

**YOLO COUNTY ZONING CODE
TITLE 8 LAND DEVELOPMENT**

CHAPTER 2: ZONING REGULATIONS

Article 2: Administrative Provisions

Sec. 8-2.201 Intent

The intent of this Article is to specify the responsibilities of the various County agencies, groups, and offices in implementing this Title; to set forth administrative provisions related to the processing of applications and permits; and to identify Use Classifications.

Sec. 8-2.202 Planning Agency

A Planning Agency for Yolo County is hereby created and established. It shall consist of the following:

- (a) Board of Supervisors;
- (b) Planning Commission;
- (c) Community Services Department; and
- (d) Zoning Administrator.

Sec. 8-2.203 Board of Supervisors

The Board of Supervisors has the following functions as they apply to this Title:

- (a) To exercise all appointing power provided under state law and this Title, including the appointment of the Director of the Community Development Department, the members of the Planning Commission, and the members of the citizens advisory committees;
- (b) To adopt the General Plan, Master Plans, Public Financing Plans, Specific Plans, Area or Community Plans, regulations, ordinances, and environmental guidelines;
- (c) To be the final appellate body on all matters as specified in this Title;
- (d) To annually review the report on the status of the General Plan, and the Capital Improvement Program of the County for conformity with the General Plan, pursuant to Article 7 (commencing with Section 65400) of the Government Code;
- (e) To serve as the legislative body as that term is used in the Subdivision Map Act;

- (f) To determine that there has been adequate environmental review under the provisions of the California Environmental Quality Act, of all matters the Board of Supervisors is considering.

Sec. 8-2.204 Planning Commission

The Planning Commission's role as part of the Planning Agency shall be as provided in this Section and in the internal standing rules adopted by the Commission. The Planning Commission shall have the following functions in the administration of this Title and related regulations and policies:

- (a) Prepare, periodically review, and revise, as necessary, the General Plan and the accompanying Specific Plans and Area or Community Plans for the County;
- (b) Consider and recommend amendment, to the General Plan and the other plans;
- (c) Investigate and make recommendations regarding reasonable and practical means for implementing the General Plan and accompanying plans;
- (d) Consider and recommend amendments to this Title;
- (e) Interpret the text of the General Plan and the plans as they relate to this Title;
- (f) Interpret the maps of the General Plan as they relate to the text of the General Plan;
- (g) Develop and maintain any Specific Plans, or any Area or Community Plans, necessary or desirable for the implementation of the General Plan;
- (h) Consider and recommend upon applications for Specific Plans, and any Area or Community Plans;
- (i) Annually review the Capital Improvement Program of the County for its conformity with the General Plan, any Specific Plans, any Area or Community Plans, and all elements and parts of the General Plan, and provide a report concerning said Capital Improvement Plan to the Board of Supervisors;
- (j) Serve as the appellate body for discretionary staff decisions;
- (k) Review and act upon referrals or appeals from the Floodplain Administrator;
- (l) Act as the advisory agency, as that term is used in the Subdivision Map Act, on Tentative Subdivision and Parcel Maps;
- (m) Review and act upon applications requiring public hearings, except those public hearings held by the Zoning Administrator;
- (n) Act as the Business License Appeal Board according to the process set forth in Title 12, Chapter 1;

- (o) Act as the Historic Preservation Commission, and review and act upon applications as set forth in Title 8, Chapter 8;
- (p) Determine that there has been adequate environmental review under the provisions of the California Environmental Quality Act, of all matters the Planning Commission is considering;
- (q) Recommend changes to the *Local CEQA Guidelines* for the County; and
- (r) Perform such other functions as the Board of Supervisors may require, including conducting studies and preparing plans other than those authorized by Title 7 of the Government Code.

8-2.205 Community Services Department

The Community Services Department, and/or the Community Services Director, shall have the following functions in the administration of the Title and related regulations and policies:

- (a) Serves as Secretary to the Planning Commission;
- (b) Advise Board and Commission. Provides administrative support and professional advice to the Planning Commission and Board of Supervisors;
- (c) Performs special studies and surveys as directed by the Board of Supervisors;
- (d) Performs the duties required for the proper preparation and administration of the General Plan, as provided by law and ordinance;
- (e) Performs the duties required for the proper preparation and administration of Specific Plans, Area or Community Plans, and regulations as provided by law and ordinance;
- (f) Promotes public interest in, comment on, and understanding of the General Plan and regulations relating to it;
- (g) Consults and advises with public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens concerning the preparation and implementation of the General Plan;
- (h) Has the authority to make formal interpretations of the General Plan text, policies and diagrams, subject to appeal to the Planning Commission and Board of Supervisors, including the following responsibilities:
 - (1) Accept and interpret as substantially consistent minor variations from the land use diagram and other figures, based on actual field measurements, engineering and/or surveying.
 - (2) Determine whether or not a proposed modification to a physical component of the General Plan is "substantive," thus triggering an amendment of the General Plan within the meaning of Government Code Section 65385(b).
 - (3) Make an interpretation, binding upon the County, as to whether the original intent and purpose of the General Plan are still met, i.e., no adverse effects on

connectivity or livability, and no change in total area or amount of specific land uses, density, number of units, street capacity, amenities, roadway level of service, etc. Said modification shall not be interpreted as “substantive.”

- (4) Interpretation of General Plan text, policies, and diagrams is an administrative decision without notice and hearing, except that an applicant can appeal the Director’s decision pursuant to Section 8-2.225.
- (i) Promotes the coordination of local plans and program, with the plans and programs of other public agencies;
- (j) Provides an annual report to the Board of Supervisors on the status of the General Plan and progress in its implementation;
- (k) Administers the County Code including the Zoning Regulations of this chapter;
- (l) Prepares and maintains local guidelines for the implementation of the California Environmental Quality (Yolo County’s *Local CEQA Guidelines*), and conducts environmental assessments pursuant to the California Environmental Quality Act and the Local Guidelines as are necessary for the consideration of projects, as defined therein, when the exercise of authority vested by this article in the Department or the Zoning Administrator results in the consideration of a project as defined by the California Environmental Quality Act; and
- (m) Review and act upon all applications requiring Site Plan Review as required under Section 8-2.215.

