



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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August 20, 2015

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

**SUBJECT: ORDINANCE AMENDMENT APPLICATION NO. PLN2015-0047 – HOUSING  
RELATED CODE AMENDMENTS**

**RECOMMENDATION**

Based on the discussion below and on the whole of the record provided to us, staff is requesting that the Planning Commission provide a recommendation of approval of Ordinance Amendment Application No. PLN2015-0047 – Housing Related Code Amendments to the Board of Supervisors. If the Planning Commission decides to provide a recommendation of approval, Exhibit A, provides an overview of all of the findings required for project approval.

**PROJECT DESCRIPTION**

This is a request to amend the Stanislaus County Zoning Ordinance (Title 21) Chapters 21.08 – *General Provisions*, 21.12 – *Definitions*, and 21.60 – *Industrial District (M)* and to add Chapter 21.86 – *Reasonable Accommodation* and Chapter 21.82 – *Density Bonus for Affordable Housing* to meet state requirements for fulfillment of Housing Element goals. (See proposed ordinance amendments under Exhibit B - *Draft Ordinance Amendments*)

The County is currently in the process of updating its Housing Element to comply with the fifth cycle requirements, covering 2015-2023, as set forth in California Planning and Zoning Laws. The proposed ordinance amendments focus on three core areas: 1) SB 2 (Supportive and Transitional Housing and Emergency Shelters), 2) Density Bonus, and 3) Reasonable Accommodations. The County must be compliant with SB2 in order for the Housing Element to be certified by the California Department of Housing and Community Development (HCD). A certified Housing Element may be used as a qualifying factor for future State funding. As part of the certification process, HCD will conduct a streamlined review of the Housing Element update when a jurisdiction meets State housing law requirements including a provision for density bonus and a formalized process for reasonable accommodation requests.

**DISCUSSION**

This section provides an overview of the three core areas being addressed by the proposed ordinance amendment and a General Plan consistency discussion.

## **SB2 Amendment Overview**

California Senate Bill 2 (effective January 1, 2008 and codified in California Government Code Section 65583) requires that jurisdictions permit emergency shelters by right in at least one zoning district and that supportive and transitional housing are treated the same as any other residential use. As part of this proposed ordinance amendment, Chapter 21.12 – *Definitions* has been updated to comply with SB2 including added definitions for “Emergency Shelter”, “Supportive Housing”, and “Transitional Housing” which mirror State law and the definitions for “Single-family”, “Two-family (Duplex)”, and “Multiple Dwellings” to include supportive and transitional housing have been amended. Changes have also been made to Chapter 21.60 - *Industrial District (M)* to permit emergency shelters when located within a LAFCO approved Sphere of Influence, subject to issuance of a non-discretionary permit and in accordance with the specific standards laid out in the amended ordinance, which include a limit on the number of beds, screening, on-site lighting, off-street parking, on-site management, security, and length of stay. SB2 also requires that the County demonstrate site capacity in the zone or zones identified to be appropriate for the development of emergency shelters.

### Emergency Shelters

In addition to identifying one zone or zones where emergency shelters are allowed as a non-discretionary permitted use (by right), SB2 also requires that such identified zones include sufficient capacity to accommodate the need for emergency shelter. When determining which district was best suited for emergency shelters as a permitted use, staff considered the following: population in need of emergency shelter and services; proximity of supportive services; availability of land with capacity for development in terms of public infrastructure availability; and compatibility of existing land use policies and permitted uses.

Due to the transient nature of the homeless population, it is difficult to achieve a precise estimate of the number of homeless people. Methods for estimating the homeless population have been subject for debate for many years. According to the 2015 Point in Time (PIT) Count, conducted by the Stanislaus Continuum of Care, it is estimated that there are 1,408 homeless individuals, made up of 1,172 households, throughout Stanislaus County. The majority of the 1,408 persons were counted in the Modesto area, where existing transit, shelter, and support services are available. However, the count was unable to delineate between persons counted in the incorporated versus unincorporated areas of the county. Based on a recommended HCD formula, when jurisdictional boundaries of the count are indistinguishable, 15% of the total count should be assigned to the unincorporated county areas (15% of 1,408 is equivalent to 211 persons). Therefore, the County has a responsibility of accommodating up to 211 homeless persons, or beds, in at least one zone without requiring a discretionary permit. A use permit may be required to establish emergency shelters after the 211 beds have been created in the unincorporated areas of the county.

