the entire building façade must [generally] abut front and street side property lines or be located within [10] feet of such property lines...” In addition, the regulations require that “A minimum of 40 percent and maximum of 75 percent of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas.” The intent of both these requirements is to ensure that the zone is developed to be a pedestrian-friendly mixed use and retail environment that encourages “window shopping.”

Finally, the draft ordinance relaxes the typical rigid parking requirements that are applied in most traditional zones, and allows alternative arrangements. Section 8-2.1220 requires no off-street parking for new smaller nonresidential uses of less than 3,000 square feet, which is a significant incentive for new businesses to locate in downtown Esparto. The ordinance also allows off-street parking requirements to be modified based on a parking supply study. The intent is to not require on-site parking if a parking study clearly indicates that there is adequate capacity of existing on-street parking in the district, for example.

On-site parking requirements may also be satisfied by using shared parking for different uses which generate parking demand at different times of the day (such as offices or stores, and movie theaters), or by leasing nearby parking spaces on adjacent parcels. The regulations require that any off-street parking be located to the rear of the principal building or otherwise screened.

PUBLIC AND AGENCY COMMENTS:

The draft zoning ordinance has been discussed extensively by the Esparto Citizens Advisory Committee. Other public and agency comments will be solicited after the draft ordinance is further revised, prior to the scheduled public hearing. County Counsel has not yet reviewed the ordinance.

ATTACHMENTS:

Attachment A – Draft Downtown Mixed Use Zoning Ordinance

ATTACHMENT A

Note: Most recent edits from the Feb. 26, 2008 draft are shown in **bold underline** and ~~strikeout~~.

ESPARTO DOWNTOWN MIXED USE (DMX) ZONING DISTRICT

ARTICLE 12.1 ESPARTO DOWNTOWN/MIXED USE ZONE (DMX)

8-2.1211 Applicability and Purpose

The Esparto Downtown Mixed Use (DMX) zone is to be applied to unincorporated areas that are planned for development or redevelopment of a mixture of primarily commercial, retail, office and residential uses.

The purposes of the DMX District are to:

- (a) Accommodate a physical pattern of development often found along village main streets and in neighborhood commercial areas of older cities;
- (b) Encourage mixed-use buildings with neighborhood and community-serving retail, service, and other uses on the ground floor and residential and live/work units above the nonresidential space;
- (c) **Require mixed use for new construction on vacant lands within the district, but do not mandate mixed use for infill or changes of use within existing buildings in the historic downtown;**
- (d) Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets;
- (d) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction; and
- (f) Provide flexibility for the development of live/work units, particularly within existing buildings and ensure that the exterior design of live/work buildings is compatible with the exterior design of commercial, industrial, and residential buildings in the area, while remaining consistent with the predominant workspace character of live/work buildings.

8-2.1212 Definitions

As used in this ordinance, the following words and terms shall have the meanings specified herein:

- (a) "Gross floor area" is the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

- ~~(b) “Mixed use building” means a building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.”~~
- (b) “Mixed use development project” means a development project of one or more buildings that includes a mixture of residential and non-residential (i.e., retail, office, service, industrial, or public) uses either vertically integrated (a mixture of uses on separate floors of a single building) or horizontally integrated (a mixture of uses in more than one building spread over a large parcel, e.g., retail, office, and upstairs apartments in a building along a main frontage arterial, with residential uses behind).**
- (c) “Live/work unit” or “Live/work space” means a building or spaces within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. “Live-work unit” is further defined as a structure or portion of a structure:
- (1) That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household;
 - (2) Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and
 - (3) Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.
- (d) “Predominantly” for the purpose of interpreting this ordinance means a primary use or related accessory use that is proposed for construction on eighty-five percent (85%) or more of the gross acreage of vacant land.**
- (e) “Vacant land” means land that is currently undeveloped with urban structures, but may be occupied by a rural residence or structure, and is designated for future urban growth.