Sec. 8-2.206 Zoning Administrator

The Director of the Community Services Department or designee shall appoint the Zoning Administrator to perform such duties and exercise such authority as set forth in this Article. The Zoning Administrator is hereby authorized to delegate to such appropriate members of the staff of the Community Services Department the powers and duties of the Zoning Administrator as set forth in this Article. Pursuant to Section 65901 of the Government Code of the State, the powers and duties of the Zoning Administrator shall be as follows:

- (a) Approve certain permits, including Minor Use Permits, Minor Variances, Lot Line Adjustments, Certificates of Compliance, and other permits as set forth in this Title, and authorize such modifications as are set forth in this Article;
- (b) Act as the advisory agency, as provided in the Subdivision Map Act (Government Code Section 66415), for Lot Line Adjustments and Mergers, and Notices of Violation;
- (c) Provide such public notice as is required by the State Planning Law or this chapter prior to issuing any such permit or granting such modification; and provide such additional notice as is appropriate, in the discretion of the Zoning Administrator; and
- (d) Conduct public hearings and convene and preside over meetings which are authorized or required by the State Planning Law, this chapter, or Federal, State, or County laws or regulations, or when public hearings are appropriate, in the discretion of the Zoning Administrator, due to public interest in a project.

- (e) When, in the discretion of the Zoning Administrator, there is significant public interest in a project, or the decision on a project involves policy considerations which should be reviewed by the Planning Commission, the Zoning Administrator may elect to refer the case, with or without a recommendation, to the Commission for decision. The Commission shall apply the standards set forth in this article, as well as other applicable statutes, ordinances, rules, and regulations, in making any such decision on the referred matter; and
- (f) Make such environmental assessments pursuant to the California Environmental Quality Act as are necessary for the consideration of projects, as defined therein, when the exercise of authority vested by this article in the Zoning Administrator results in the consideration of a project as defined by the California Environmental Quality Act;

Sec. 8-2.207 Development Review Committee

The Yolo County Planning Agency has established a Development Review Committee (DRC), a group of primarily County agencies, which meets to discuss and review all major discretionary development applications prior to when they are set for public hearing. The DRC generally includes representatives from the Planning Division; Public Works; the Building Division; Environmental Health; Economic Development; the Fire District; the Agricultural Commissioner; the Local Agency Formation Commission staff; and any other agencies that may have review/permitting authority.

The DRC generally meets once per month at a set time. The Planning Division coordinates the DRC meetings, sends out agendas and memorandum, and takes meeting notes. The DRC will normally meet three times during the review of a major discretionary project. The first DRC meeting will review the application for completeness. The second DRC meeting will review the draft Conditions of Approval and the environmental analysis that has been prepared by the project planner. A third DRC “pre-construction” meeting will review the approved Conditions of Approval with the applicant or contractor after project approval and prior to construction. The DRC meetings are internal County meetings that are closed to the public, however the project applicant and/or their representative are encouraged to attend second and third meetings, but not the first meeting.

Sec. 8-2.208 General Plan Citizens Advisory Committees

Although not a part of the Planning Agency, Yolo County encourages and supports several General Plan or land use Citizens Advisory Committees. The purpose of the appointed General Plan Citizens Advisory Committees is to provide local input and recommendations to the Community Services Department on implementation of the County General Plan, any local plans, and related land use matters. Citizens Advisory Committees consider and make recommendations to the Planning Commission on all discretionary applications that are received by the County within the designated committee comment area. Members of the Citizens Advisory Committees are appointed by the Yolo County Board of Supervisors. The Citizens Advisory Committees abide by adopted Bylaws, approved by the Board of Supervisors. Each Citizens

Advisory Committee adopts their own Standing Rules, which may set detailed rules and procedures for their own local committees, so long as they remain consistent with the Bylaws.

Sec. 8-2.209 Application requirements

The following general provisions shall apply to the development applications that are subject to public hearing before the Zoning Administrator, Planning Commission, or the Board of Supervisors.

- (a) The requirements specified herein are considered minimum and may be expanded or modified by specific application requirements as set forth on application forms prepared by the Department for specific types of permits.
- (b) At the discretion of the Director, a “pre-application” submittal and conference, as set forth in Section 8-2.213, may be encouraged or required. The purpose of such a Pre-application submittal shall be to ensure that the applicant is aware of issues and requirements related to the project.
- (c) Applications shall be filed with the Community Services Department on forms provided by that Department and shall, at a minimum, contain the following:
 - (1) Name and Address. The name, address, and signature of the applicant and, for privately initiated, property- specific applications, the name, address, and signature of the property owner;
 - (2) A statement of the proposed new construction or use.
 - (3) A Site or Plot Plan showing the following:
 - (i) The lot lines;
 - (ii) The adjoining or nearest roads;
 - (iii) The locations and dimensions of pertinent existing improvements, including on-site and nearby off-site wells and leachfields;
 - (iv) The locations and dimensions of proposed improvements, including on-site wells and leachfields; and
 - (v) Any other dimensions and data necessary to show that yard requirements, parking requirements, loading requirements, use requirements, and all other provisions of this chapter or any other Title of the County Code are fulfilled.
 - (4) A statement from the applicant that the proposed project is consistent with the General Plan text and maps;
 - (5) A statement from the applicant that he or she has read the Design Guidelines that apply to the project and the project has been designed to be as consistent with the Guidelines as is feasible;
 - (6) Other documents, drawings, and plans as required by the Director; and
 - (7) A fee shall be submitted, as provided by a fee schedule approved by resolution of the Board of Supervisors.

Sec. 8-2.210 Discretionary review and determining completeness of development applications

- (a) Processing and determining completeness of project applications shall be in accordance with the Permit Streamlining Act, Section 65920 *et seq*, Chapter 4.5 of the State Planning and Zoning Laws of the California Government Code, and Chapters 1 and 2 of this Code. The Permit Streamlining Act applies to all discretionary development projects that are quasi-adjudicatory actions such as approvals of Use Permits, Tentative Subdivision Maps, and Variances. The Permit Streamlining Act does not apply to ministerial projects such as building permits, or to legislative or quasi-legislative projects such as rezoning requests, and General Plan Amendments (Government Code section 65928 and related court interpretations).
- (b) After an application has been filed and appropriate fees have been paid, the application shall be examined by staff of the Planning Services Division and other appropriate County departments, to determine whether it contains all of the required information and is complete for the purposes of complying with Section 65943 of the Government Code. No later than 30 days following the submittal of the application, the applicant shall be notified in writing whether the application is deemed by staff to be complete or incomplete. If the application is determined to be incomplete, the applicant shall be notified in writing of the reasons therefore and informed of the information still needed to make the application complete.
- (c) If the application together with the submitted materials are determined not to be complete, and the applicant disagrees, the applicant may appeal the staff decision to the Planning Commission in accordance with the appeal procedure specified in Section 8.2-225. A final written determination on the appeal shall be made not later than sixty (60) calendar days after receipt of the applicant's written appeal. If the final written determination on the appeal is not made within the sixty (60) day period, the application with the submitted materials shall be deemed complete.
- (d) Upon written notification to the applicant, processing of an incomplete application may be terminated if no reasonable effort has been made by the applicant to complete the application for a period of six months from the date of notification of incompleteness. All unused fees shall be refunded to the applicant. The Planning Director on written request by the applicant showing good cause may grant an extension of this six-month period.
- (e) In addition to the standards and findings set forth in this Title, the Community Services Department may prepare supplemental guidelines for the submission of applications and minimum standards, and criteria for approval of applications.
- (f) All discretionary projects shall be reviewed for consistency with the Countywide General Plan text and Land Use maps. A project application not determined to be consistent with the General Plan shall be considered incomplete.
- (g) The discretionary review of development proposals shall evaluate and address impacts on the rural landscapes and views. Any potential for land use incompatibilities shall require incorporation of design features to reduce potential impacts, to the greatest extent feasible.