Staff identified the Industrial (M) zoning district within a LAFCO approved Sphere of Influence (SOI) as the most appropriate location for emergency shelters due to the availability of both public and non-profit services, such as public transportation, emergency food, medical care, other support services, and public infrastructure such as sidewalks, lighting, sewer and water services, as well as land availability, and land use compatibility. Similar uses such as service establishments, and public and quasi-public buildings, churches, schools, daycare centers, family day care homes, hospitals, and community centers are currently permitted in the M zoning district and are considered to be similar in nature and compatible with emergency shelters.

The cities of Ceres, Modesto, Riverbank, and Turlock have SOI (Spheres Of Influence) boundaries which include over 2,800 acres of unincorporated M zoned land of sufficient size

(from 1 acre to several acres) with available infrastructure to support an emergency shelter. The majority of available M zoned land is located within Modesto's SOI, which contains 575 parcels made up of 2,583 acres. Turlock's SOI contains 47 parcels made up of 211 acres, Ceres's SOI has 31 parcels made up of 61 acres, and the City of Riverbank SOI has 9 acres made up of three parcels, of M zoned land. (See Exhibit C - *M Zoned Properties within City SOIs*)

Each city's emergency shelter policies were reviewed for compatibility with this proposed ordinance amendment. The City of Ceres permits emergency shelters in the M-1 (Light Industrial) zoning designation. The City of Modesto allows an emergency shelter as a permitted use within the C-M (Commercial-Industrial), M-1 (Light Industrial), or M-2 (Heavy Industrial) zones. The City of Riverbank allows an emergency shelter for 6 or fewer persons as a residential use, which is permitted within the R-3 (Multi-family Residential), and with a use permit in the C-1 (Neighborhood Commercial), C-2 (General Commercial), or CM (Commercial Industrial) zoning districts. The City of Turlock developed an emergency shelter zoning overlay district which includes a defined area near their downtown core made up of properties with CH (Heavy Commercial), CC (Community Commercial), I (Industrial), IR (Downtown Industrial Residential), and TC (Downtown Transitional Commercial) zoned parcels.

In an effort to respect the existing policies of city jurisdictions regarding emergency shelters, the proposed ordinance amendment requires that a non-discretionary permit be obtained prior to operation of any emergency shelter, which will be referred to the appropriate city for review and comment, through the County's Staff Approval Permit process (which for purposes of emergency shelters will be a non-discretionary permit). Additionally, the proposed ordinance amendment specifies that when siting an emergency shelter on an industrial zoned property in an SOI where that jurisdiction has previously identified specific properties as appropriate for emergency shelters, a use permit must be obtained. In this case, the City of Turlock permits emergency shelters only on sites located within their emergency shelter overlay zone, which identifies specific properties as appropriate for the siting of emergency shelters. Emergency shelters are therefore not permitted within the SOI of the City of Turlock without first obtaining a use permit.

Staff believes that the 2,589 acres of unincorporated M zoned land not requiring a discretionary permit for development of an emergency shelter to be sufficient to meet the County's homeless need of 211 homeless individuals, to be suitable in terms of proximity to available services, and to be compatible with surrounding land uses and surrounding jurisdictional policies.

#### Transitional and Supportive Housing

The proposed amendment to Chapter 21.12 – *Definitions* defines "Transitional Housing" as: "Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of assistance, in accordance with California Government Code Section 65582(h)."

The proposed amendment to Chapter 21.12 – *Definitions* defines "Supportive Housing" as: Housing with no limit on length of stay that is occupied by the target population and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Target population is defined in Health and Safety Code Section 56682(g) as persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may

include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.”

By State law, transitional and supportive housing must be treated as a residential use in all residential zones and only subject to those restrictions that apply to other residential uses of the same type in the same zone. To comply, the definitions included in Chapter 21.12 – *Definitions* for “Single-family”, “Two-family (Duplex)”, and “Multiple Dwellings” were amended to include housing utilized for the purposes of providing supportive and transitional housing.

### **Density Bonus**

Chapter 21.08 – *General Provisions* was amended to remove the current Density Bonus provision (Section 21.080.080) which is being replaced by the addition of Chapter 21.82 – *Density Bonus for Affordable Housing*. The intent of the density bonus program is to contribute to the economic feasibility of affordable housing in proposed developments by offering incentives to developers consisting of density bonuses or other concessions of equal financial value, in compliance with California Government Code Sections 65915 - 65918. The definition of Density Bonus was also amended in Chapter 21.12 – *Definitions* to make it compatible with the new Density Bonus provisions included in Chapter 21.82.