8-2.1213 Allowed Uses

Uses are allowed in the DMX zoning district in accordance with the following use table

Specific Use Type	P= <u>Allowed</u> by-right C = Conditional use N = Not allowed
Household Living	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	<u>P</u>
Dwelling Units located above the ground floor	P
Detached Single Family Units	C with commercial use or N
Attached Single Family Units (duplex, townhouse, <u>condo</u>)	<u>P with commercial use or if senior or affordable</u>
Multiple-Family Units (<u>apartments</u>)	<u>C or P if senior or affordable</u>
Single-Room Occupancy	P
Group Living	
Assisted Living	P or C if over 6 beds
Group Home	C

Nursing Home	C
Temporary Overnight Shelter	C
Transitional Residences	C
Transitional Shelters	C
Public/Quasi-Public	
Colleges and Universities	P or C?
Cultural Exhibits and Libraries	P
Day Care	P
Hospital	N
Urgent Care Clinic	C
Lodge or Private Club	N or P if on second floor
Parks and Recreation	P
Postal Service	P
Public Safety Services	P
Religious Assembly	P if on second floor
School	C or N?
Utilities and Services, Minor	P
Utilities and Services, Major	C
Adult Use	N
Animal Services	
Shelter/Boarding Kennel	N
Sales and Grooming	P
Veterinary	P
Artist Work or Sales Space	P
Eating and Drinking Establishments	
Restaurant	P
Sale of alcohol	C
Bars/Tavern	C
Drive-Through Facility	C
Outdoor eating and drinking	P
Entertainment and Spectator Sports	
Small (1–149 seats)	P
Medium-Large (150+ seats)	N
Lodging	
Small (1–16 guest rooms)	P
Large (17+ guest rooms)	C
Commercial Services	
Financial Services	P
Food and Beverage Retail Sales	P
Gas Stations	N
Medical Service	P
Office	P
Parking, Commercial (Non-accessory)	C

Personal Service, including health clubs and gyms	P
Repair Service, Consumer, including bicycles	P
Residential Storage Warehouse	N
Vehicle Sales, Service, and Repair	N

Retail

Retail Sales, General, under 5,000 square feet	P
Retail Sales, General, over 5,000 square feet	C

Manufacturing, Production and Industrial Services

Artisan (hand-tools only; e.g., jewelry or ceramics)	C
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Wireless Communication Facilities

Co-located	P
Freestanding (Towers)	C

Temporary Uses

Seasonal farmers market	P
Other temporary uses	(as allowed by County Code)

8-2.1214 Large Projects on Vacant Lands

For large projects proposed on vacant lands of more than one acre in size, the following regulations apply:

- (a) Projects **must** include a mix of residential and non-residential uses **(a mixed use development project), integrated either vertically or horizontally, except as allowed by (b), below.**
- (b) **Projects that are predominantly one single commercial use (e.g., a large retail or service establishment such as a hardware store, or a motel/hotel) must be accompanied by one or more significant community benefits, such as a public plaza, park, or other public use. All predominantly commercial projects, regardless of type of commercial use, will be subject to conditional use permit review.**
- (c) **Projects that are predominantly residential are prohibited, unless a majority of units are reserved for senior or affordable housing.**
- (d) **All** projects must include **some** public amenities such as public open areas, public art, public meeting rooms, pedestrian walkways, etc.
- (e) **All** projects must be designed with a grid circulation pattern that connects with the existing community.
- (f) The architecture and design of buildings must be coordinated throughout the site and must be harmonious with the adjacent community.
- (g) **All** projects shall conform with all other regulations in this section, and should be consistent with the Design Review Guidelines of the Esparto General Plan.

8-2.1215 Residential Uses and Density

- (a) The maximum residential density allowed in new buildings in the DMX zone is 20 dwelling units per net acre, not including density bonuses allowed under Yolo County and State laws.

- (b) The minimum residential density allowed in new buildings in the DMX zone is 10 dwelling units per net acre for new residential structures, and for large projects proposed on vacant lands of more than one acre in size.
- (c) The maximum and minimum residential density standards in (a) and (b), above, shall not be applied to new, converted, or expanded residential uses proposed within existing **urban** buildings located **in the historic downtown** along Yolo Avenue and Woodland Avenue.