Sec. 8-2.211 Public notice

Notification to the public of public hearings on development applications shall be given in accordance with Section 65090 *et seq.*, of the California Government Code and the provisions of this section. Notice of the time, place, and purpose of the public hearing shall be given at least ten (10) days before the hearing in the following manner:

- (a) By at least one publication in a newspaper of general circulation in the County;
- (b) Wherever practical, by mailing a notice, postage prepaid, to the owners of all property within 300 feet of the exterior boundaries of the property involved, using for such purpose the last known name and address of such owners as shown upon the last assessment roll of the County. If determined to be necessary by the Director to reach an affected group in an agricultural or rural residential area, the radius of notified property owners may be expanded; and
- (c) When deemed appropriate by the Director, notice may also be given by posting notices not more than 500 feet apart along each and every street upon which the property abuts for a distance of not less than 300 feet in each direction from the exterior limits of such property.

Sec. 8-2.212 Approval of projects

- (a) Approval of project applications shall be determined in accordance with applicable State laws, including Section 65920 *et seq.* (Permit Streamlining Act), Section 65950 *et seq.* (Approval of Development Permits), and Section 66410 *et seq.* (Subdivision Map Act), of the California Government Code, and this section.
- (b) The Planning Director, Zoning Administrator, Planning Commission, and the Board of Supervisors may impose reasonable conditions on the approval of any permit or entitlement granted pursuant to this article in order to find or insure compliance of the use with the applicable requirements of this chapter or Federal, State, or County laws or regulations, or to provide the mitigation of environmental impacts caused by the use. Such conditions shall be in writing.
- (c) Decisions of the Planning Director, Zoning Administrator, and Planning Commission under this Article shall take effect, and appeals thereof made and considered, in the manner provided in Section 8.2-225 of this Article.
- (d) The Board is hereby authorized to promulgate by resolution a schedule of fees to be charged for the issuance by the Planning Director, Zoning Administrator, or Planning Commission, or Board of any permit or entitlement authorized by this article, such fees to be reasonably related to the actual costs to the County of processing such applications and issuing and policing such permits or entitlements.
- (e) Any violation of the terms or conditions of any permit or entitlement issued by the Planning Director, Zoning Administrator, Planning Commission, or Board pursuant to this article shall constitute a violation of this chapter, shall be a misdemeanor, and shall be punished as set forth in Section 8.2-226 of this Article. The enforcement of this article shall be by

the procedure set forth in Section 8.2-226 of this Article, and all remedies set forth therein for violations of this chapter shall be available against violations of this article.

Sec. 8-2.212.5 Indemnification

As a condition of approval of a permit or entitlement issued under this title, the applicant 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. Any condition imposed pursuant to this section shall include a requirement that the County promptly notify the applicant of any claim, action or proceeding and that the County cooperate in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond or other security in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Sec. 8-2.213 Pre-application

- (a) An applicant may submit to the Community Services Department, for consideration by Planning staff and reviewing agencies, a “pre-application” of preliminary development plans for a project that would require the issuance of discretionary permit(s). The intent of the pre-application process is to give an applicant an opportunity to “test the waters” prior to submitting a formal application. The pre-application process provides the applicant with an initial understanding of the issues and type of conditions of approval that could be raised by the project. A pre-application does not result in any formal approval of any permits by the County, but instead is concluded with a letter and meeting with the applicant.
- (b) After submittal of a pre-application form and payment of a fee, the form and any other provided information is distributed by Planning staff to appropriate County and other reviewing agencies for response and comments. The pre-application may be referred to the Development Review Committee. Following staff and agency review, a letter is prepared by staff and a meeting scheduled with the applicant. The purpose of the letter and meeting is to summarize the issues raised by the proposed project and the conditions and mitigation measures that could be applied if a subsequent formal application were to be filed with the County. Other departments and public agencies may be invited to attend the pre-application conference.
- (c) A pre-application and conference may be required by the Director as set forth in Section 8-2.209(b) of this Article.
- (d) No formal application for the development project being considered may be accepted until a pre-application letter and conference is considered complete by the Director.

- (e) The fee associated with the pre-application conference shall be credited to any subsequent formal application for the proposed development project, provided the subsequent formal application is submitted within a timely manner.

Sec. 8-2.214 Zoning Clearance

- (a) The purpose of the Zoning Clearance approval process is to quickly determine compliance between a development project seeking a building or related permit and not subject to discretionary review, with the provisions of this Code and the Yolo County General Plan. A Zoning Clearance is an “over-the-counter” review and approval of an application that is usually accomplished at the same time that a building permit is issued. The application is checked to ensure it is consistent with height, setback, parking, and other zoning standards or requirements for the specific zone district in which it is located, as set forth in this Title.
- (b) If an application is found to not be consistent with one or more zoning standards, the applicant must be required to modify the building plans or design to be consistent with the zoning, or the application must be resubmitted as a Variance or other discretionary action.
- (c) No unique conditions of approval or development standards may be attached to a Zoning Clearance, although standard conditions or development requirements may be attached.

Sec. 8-2.215 Site Plan Review

- (a) The purpose of the Site Plan Review approval process is to determine compliance between a more complicated development project seeking a building or related permit, not subject to discretionary review, with the provisions of this Code and the Yolo County General Plan. A Site Plan Review is triggered by a development application or use that is allowed “by right” yet is subject to specific zoning standards. These applications require a more thorough and lengthy review than a simple Zoning Clearance.
- (b) Development standards or simple conditions may be attached to a Site Plan Review approval, consistent with the requirements for the Use Type of the application and the zone within which it is located.
- (c) Approval of a Site Plan Review shall be required, at the discretion of the Director, in the following instances:
 - (1) For the establishment or change of use of any land, building, or structure, including - complex or extensive uses of agriculturally-zoned land, that is allowed “by right,” requires a building permit, and is subject to specific zoning or development standards; and
 - (2) For the construction, erection, enlargement, alteration, or moving of large and/or multiple buildings or structures, including farm residences; provided, however, no such approval shall be required for growing field, garden, or tree crops or for general farming operations.