### **Reasonable Accommodation**

Chapter 21.86 – *Reasonable Accommodation* is being added to formalize the process for persons with disabilities to request a modification or exception to housing related development standards to accommodate the applicant’s disability.

## **GENERAL PLAN CONSISTENCY**

The proposed project is addressed by the following goals, objectives, policies, and programs of the Land Use and Housing Elements of the General Plan:

### **Land Use Element**

Goal Five - Complement the general plans of cities within the County.

Policy Twenty-Four - Development, other than agricultural uses and churches, which requires discretionary approval and is within the SOI of cities or in areas of specific designation created by agreement (e.g., Sperry Avenue and East Las Palmas Corridors), shall not be approved unless first approved by the city within whose SOI it lies or by the city for which areas of specific designation were agreed. Development requests within the SOI or areas of specific designation of any incorporated city shall not be approved unless the development is consistent with agreements with the cities which are in effect at the time of project consideration. Such development must meet the applicable development standards of the affected city as well as any public facilities fee collection agreement in effect at the time of project consideration. (Comment: This policy refers to those development standards that are transferable, such as street improvement standards, landscaping, or setbacks. It does not always apply to standards that require connection to a sanitary sewer system, for example, as that is not always feasible.)

Implementation Measure 2 - The policies described in the section on SPHERES OF INFLUENCE for projects within a city’s sphere of influence or areas of specific designation shall be followed.

Implementation Measure 5 - Non-discretionary projects in spheres of influence shall be allowed to develop with existing entitlements.

### Spheres Of Influence

Policy 1 - Development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities shall be referred to that city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval. If approved by the city, the city should specify what conditions are necessary to ensure that development will comply with city development standards. Requested conditions for such things as sewer service in an area where none is available shall not be imposed. Approval from a city does not preclude the County decision-making body from exercising discretion, and it may either approve or deny the project.

If approved, the amendment to Chapter 21.60 – *Industrial District (M)* will permit emergency shelters when located within a LAFCO approved Sphere of Influence (SOI), subject to issuance of an emergency shelter permit, through the County's Staff Approval Permit process. Although these permits will be referred to the city whose sphere they are located within, they are considered non-discretionary, as required by State law, and are limited to development standards specified within State law. Likewise, transitional and supportive housing will be considered residential uses, and will not be subject to discretionary action, which is also required by State law. Emergency shelters requesting to operate after the County's allocated number of beds have been met, or requesting to operate in the SOI of the City of Turlock, will require a use permit and will be referred to the appropriate city in accordance with the General Plan Sphere of Influence policy listed above.

Development of the proposed ordinance amendments has occurred with input from the four cities with M zoned within their SOI and referral to all nine cities with unincorporated lands within their SOI. Any comments or concerns received from any of the nine cities regarding the proposed ordinance amendments, will be provided to the Planning Commission before final consideration of a recommendation to the Board of Supervisors is made.

### **Housing Element**

#### Program 1-5 – Density Bonus Ordinance

Continue to promote State Density Bonus law, which offers developers the incentive of increased density and flexibility in development standards in exchange for the construction of affordable housing.

#### Program 2-4 – Federal and State Housing Law

Continue to enforce the federal and state laws that prohibit discrimination in housing. They are: Federal Fair Housing Amendment Act of 1988; Title VIII of the 1968 Civil Rights Act; State Fair Housing Act (Government Code, Section 12955); and, Unruh Act (Civil Code, Section 50).

#### Program 4-7 – Emergency Shelters

This program will amend the Zoning Ordinance to define emergency shelters and designate a zone or zones where at least one year-round emergency shelter will be allowed without a conditional use permit (i.e. M-Industrial). The County will subject shelters to the same development and management standards that apply to other allowed uses within the identified zone.

#### Program 4-8 – Transitional and Supportive Housing

This program will amend the Zoning Ordinance in accordance with SB2, by defining transitional and supportive housing, and noting that these types of housing shall be treated as residential uses in all residential zones, subject only to those restrictions that apply to other residential uses of the same type in the same zone.

Program 5-7 – Reasonable Accommodation

Develop an ordinance that outlines a reasonable accommodation process to respond to requests for exceptions to zoning and land-use regulations and procedures which are necessary to make housing available to an individual with a disability protected under fair housing laws, including but not limited to, permit applications and access to affordable housing programs.