8-2.1216 Height and Floor Area

- (a) The maximum building height shall be 40 feet, or three stories, whichever is greater, for all buildings.
- (b) ~~All commercial floor space provided on the ground floor of~~ **The minimum height for** new or renovated mixed-use buildings located **in the historic downtown** along Yolo Avenue, **and** Woodland Avenue, ~~and County Road 87 shall have a minimum floor-to-ceiling height of~~ **be** 22 feet.
- (c) The gross floor area of individual commercial establishments in the DMX district shall not exceed 25,000 square feet.
- (d) The **ground floor frontage** ~~space provided on the ground floor of~~ new or renovated mixed-use buildings located along Yolo Avenue, Woodland Avenue, and County Road 87 shall contain the following minimum commercial (non-residential) ~~floor~~ **space**:
 - (1) At least 800 square feet or 25 percent of the ground floor area (whichever is greater) on lots with street frontage of less than 50 feet; or
 - (2) At least 20 percent of the ground floor area on lots with 50 feet of street frontage or more.

8-2.1217 Setbacks

The following setbacks are required:

- (a) The entire building façade of new or renovated buildings located along Yolo Avenue, Woodland Avenue, and County Road 87 shall generally abut front and street side property lines or be located within 10 feet of such property lines. **An exception may be made for the “train station” property (APN: 049-240-17).** However, a portion of new or renovated buildings may be set back from the maximum setback line in order to provide a specific feature or to reflect the prevailing setbacks of existing buildings along the block or the street. Specific features include an articulated façade, or to accommodate a building entrance feature or an outdoor eating area. In order to preserve the continuity of the streetwall, new or renovated buildings may be set back no more than 12 feet from the front or street side property line or at least 40 percent of the building façade shall be located at the maximum setback line.
- (b) Special architectural features such as balconies, bay windows, arcades, and awnings may project into front setbacks and public street right-of-ways (but not extend past the curb line) provided they meet minimum required clearance above the sidewalk and leave a minimum five foot wide unobstructed sidewalk. Prior to new encroachment into the public right-of-way, a permit shall be obtained from the County Planning and Public Works Department, **or Caltrans**.
- (c) The minimum rear setback is 10 feet.
- (d) No interior side setbacks are required in the DMX district, except when DMX zoned

property abuts R-zoned property, in which case the minimum side setback required in the DMX district shall be the same as required for a residential use on the abutting R-zoned lot.

8-2.1218 Other Building Regulations

- (a) All permitted uses in the DMX district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor **eating or drinking** areas.
- (b) A minimum of forty percent (40%), and a maximum of seventy-five percent (75%), of the street-facing building façade of new or renovated buildings shall be comprised of clear windows that allow views of indoor space or product display areas between two feet and eight feet in height. The bottom of any window or product display window used to satisfy this transparency standard shall not be more than three (3) feet above the adjacent sidewalk, and product display windows used to satisfy this requirement must have a minimum height of four (4) feet and be internally lit.
- (c) Buildings shall have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

8-2.1221 Sign Regulations

- (a) Signs shall be provided for uses and buildings along Yolo Avenue and Woodland Avenue that are appropriate in scale and location, and **shall be** architecturally integrated with the surroundings.
- (b) Signs shall be clearly integrated and consistent in design and materials with the architecture of the building. Signage in the ~~overlay~~ **business district** should support the ~~community's~~ **district's** character and not detract from the area.
- (c) Monument signs are preferred. Pole signs are prohibited.
- (d) Ground signage shall be limited in height of five (5) feet.
- (e) Signs shall be flat against the facade, or mounted projection from the facade.
- (f) Window signage shall be limited to twenty (20) percent of one window pane per storefront.
- (g) The maximum area of any single sign mounted perpendicular to a given facade shall not exceed ten (10) square feet.
- (h) Signs shall maintain a minimum clear height above sidewalks of eight (8) feet.
- (i) Signs shall not extend beyond the curb line.
- ~~(j) Commercial building numbers shall be a minimum of 6 inches in height.~~
- (j) Signs located on the interior of a structure, but visible from the exterior of the building, are permitted and are not charged against the maximum allowable signage area if such signs are not physically attached or painted to the window and do not obscure more than 10% of ground floor street side building transparency. The 10% is not to exceed total glass area calculated for both unattached and temporary window signs.
- (k) Temporary signs can take the form of banners, window graphics, or as **placards** integrated with a window display. Temporary signs are permitted on the interior of the business establishment only and shall be no more than 5 square feet of text and shall not exceed 10 square feet in size and no more than 10% of ground floor street

side building transparency. Temporary signs shall not be displayed more than thirty days in a calendar year.