- (d) Site Plan Review applications shall be submitted to the Planning Division, which shall approve, conditionally approve, or disapprove, such application or set the application on the agenda of the Planning Commission for interpretation and determination. Standard conditions that have been drafted to be specific to the proposed use may be placed on the approval of a Site Plan Review application by the Planning and other Divisions or Departments. The application shall be denied unless it is found to satisfy the requirements of this Code and the policies and standards of the General Plan.
- (e) Whenever the proposed Site Plan Review has been approved, and no such use has been initiated within one year after the date of such approval, the approval shall thereupon become null and void, unless a permit extension has been requested and granted.
- (f) A Site Plan Review permit may be extended for a period not to exceed one year by the Department.
- (g) The decision of the Planning Director, Planning Division, Building Division or any other County department or official shall take effect, and appeals thereof made and considered, in the manner provided in Section 8.2-225 of this Article.

Sec. 8-2.216 Permits approved by the Zoning Administrator

The following section describes the types of discretionary and other permits that may be approved or denied by the Zoning Administrator.

- (a) The Zoning Administrator, after holding a public hearing, may approve Minor Use Permits, upon adoption of Findings as set forth in Section 8-2.217.
- (b) The Zoning Administrator may approve Minor Variances to the otherwise applicable standards and design criteria set forth in this subsection, and to the extent set forth, after making the Findings set forth in Section 8-2.218. Variances that exceed the modifications in the applicable standards and design criteria are Major Variances that must be considered by the Planning Commission. Minor Variances include:
 - (1) In any zone, modifications of the front, side, or rear yard setback requirements; provided, however, the total modification shall not reduce the applicable setbacks to less than seventy-five (75%) percent of those otherwise required in the zone;
 - (2) In any zone, modifications of building heights; provided, however, such building heights shall not exceed 125 percent of the otherwise applicable maximum height in the zone;
 - (3) In any zone, modifications of the minimum lot area, width, and depth; provided, however, such modifications shall not reduce the total lot area to less than seventy-five (75%) percent of that otherwise required in the zone; and
 - (4) In any zone, modifications of the maximum area or height of signs otherwise applicable in the zone; provided, however, such modifications shall not result in a sign exceeding 125 percent of either the maximum height or maximum size otherwise applicable in the zone.
- (c) The Zoning Administrator shall process applications for mergers of parcels and/or lot line adjustments pursuant to Chapter I of this Title. Mergers and Lot Line Adjustments are not

subject to a public hearing and do not require public notice to surrounding property owners.

- (d) The Zoning Administrator may approve minor modifications to existing Use Permits, including those approved by the Commission pursuant to Section 8-2.217. Such minor modifications shall be approved only if Findings are adopted that such modifications substantially conform with the plans or standards approved by the Commission or Zoning Administrator and that the appearance and function of the total development and the surrounding development will not be significantly adversely affected as a result of such modification.
- (e) The Zoning Administrator may approve minor modifications of the detailed development plans or detailed development standards in Planned Development (PD) Zones approved by the Planning Commission pursuant to this Chapter. Such minor modifications may be approved only if Findings are adopted that such modifications are in substantial conformity with the plans or standards approved by the Commission, and that the appearance and function of the total development will not be significantly adversely affected as a result of such modification.
- (f) The Zoning Administrator may approve extensions of time for Use Permits and Variances, including those approved by the Planning Commission. Such extensions shall be approved only if Findings are adopted that circumstances under which the permit was granted have not changed. Such extensions shall be approved for no more than two (2) years.
- (g) The Zoning Administrator may approve modifications of the off-street parking requirements set forth in Article 13 of this Chapter; provided, however, the total variance shall not reduce the off-street parking to less than seventy-five (75%) percent of that otherwise required off-street parking. Such modifications shall be authorized only if it is found that the off-street parking, as modified, provides, either on the same site or on some reasonably and conveniently located site, adequate parking, loading, turning, and maneuvering space to accommodate substantially such needs as are generated by the use and will not result in a safety hazard to the users of the site or surrounding areas.
- (h) Surfacing materials required to satisfy the paving requirements for off-street parking and loading may be modified by the Zoning Administrator when the Zoning Administrator finds that the location of the parking or storage area or the nature or weight of the vehicles or equipment is such as to make the normally required surfacing materials unnecessary.
- (i) The Zoning Administrator may defer to the Planning Commission a decision on any discretionary permit application noted above. The Planning Commission shall then hold the public hearing and make all required findings and decisions. The reasons for the Zoning Administrator to defer decisions on any of the above discretionary permits to the Planning Commission may include, but are not limited to, the following:
 - (1) The project may result in significant adverse environmental impacts which cannot be mitigated to less than significant levels;
 - (2) The project involves substantial controversy;
 - (3) The project is in conflict with County policies;
 - (4) The project may be precedent setting;

- (5) The Zoning Administrator has determined that the project should be reviewed by the Planning Commission in order to best protect the public welfare.

Sec. 8-2.217 Use Permits

- (a) The purpose of a Use Permit shall be to allow the proper integration into the community of uses which may be suitable only in specific locations in a zone or only if such uses are designed or laid out on the site in a particular manner.
- (b) Applications for Use Permits shall be filed by the owner or his/her authorized agent in the office of the Community Services Department, on forms provided by the Department, accompanied by a fee, a Site or Plot Plan, and any other drawings or information as may be required to fully describe the request, as set forth in Section 8-2.209. No application may be filed which proposes any use which is not consistent with the General Plan of the County, as amended. The rejection of applications on the basis of inconsistency may be appealed as provided in Section 8-2-225 of this chapter.
- (c) The Planning Commission or Zoning Administrator shall hold a public hearing on the requested Use Permit, notice of which shall be given by mail as provided in Section 8-2.211. The Planning Commission or Zoning Administrator may approve, conditionally approve, or disapprove an application for a Use Permit. The Planning Commission shall act on applications for Major Use Permit, as that term is defined in this Title, and the Zoning Administrator shall have the discretion to act on applications for a Minor Use Permit, as that term is defined in this Title, or send the Minor Use Permit application to the Planning Commission.
- (d) If the Planning Commission or Zoning Administrator approves a Use Permit application, it may attach such Conditions of Approval, including standard and specific design, development, and performance requirements, infrastructure requirements, standard time limitations, guarantees, amortization schedules, assurances, and requirements, as may be necessary to accomplish the objectives set forth in this Chapter and the requirements of the General Plan. The Planning Commission and Zoning Administrator may impose such Conditions of Approval as are necessary to allow the findings set forth in this subsection to be made and may require the applicant to execute and record documents which insure that such conditions run with the land.
- (e) In granting a Use Permit, the Planning Commission or Zoning Administrator, with due regard to the nature and condition of all adjacent structures and uses, the zone within which the structures and uses are located, and the General Plan, shall find the following general conditions to be fulfilled:
 - (1) The requested use is listed as a conditional use in the zone regulations or elsewhere in this Chapter;
 - (2) The requested use is essential or desirable to the public comfort and convenience;
 - (3) The requested use will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare;
 - (4) The requested use will be in conformity with the General Plan;