Approval of this proposed ordinance amendment will satisfy the programs included in the current Housing Element, as listed above, and would therefore be compatible with the Housing Element of the General Plan.

Planning staff believes the proposed ordinance amendments to be in compliance with the General Plan policies listed above.

**ENVIRONMENTAL REVIEW**

This project has been determined to be generally exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations. A CEQA Exempt Referral and Notice of Public Hearing was circulated to all interested parties and responsible agencies for review and comment. (See Exhibit E- *Distribution List for CEQA Exempt Referral and Notice of Public Hearing*) A Notice of Exemption has been prepared for approval as the project will not have a significant effect on the environment. (See Exhibit D – *Notice of Exemption*.) There are no conditions of approval for this project.

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Attachments:

Exhibit A - Findings and Actions Required for Project Approval

Exhibit B - Draft Ordinance Amendments:

Chapter 21.08 - General Provisions

Chapter 21.12 - Definitions

Chapter 21.60 - Industrial District (M)

Chapter 21.86 - Reasonable Accommodation

Chapter 21.82 - Density Bonus for Affordable Housing

Exhibit C - Map - M Zoned Properties within City SOIs

Exhibit D - Notice of Exemption

Exhibit E - Distribution List For CEQA Exempt Referral & Notice of Public Hearing

**Exhibit A**  
**Findings and Actions Required for Project Approval**

The Planning Commission recommends that the Board of Supervisors:

1. Find the project is generally exempt for the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) and order the filing of a Notice of Exemption with the Stanislaus County Clerk-Recorder pursuant to CEQA Guidelines Section 15062;
2. Find that there is no substantial evidence the project will have a significant effect on the environment and that the General Exemption reflects Stanislaus County's independent judgement and analysis;
3. Find the project is consistent with the overall goals and policies of the Stanislaus County General Plan; and
4. Approve Ordinance Amendment No. PLN2015-0047 – Housing Related Code Amendments and introduce, waive the reading, and adopt the revised ordinances.

**Note:** New wording is shown in **bold text** and deleted wording is shown as ~~strike-through~~ text.

## CHAPTER 21.08

### GENERAL PROVISIONS

#### SECTIONS:

21.08.010	GENERAL PROVISIONS
21.08.020	USES
21.08.030	HEIGHT LIMITS
21.08.040	BUILDING SITE AREA - EXISTING LOTS
21.08.050	BUILDING SITE AREA - SANITARY SEWERS OR PUBLIC WATER NOT AVAILABLE
21.08.060	YARDS
21.08.065	SWIMMING POOLS
21.08.070	SIGNS
21.08.075	MONUMENTS
<del>21.08.080</del>	<del>DENSITY BONUS FOR AFFORDABLE HOUSING</del>
21.08.090	DEVELOPMENT REQUEST - CITY APPROVAL REQUIRED WHEN

#### 21.08.010 GENERAL PROVISIONS

The regulations specified in this title shall be subject to the general provisions and exceptions set forth in this chapter. (Prior code Section 9-125 (part)).

#### 21.08.020 USES

- A. Accessory uses and buildings appurtenant to a permitted use shall be allowed only when constructed concurrent with or subsequent to the main buildings.
- B. Wrecking yards, junkyards, surplus yards, auto dismantling yards and secondhand stores, where merchandise is displayed or stored outside an enclosed building, shall be enclosed within a solid fence of uniform texture of not less than six feet in height. Not more than six rebuildable automobiles, identified as offered for sale as used automobiles, may be displayed outside the fenced area or building at any one time, regardless of the number of businesses being conducted independently at the location.

If any vehicle is so displayed for a period of thirty days and it shall not have been sold during that time, it shall not be considered to be a rebuildable automobile and it must thereafter be stored within the fenced enclosure.

- 1. No material shall be stored or piled so as to extend higher than fence height at any point nearer than six feet from the fence. Beginning at a line parallel to the fence and six feet within it, material may be piled an additional one foot in height for each additional two feet in distance from the fence.