- (l) One menu board shall be allowed per street address. Menu boards shall not exceed eight (8) square feet in size (sign and copy area is calculated on one side only) and shall be positioned so as to be adjacent to that restaurant or business listed on the board and information on that board shall advertise exclusively the goods and services of that business and be placed in a manner which is clearly visible to pedestrian traffic. All signs shall be removed at the end of each business day. All signs shall be securely anchored to the ground.

8-2.1222 Building Design Guidelines

- (a) New and renovated buildings should be designed consistent **with this section and** with the Design Review Guidelines of the Esparto General Plan. **Historical buildings may be exempted from some of these individual guidelines, at the discretion of the Director of Planning and Public Works.**
- (b) Building surface variation should be incorporated in new buildings through the placement of windows and entries, planar changes (where the building surface recedes or projects), significant color changes, material changes, or other elements that add variation along the length of a building.
- (c) Structures should be designed with articulation at entries, bases, and tops. The organization used shall break up the mass into smaller elements. Buildings shall provide as much visual interest as possible without creating a chaotic image.
- (d) Buildings shall utilize at least three of the following design features to provide architectural relief along all elevations of the building:
 - (1) divisions or breaks in materials and color (materials should be drawn from a common palette)
 - (2) window bays
 - (3) separate entrances and entry treatments
 - (4) variation in roof lines
 - (5) projecting architectural elements (porches, awnings, balconies, etc.)
 - (6) recessed entries (at least three (3) feet from the primary façade)
 - (7) protruding entries (at least three (3) feet from the primary façade)
 - (8) cupolas
- (e) Buildings shall include a clear visual division (e.g., a cornice or awning) between the first and upper floors.
- (f) Variable roof forms shall be incorporated into the building design. Long, uninterrupted horizontal lines of parapet are discouraged. Generally it is preferred to break up the parapet, eaves, or ridge line by vertical or horizontal offsets or changing the roof forms.
- (g) Commercial and mixed-use buildings shall express a “storefront character,” by including corner building entrances on corner lots, and including regularly spaced and similar-shaped windows with window hoods or trim (all building stories).

8-2.1223 Outdoor Eating Space

- (a) Outdoor dining is permitted and may occur within the public right-of-way.
- (b) A minimum of five (5) feet of clear sidewalk access for pedestrians shall be maintained.

8-2.1224 Live/Work Uses

- (a) Live/work units are permitted in the DMX zone.
- (b) Any commercial use permitted in the DMX zone is permitted in the live/work unit.
- (c) Live/work units at street level are subject to the development and transparency standards of ground-floor retail or commercial establishments, and the living area shall not exceed one-third of the total floor area of the unit.
- (d) At least one resident in each live/work unit shall maintain a valid business license and other required permits for a business on the premises.

8-2.1225 Off-Street Parking

- (a) For large ~~residential and non-residential~~ mixed use development projects on vacant lands of more than one acre, off-street parking shall be provided for all residential and nonresidential uses, as required by Article 25.
- (b) For all other projects, the following parking requirements apply:
 - (1) No off-street parking is required for new or expanded nonresidential uses in the DMX zone unless such uses exceed 3,000 square feet of gross floor area, in which case off-street parking shall be provided for the floor area in excess of 3,000 square feet, in accordance with Article 25, or as modified by (3), below.
 - (2) Off-street parking for new residential uses of four or more units in the DMX zone shall be provided, in accordance with Article 25, or as modified by (3), below.
 - (3) Off-street parking requirements for nonresidential and residential uses may be modified by the Director of Planning and Public Works based on a parking supply study prepared by a civil engineer which indicates an ample supply of on-street or other nearby public parking, or adequate nearby private parking for shared nonresidential uses. Shared parking is permitted between different categories of uses or uses with different hours of operation. An agreement providing for the shared use of parking, executed by the parties involved, shall be filed with the Planning Director or Zoning Administrator.
- (c) For live/work units of less than 2,500 square feet, one parking space is required for each unit. For live/work units greater than 2,500 square feet, required parking will be based on the applicable parking standard for the nonresidential use or the closest similar use as determined by the Planning Director or Zoning Administrator.
- (d) Off-street parking requirements for both nonresidential and residential uses may be satisfied by the leasing of nearby parking spaces on adjacent parcels within 400 feet of the use.
- (e) Off-street parking spaces provided on the site must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.