- (5) Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided;
 - (6) The requested use, if located in an agricultural zone, will serve and support production of agriculture, the agricultural industry, or is otherwise agriculturally related; or if the use is not agriculturally related (e.g., solar or wind energy, rural recreation, and other non-agricultural uses), the use is listed as a conditional use consistent with subsection (1), above, and generally relies on a rural location; and
 - (7) The requested use, if located in an agricultural zone, and if proposed on prime farmland, cannot be reasonably located on lands containing non-prime farmland.
- (f) Revocation and modification. A Use Permit may be revoked or modified as provided by the provisions of this section. For purposes of this section, such modification may include the modification of the terms of the permit itself or the waiver, alteration, or imposition of new conditions.
- (1) Grounds for Revocation or Modification. Revocations or modifications may be made upon a finding of any one or more of the following grounds:
 - a. That such permit was obtained by fraud or misrepresentation;
 - b. That any person making use of or relying upon the Use Permit is violating or has violated any conditions of the permit, or that the use for which the Use Permit was granted is being, or has been exercised contrary to the terms or conditions of such approval;
 - c. If the use for which the Use Permit was granted is being, or has been exercised in violation of any state law, ordinance or regulation adopted pursuant;
 - d. That the use for which the Use Permit was granted is so conducted as to be a nuisance or detrimental to the public health, welfare, or safety; or
 - e. That the use for which the Use Permit was granted has been materially altered or expanded beyond the scope of the use originally authorized. Factors such as, but not limited to, increased number or size of structures, finding that a nuisance exists, or alteration of the approved project plan may be cause for modification or revocation of a conditional use permit.
 - (2) Automatic revocation. If the permittee has not taken substantial steps towards putting the property into the use for which the Use Permit was granted within the time limit set when granted, or within one year after the date of the hearing if no specific time has been set, and an extension of time has not been approved by the Planning Commission or the Zoning Administrator according to Section 8-2.216(f), the Use Permit shall be deemed to be null and void without further action.
 - (3) Initiation of Action. An action to revoke or modify a Use Permit may be initiated by order of the Board of Supervisors or Planning Commission, on its own motion or on the request of the Planning Director or Zoning Administrator, or his/her authorized designee(s).
 - (4) Proceedings for Revocation or Modification.
 - a. Guidelines. Unless otherwise required by California law or this subsection (4), the adopted guidelines for quasi-judicial appeals and hearings shall apply to procedures arising under this chapter. As set forth in the guidelines, the chair

of the hearing body may modify or waive provisions of the guidelines as appropriate. The guidelines do not create any additional rights and any failure to follow these guidelines shall not affect the validity of the hearing or the decision made.

- b. Public hearing; notice. Any action to revoke or modify a Use Permit shall require a public hearing held by the Planning Commission or Zoning Administrator, whichever granted the Use Permit, and notice given pursuant to Section 65091 of the Government Code.
- c. Notice contents. The contents of the notice shall contain the following information:

- (i) Date, time and place of the public hearing;

- (ii) A general explanation of the matter to be considered at the public hearing including the basis therefore; and,

- (iii) A general description, in text or by diagram, of the location of the real property, if any, that is the subject of the public hearing.

- d. Conduct of hearing. The public hearing shall be conducted as follows:

- (i) The Planning Commission or Zoning Administrator will hear sworn testimony and consider other evidence concerning the proposed action.

- (ii) County staff and the permittee may be present at such hearing, may be represented by counsel, may present testimony, and may cross-examine any and all witnesses.

- (iii) Formal rules of evidence or procedure shall not apply, including rules relating to evidence, witnesses and hearsay. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. The hearing officer has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

- (iv) The standard of proof shall be by a preponderance of the evidence.

- (g) The decision of the Planning Commission or the Zoning Administrator shall take effect, and appeals thereof made and considered, in the manner provided in Section 8-2.225.

- (h) No Use Permit which has been approved by the Planning Commission or Zoning Administrator shall become valid prior to the expiration of the appeal period, as set forth in Section 8-2.225, or the final action on an appeal to the Board of Supervisors.

Sec. 8-2.218 Variances

- (a) The purpose of a Variance is to allow variation from the strict application of the provisions of this chapter where special circumstances pertaining to the physical characteristics and location of the site are such that the literal enforcement of the requirements of this chapter would involve practical difficulties or would cause hardship and would not carry out the spirit and purposes of this chapter and the provisions of the General Plan.

- (b) Applications for Variances shall be filed by the owner or his authorized agent in the office of the Community Services Department, on forms provided by the Department, accompanied by a fee, a Site or Plot Plan, and any other drawings or information as may be required to fully describe the request, as set forth in Section 8-2.209. No application may be filed which proposes any Variance which is not consistent with the General Plan of the County, as amended. The rejection of applications on the basis of inconsistency may be appealed as provided in Section 8-2.225 of this chapter.
- (c) The Planning Commission or Zoning Administrator shall hold a public hearing on the requested Variance, notice of which shall be given by mail as provided in Section 8.2-211. The Planning Commission or Zoning Administrator may approve, conditionally approve, or disapprove an application for a Variance. The Planning Commission shall act on applications for Major Variance, as that term is defined in this Title, and the Zoning Administrator shall have the discretion to act on applications for a Minor Variance, as that term is defined in this Title, or send the Minor Variance application to the Planning Commission.
- (d) If the Planning Commission or Zoning Administrator approves a Variance application, it may attach such Conditions of Approval, including standard and specific design, development, and performance requirements, infrastructure requirements, standard time limitations, guarantees, amortization schedules, assurances, and requirements, as may be necessary to accomplish the objectives set forth in this Chapter and the requirements of the General Plan. The Planning Commission and Zoning Administrator may impose such Conditions of Approval as are necessary to allow the findings set forth in this subsection to be made and may require the applicant to execute and record documents which insure that such conditions run with the land.
- (e) The Planning Commission or Zoning Administrator shall grant a Variance only when, in accordance with the provision of Section 65906 of the California Government Code, all of the following circumstances are found to apply:
 - (1) That 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;
 - (2) 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 is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification;
 - (3) That the Variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property, excluding uses allowed by conditional Use Permit; and
 - (4) 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 Plan.
- (f) In the event the conditions of a Variance have not been, or are not being, complied with, the Community Services Department shall give the permittee notice of intention to revoke such Variance at least ten (10) days prior to a Planning Commission review thereon. After the conclusion of the review, the Planning Commission may revoke such-Variance.