## **21.08.020      Uses**

2.      Where vehicles not suitable for resale are stored or held for wrecking or dismantling, one may be stacked or piled on top of another at the fence to a two-car maximum limit, even though the top of the second vehicle may extend higher than six feet; provided, that vehicles so stacked at the fence cannot be other than passenger vehicles. The term passenger vehicle shall not include trucks, buses, pickups, vans, carryalls, or any other vehicles the primary intended use of which was for other than transportation of persons.
- C.      For purposes of this title, facilities for public utilities include, but are not limited to, electrical substations, communication equipment buildings and towers, service yards, gas regulator stations, meter lots, pumping stations which are accessory to existing gas or oil pipelines, and water wells; and such uses are permitted in A-2 and all R districts; provided, that such use is demonstrated in connection with the approval of a use permit, to be properly located without detriment to or in conflict with the agricultural or residential usage of property so zoned within the vicinity. Public utility transmission and distribution lines, both overhead and underground, are permitted in all districts without limitation as to height, but metal transmission towers are subject to all yard requirements as other structures. However, routes of proposed electrical transmission lines (including height, and placement of towers), shall be submitted to the planning commission for review and recommendation prior to the acquisition of rights-of-way therefore, when such lines are not within a public street or highway. (Prior code Section 9-125(a)).

## **21.08.030      HEIGHT LIMITS**

- A.      Chimneys, elevators, communication towers, mechanical appurtenances, monuments, spires, campaniles, public and quasi-public buildings may be permitted in excess of height limits for the various districts, provided a use permit shall first be obtained in each case. Flagpoles are permitted without height limitations and conventional television antennas, not over sixty feet in height, are permitted in all districts.
- B.      As to height limits, specific reference is made to Title 17 of this code. Applications for a permit under Title 17 may be a part of an application under this title. (Prior code Section 9-125(b)).

## **21.08.040      BUILDING SITE AREA - EXISTING LOTS**

When a legally created lot has less than the minimum required area or width as set forth in any of the residential zones contained in this title, or in a precise plan, such lot shall be deemed to have complied with the minimum lot area and width as set forth in any such zone. The lot shall qualify for only one single-family residence and only when the lot is of sufficient area to comply with all requirements for sewage disposal and water supply as determined by the department of environmental resources and that all applicable building setbacks are met. If the substandard lot contains the minimum required lot area for a use in the zone in which such lot is located, and if the width of the lot is not less than fifty feet, then the lot may qualify for such use. (Prior code Section 9-125(c)(1)).

## **21.08.050      BUILDING SITE AREA - SANITARY SEWERS OR PUBLIC WATER NOT AVAILABLE**

Unless the minimum building site area for the various districts is greater, as provided by this title, a minimum area for one single-family dwelling which is not connected to sanitary sewer, but served by a public water supply, or to public sewer and not to public water, shall be twenty thousand square feet. Where there is no connection to either sanitary sewer or public water, the minimum building site for a single-family dwelling shall be not less than one acre or greater if required by the county

## **21.08.050 Building Site Area – Sanitary Sewers or Public Water Not Available**

department of environmental resources. For other uses without sanitary sewers, and/or public water, the minimum building site shall be that established by the board of supervisors or planning commission as a condition to any use or other approval required. The minimum lot size where both sewer and water systems are available shall be six thousand square feet. (Prior code Section 9-125(c)(2)).

## **21.08.060 YARDS**

- A. Architectural features such as cornices, eaves, and canopies may extend not exceeding three feet into any required yard.
- B. Whenever an official plan line has been established for any street, required yards shall be measured from such line, and in no case shall the provisions of this title be construed as permitting any encroachment upon any official plan lines.
- C. Uncovered porches and paved terraces may extend not exceeding three feet into any required side yard and not exceeding six feet into any required front yard.
- D. Accessory buildings which are detached or attached to the main building shall comply in all respects with the requirements of this title applicable to the main building. The accessory building shall not be located within five feet of any alley or within five feet of the side line of any adjacent lot or in the case of a corner lot to project beyond the front yard required on the adjacent lot. (C.S. 984, Section 1, 2007)
- E. Truck loading docks shall be so located that all vehicles entering or leaving the premises to load or unload may be driven in a forward direction without the necessity of the vehicle entering or leaving the premises in reverse gear, and that no portion of any such vehicle will stand or protrude on or into the public right-of-way while loading or unloading.
- F. On the following specified highways, no structure (excluding, however, open wire fences, electroliers without attached advertising signs, utility poles and solid fences or screen planting not more than three feet in height) shall be located closer to the highway center line than as indicated.
  - 1. State Highway No. 33, 95 feet from the railroad right-of-way line;
  - 2. Kiernan Avenue, between McHenry Avenue and Broadway Avenue, seventy feet;
  - 3. Santa Fe Avenue, one hundred feet from the railroad right-of-way;
  - 4. McHenry Avenue, between the City of Modesto and the Stanislaus River, seventy-five feet;
  - 5. State Highway No. 108, between McHenry Avenue and the City of Riverbank, seventy-five feet; and between the City of Riverbank and the Tuolumne County line, seventy feet.
- G. Where lots abut streets on the front and rear, and vehicle access to the street in the rear is restricted, solid fences or screen planting, not exceeding eight feet in height, may be located on the rear property line.
- H. Vision Clearance for Corner Lots. In all zones which require a front yard, no obstruction to view in excess of three feet in height shall be placed, built, parked or allowed to grow on any corner lot within a triangular area formed by the street, property lines and a line connecting