- (g) In the event the project or use for which the Variance was granted has not commenced within the time limit set by the Planning Commission or the Zoning Administrator, or within one year after the date of the hearing if no specific time has been set, and an extension of time has not been approved by the Planning Commission or the Zoning Administrator according to Section 8-2.216(f), the Variance shall be deemed to be null and void without further action.
- (h) The decision of the Planning Commission or the Zoning Administrator shall take effect, and appeals thereof made and considered, in the manner provided in Section 8-2.225.
- (i) No Variance which has been approved by the Planning Commission or Zoning Administrator shall become valid prior to the expiration of the appeal period, as set forth in Section 8-2.225, or the final action on an appeal to the Board of Supervisors.

Sec. 8-2.219 Parcel and subdivision maps

- (a) Applications and approvals of Tentative Parcel Maps and Tentative Subdivision Maps, and (Final) Parcel Maps and Final Subdivision Maps, shall be processed according to the provisions of the State Subdivision Map Act (Section 66410 et seq, of the California Government Code) and the provisions of this Article and Chapter 1 of this Title.
- (b) Applications for all Tentative Parcel Maps and Tentative Subdivision Maps shall be heard and decided by the Planning Commission, unless a concurrent application requires legislative action by the Board of Supervisors, such as a rezoning. The Planning Commission is authorized by this section to serve as an “advisory agency” as that phrase is defined (Section 66415) and used (Sections 66473.5, 66474, 66474.6, and 66474.7) in the State Subdivision Map Act.
- (c) Any interested party may appeal a final decision of the Planning Commission regarding any Tentative Parcel Map or Tentative Subdivision Map to the Board of Supervisors, in the manner provided in Section 8-2.225. An appellant shall be entitled to the same notice and rights regarding testimony as are accorded a subdivider under Section 66452.5 of the State Subdivision Map Act.
- (d) Applications for (Final) Parcel Maps and Final Subdivision Maps shall be accepted by the Board of Supervisors.
- (e) The Planning Commission shall consider extensions of time for Tentative Maps, consistent with Sections 66452.6 and 66463.5 of the State Subdivision Map Act. The Planning Commission is authorized by this section to approve or conditionally approve the extension of a Tentative Map only if findings are adopted that circumstances under which the Tentative Map was approved have not changed. Any such decision to approve, conditionally approve, or deny an extension of time may be appealed as set forth in subsection (c), above.

Sec. 8-2.220 Other ministerial and discretionary permits

- (a) The following is a list of other ministerial and discretionary permits that may not be identified by name in this Article but which may be issued by the County:

- (1) Business License, Home Occupation, or Itinerant Vendor Permit
- (2) Historic Site Plan Review or Permit
- (3) Master Subdivision Site Plan Review
- (4) Public Works permits such as Encroachment, Transportation, Parade, etc.
- (5) Lot Line Adjustment
- (6) Minor and Major Certificate of Compliance
- (7) Gas or Oil Well Permit
- (8) Animal Density Permits
- (9) Lot Merger
- (10) Annual Development Agreement Review
- (11) Establishment of a Williamson Act Contract
- (12) Approval of a Williamson Act Successor Agreement
- (13) Minor Agricultural Contract Division
- (14) Certificate of Correction
- (15) Minor or Major Code Interpretation
- (16) Minor Use Permit Amendment or Extension
- (17) Major Use Permit Amendment or Extension
- (18) Tentative Parcel or Subdivision Map Extension
- (19) Reversion to Acreage
- (20) ABC License Use Permit, for beer, wine, and spirits
- (21) Model Water Efficiency Landscape Plans

Sec. 8-2.221 Zone Boundary Adjustments

- (a) Minor Zone Changes or Zone Boundary Adjustments are defined as those rezoning applications that do not change the amount of land in each zone by more than 10 percent, or a maximum of five (5) acres, and do not increase the maximum intensity of land use allowed by the General Plan and zoning by more than 10 percent. Applications for Zone Boundary Adjustments are to be processed as a rezoning legislative action, with hearing and recommendation by the Planning Commission, and hearing and final action by the Board of Supervisors, as required by Sections 65854 through 65857 of the Government Code.
- (b) Applications that exceed the thresholds in (a) are defined as rezonings and are to be processed according to Section 8-2.222.

Sec. 8-2.222 Rezonings

- (a) Rezoning applications are defined as those actions that change the zoning of land from one zoning district to another zoning district, or that change the amount of land in a zoning district by more than 10 percent, or increase the maximum intensity of land use allowed by the General Plan and zoning by more than 10 percent. Changing the zoning of land to add or delete a Planned Development (PD) zoning district is a rezoning.
- (b) Applications for rezonings are to be processed as a legislative action, with hearing and recommendation by the Planning Commission, and hearing and final action by the Board of Supervisors, as required by Sections 65854 through 65857 of the Government Code.

Sec. 8-2.223 General Plan Amendments

The following section describes the process by which an amendment to the 2030 Yolo Countywide General Plan may be authorized to proceed, and then processed.

- (a) Pursuant to Section 65358(b) of the Government Code, the approval of amendments is limited to four times per calendar year. Amendments may be initiated by the Board of Supervisors, Community Services Department staff, the property owner, or any authorized agent of the property owner. However requests for amendments to the General Plan by private parties are generally discouraged.
- (b) Corrections and/or non-substantive changes to the General Plan do not constitute an amendment of the Plan within the meaning of Section 65358(b). Corrections and/or nonsubstantive changes may be processed by the Community Services Director (Director), but must be approved by the Board of Supervisors in the form of a resolution of approval.
- (c) Amendments to the General Plan shall be required when a proposal would:
 - (1) Substantively change the boundaries or location of any land use designation within the plan;
 - (2) Substantively change the text, figures, or tables of the plan;
 - (3) Adopt or significantly revise a Specific Plan, Area or Community Plan, or other policy plan.
- (d) All amendments to the General Plan proposed by private parties must first be authorized for further study by the Board of Supervisors before the amendment can be environmentally evaluated and processed by Community Services Department staff.
- (e) Initial Authorization Application Requirements. An initial request by any private party to authorize a General Plan Amendment (GPA) study shall include the application forms, required documentation, and applicable fee as established by the County Community Services Department and shall provide the following:
 - (1) A detailed statement identifying the reasons for the GPA authorization request and demonstrating how the proposed GPA furthers the vision and goals of the General Plan.
 - (2) A detailed description of the General Plan text, figures and maps that would require modification as a result of the request.
- (f) An initial request by a private party to authorize a General Plan Amendment study must be filed with and reviewed by the Planning Director at a Pre-Application conference. Upon receipt of an initial application to authorize a General Plan Amendment, the Director shall immediately notify and solicit comments from the appropriate Yolo County departments or adjacent jurisdictions that may be affected, as well as any citizens advisory committees. Following the Pre-Application conference and receipt of any comments from other department or agencies, the Director shall prepare a report and recommendation on the GPA authorization to be placed on the Board of Supervisors agenda as a public hearing.

- (g) At the GPA authorization hearing, the Board of Supervisors may request a presentation by the applicant. Following the conclusion of the hearing, the Board of Supervisors Council may authorize the General Plan Amendment for further study and processing by staff, or the Board of Supervisors may deny the authorization request. If the GPA authorization request is denied, no formal GPA application can be submitted to the County, and no further study of the GPA will be conducted by the staff.
- (h) If the Board of Supervisors Council authorizes the General Plan Amendment for further study, a revised formal General Plan Amendment application shall be completed and submitted to the Community Services Department by the applicant with appropriate fees and technical studies to support the GPA. The formal GPA application shall include an appropriate deposit, as determined by the Director, to initiate the environmental evaluation required to comply with the California Environmental Quality Act (CEQA).
- (i) Any authorized application for a General Plan Amendment, accompanied by the appropriate CEQA document, shall be processed in accordance with State law. The GPA application and environmental document must first be heard by the Planning Commission, which shall make a recommendation to the Board of Supervisors.
- (j) Any General Plan Amendment that is approved must be approved by resolution of the Board of Supervisors and shall be documented in the table of changes in the front of the General Plan.

Sec. 8-2.224 Code Amendments

- (a) The provisions of this chapter may be amended by changing the boundaries of zones, by changing the zoning districts or zoning regulations, or by changing any provision of this chapter whenever the public necessity, convenience, and general welfare require such amendments.
- (b) An amendment may be initiated by:
 - (1) One or more owners of property affected by the proposed amendment or by the authorized agent of any such owner;
 - (2) The Board of Supervisors; or
 - (3) The Planning Commission.
- (c) Applications of one or more property owners, or the authorized agent thereof, for amendments shall be filed in the office of the Planning Department, on forms provided by the Planning Department, at least forty-five (45) days prior to the meeting date on which action may be desired. Such applications shall be accompanied by a fee in the amount established by the Board by resolution and by such other information as may be required to fully describe the request.
- (d) No application may be filed which proposes any use which is not consistent with the General Plan of the County, as amended. The rejection of applications on the basis of inconsistency may be appealed as provided in Section 8-2.225 of this chapter.
- (e) Applications involving projects for which Negative Declarations or Environmental Impact Reports are required shall not be heard until the environmental assessment procedures

set forth in Title 10 of the County Code and the *Yolo County Local CEQA Guidelines* are satisfied. Applications continued to an unspecified time awaiting the submission of additional environmental information by the applicant pursuant to said provisions of Title 10 shall be deemed denied if the required information is not submitted within one year after the date of filing the application.

- (f) Pursuant to the provisions of Chapter 4 of Title 7 of the State Government Code (General Plan Administration), if, from the facts presented at the public hearing provided for and by investigation, the Commission finds that the public health, safety, and general welfare warrant the change of zones or regulations, and such change is in conformity with the General Plan and any applicable Specific Plan, Area or Community Plan, or other policy plan, the Commission may recommend such change to the Board of Supervisors. If the facts do not justify such change, the Commission shall recommend that the application be denied. A Commission recommendation for approval shall be submitted to the Board of Supervisors for its consideration. A recommendation for denial shall terminate consideration of the matter unless the applicant or other interested party appeals to the Board in the manner provided in Section 8-2.225 of this title. The Commission's recommendation to the Board shall be accompanied by a written report of findings and a summary of the hearing.
- (g) Pursuant to the provisions of Chapter 4 of Title 7 of the State Government Code, at its next regular meeting after the receipt of the Commission recommendation concerning an amendment, the Board of Supervisors shall set a date for a hearing thereon. The giving of notice shall be as set forth in this article for hearings by the Commission. The Board of Supervisors shall act on zoning amendments as follows:
 - (1) The Board may approve, modify or disapprove the recommendation of the Planning Commission; provided that any modification not previously considered by the Commission during its hearing shall first be referred to the Commission in the manner and subject to the time limitations specified in Section 65857 of the Government Code.
 - (2) Prior to approving any such amendment, the Board shall find that the proposed amendment is in conformance with the General Plan and that the public health, safety and general welfare warrant the change of zones or regulations.

Sec. 8-2.225 Appeals

- (a) Except to the extent expressly provided otherwise in this Title, actions and decisions of the Planning Director, Zoning Administrator, and Planning Commission shall be effective and shall be appealed in the manner provided in this section. A decision of an appeal by a subordinate body may be appealed to the Board of Supervisors in the same manner. As used in this section, "Deciding Authority" shall refer to the Planning Director, Zoning Administrator, or Planning Commission as the circumstances require.
- (b) Actions or decisions of the Deciding Authority shall take effect on the sixteenth (16th) day following the action or decision, unless a notice of appeal is filed prior to the sixteenth (16th) day with the clerk of the Planning Commission in the case of Planning Director, Zoning Administrator or other County official's decisions, or with the Clerk of the Board of Supervisors in the case of Planning Commission decisions. A timely filing of a notice of appeal shall nullify the decision of the Deciding Authority appealed from, whose decision

shall serve as a recommendation to the body appealed to. An appeal shall not be considered as timely filed until it is accompanied by the fee established by the Board of Supervisors for such appeal.

- (c) Within the time otherwise provided for filing appeals, and where there is a potential for an impact of Countywide importance, any member of the Board of Supervisors may file with whom it is filed, shall cause the matter to be placed on the agenda of the next regular meeting of the Board of Supervisors for a determination by the Board of Supervisors. If the Board determines that there is a potential for an impact of Countywide importance resulting from an action or decision, it may order the appeal to go forward. In the absence of an affirmative determination at that meeting or at a subsequent meeting to which the matter is ordered continued, the appeal shall be deemed withdrawn. No fee shall be required of any appeal taken pursuant to a notice of appeal filed by a member of the Board. A timely filing shall nullify the decision of the Deciding Authority appealed from, whose decision shall serve as a recommendation to the body appealed to.
- (d) No appeal, once filed, may be withdrawn without the approval of the body appealed to. The body appealed to shall give such approval after conducting a noticed hearing at which other interested persons shall be given the opportunity to indicate their intention to file appeals in lieu of the appeal to be withdrawn. Upon the expiration of five (5) days after the approval of withdrawal of the appeal, if no other appeals are then pending and no further appeals have been filed, the decision appealed from shall take immediate effect without further order or action. If other appeals are pending or filed, the matter shall continue to be reviewed in the appeal process.
- (e) An appeal shall be set for hearing at a subsequent meeting, but in no event later than sixty (60) days after the date of the filing of the notice of appeal with the County Clerk. In the event the body deciding the appeal fails to take action on or continue to a later time a matter appealed under this title, the failure to take action shall be considered a denial without prejudice of the appeal. The matter may be reconsidered upon the giving of proper notice of a new hearing.
- (f) The body deciding the appeal shall conduct a public hearing on the matter, notice of which shall be given in the manner required by State planning law. The hearing may be continued from time to time provided that a decision is rendered within the time limits, if any, established by State planning law.
- (g) Any appeal of a decision or action shall also serve as an appeal of all related matters decided together with the action appealed from, regardless of the grounds and issues described in the notice of appeal. The bodies deciding the appeal may reverse, modify or affirm the decision appealed from. In considering the appeal, the body shall consider the evidence presented at previous hearings and/or in the administrative record, and any additional evidence that may be presented at the hearing before it.

Sec. 8.2-226 Violations

- (a) It shall be the duty of the Planning Director to enforce the provisions of this chapter pertaining to the use of any land or structure. It shall be the duty of the Chief Building Inspector to enforce the provisions of this chapter pertaining to bulk, height, and land coverage of structures, open spaces about structures, and the dimensions and area of

sites upon which structures are located. Requirements pertaining to health and sanitation, fire protection, and Building Code regulations shall be enforced by the respective agencies which have jurisdiction in such matters. Whenever there is a conflict between the provisions of this chapter and other County, State, and Federal regulations, the more restrictive regulations shall apply.

- (b) All departments, officials, and public employees of the County vested with the duty or authority to issue permits, certificates, or licenses shall conform to the provisions of this chapter and shall issue no permit, certificate, or license for uses, buildings, or purposes in conflict with the provisions of this chapter, and any such permit, certificate, or license issued in conflict with the provisions of this chapter, intentionally or otherwise, shall be null and void.
- (c) Any person, whether as principal, agent, employee, or otherwise, violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in Chapter 2 of Title 1 of this Code. Such person shall be deemed guilty of a separate offense for each and every day during any portion of which any such violation is committed, continued, or permitted by such person and shall be punishable as set forth in said Chapter 2 of Title 1 of this Code.
- (d) If any person is arrested for any such violation and such person is not immediately taken before a magistrate, the arresting officer, pursuant to the provisions of Section 853.6 of the Penal Code of the State, shall prepare, in duplicate, a written notice to appear in court. Such written notice shall contain the name and address of such person and the offense charged and shall set forth the time when and the place where such person shall appear in court. The time set forth in the notice to appear shall be at least five (5) days after such arrest. The place set forth in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.
- (e) The arresting officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, shall give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon, the arresting officer shall forthwith release the person arrested from custody. The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon, the magistrate shall fix the amount of bail which, in his judgment, in accordance with the applicable provisions of the Penal Code of the State, will be reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by the magistrate in the form set forth in the applicable section of said Penal Code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before a magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited and may, in his discretion, order that no further proceedings shall be had in such case. Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the County Treasury for disposition pursuant to the applicable provisions of said Penal Code. No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial,

or judgment, or to comply with the terms and provisions of the judgment as required by law.

- (f) Any person willfully violating his written promise to appear in court shall be deemed guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested. Whenever a person signs a written promise to appear at the time and place set forth therein and has not posted bail as provided in said Penal Code, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense. When such person violates his promise to appear before the officer authorized to receive bail, other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.
- (g) Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this chapter, or any use of any property conducted, operated, or maintained contrary to the provisions of this chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the District Attorney, upon an order of the Board, shall immediately commence an action or proceedings for the abatement, removal, and enjoinder thereof in a manner provided by law and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person from setting up, erecting, constructing, altering, enlarging, converting, moving, maintaining, or using any such building or structure, or using any property contrary to the provisions of this chapter.

Sec. 8-2.227 Use Classification System

- (a) The intent of this Section is to classify uses according to a limited number of Use Types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public health, safety, and general welfare. These classifications shall apply throughout this Title.
- (b) All uses shall be classified according to the Use Types described in this Chapter beginning with Section 8-2.303. The classifications shall comply with the provisions of this Section.
- (c) The most prevalent Use Types identified for each zone district are “principal” uses allowed by right. Use Types also include “accessory” or “ancillary” uses identified by broad category. Use Types also include conditional uses permitted through the issuance of a Use Permit.
- (d) The description of the Use Types in this Chapter often contains individual specific uses that are classified within the Use Type. These specific typical uses are examples and are not meant to include all uses that may properly be classified within the Use Type.
- (e) New specific uses shall be classified into use types based upon the description of the Use Types and upon characteristics similar to other uses already classified within the Use Type, subject to the applicable provisions of Subsection (f) of this Section.

- (f) The principal uses conducted on a single parcel shall be classified separately.
- (g) The Director of the Community Services Department shall have the following authority and responsibilities with respect to the Use Classification System:
 - (1) The Director shall have the authority to classify uses according to Use Types or to determine that a use does not fit under any use type and, therefore, is not permitted.
 - (2) The Director may make an interpretation, binding upon the County, as to whether a particular use is either a principal allowed use, accessory or ancillary use, conditional use, or is not allowed in a particular zone.
 - (3) The Director may determine that a particular use is consistent with the general purposes of the zone and is of the same general character as those uses expressly listed as either permitted, accessory, and conditional uses in the zone, and therefore determine that the use is allowed in the zone as either a permitted, accessory, or conditional use.
 - (4) The Director shall develop and maintain an administrative list of common uses and the Use Types into which they are classified.
 - (5) The classification of a use is an administrative decision without notice and hearing, except that an applicant can appeal the Director's decision pursuant to Section 8-2.225.