## **21.08.060      Yards**

them at points twenty-five feet from the intersection of the street lines, except that street trees are permitted which are pruned at least eight feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers. (Ord CS. 09 (part), 1983; prior code Section 9-125(d)).

## **21.08.065      SWIMMING POOLS**

Any swimming pool, as defined within this title, 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, unless done in compliance with Section 21.94 regarding home occupations, or parties when fees are paid therefore;
- B. Pools shall not be located closer than three (3) feet from any side or rear property line. No pool shall be located closer than the minimum depth required for the front yard or the street side yard of a corner lot. Distances from other structures shall be governed by the Uniform Building Code;
- C. Lot coverage by a swimming pool shall not be considered in calculating the maximum lot coverage for buildings;
- D. Filter and heating systems for swimming pools may encroach into a side or rear yard provided there remains a net two (2) feet clear adjoining passageway past the equipment. Distances between heating systems and buildings, including door and window openings shall be governed by the requirements of the current building codes, as well as manufacturer's requirements;
- E. Whenever a construction permit is issued for construction of a new swimming pool at a private, single-family home, it shall be equipped with safety features as required by the California Health and Safety Code, including any future amendments to that code. (Ord. CS 778, Section 1, 2001)

## **21.08.070      SIGNS**

Within the adopted sphere of influence of any city where a use or sign is permitted by the regulations of the zoning district in which it is located, or when a use permit, rezoning or other approval has been granted, any signs to be installed in connection with such use shall be permitted consistent with any applicable sign regulations of that city. (Ord. CS 419 Sec. 1, 1990; prior code Section 9-125(e)).

## **21.08.075      MONUMENTS**

Monuments shall be permitted in all districts subject to the approval of the planning and community development director, except for customary and usual monuments within a cemetery or enclosed building, which are permitted without review. However, if in the opinion of the Director, a monument subject to his/her approval may cause substantial public controversy or adversely affect the public health, safety, peace, or morals, a use permit shall be required to establish such monument. (Ord. CS 449 Sec. 1, 1991).

#### **~~21.08.080 DENSITY BONUS FOR AFFORDABLE HOUSING~~**

- ~~A. When the developer of a housing project with five or more units agrees to build at least one-quarter of a project's units for persons and families of low or moderate income, the county will grant a density bonus of at least twenty-five percent more units than normally allowed by the existing zoning of the property.~~
- ~~B. Specifically, "density bonus" means a density increase of at least twenty-five percent over the otherwise allowable residential density under the applicable zoning district.~~
- ~~C. Persons and families of low and moderate income are defined as those whose incomes are less than one hundred twenty percent of the median income in the area, adjusted for family size as per Section 50093 of the State Health and Safety Code. (Ord. CS 334 Sec. 1, 1989; Ord. NS 988 Sec. 1, 1981; prior code Section 9-125(f)).~~

#### **21.08.090 DEVELOPMENT REQUEST--CITY APPROVAL REQUIRED WHEN**

Within the LAFCO adopted sphere of influence of any city where any discretionary approval is required for any project, said project, except agricultural uses and churches, shall not be approved by the county unless it has first received written approval by the city. No development request within the sphere of influence of any incorporated city shall be approved unless it is consistent with agreements with the city which are in effect at the time of project consideration. (Ord. CS 457 Section 1, 1991; Ord. CS 414 Section 1, 1990).

**Note:** New wording is shown in **bold text** and deleted wording is shown as ~~strike-through~~ text.

## CHAPTER 21.12

# DEFINITIONS

### SECTIONS:

21.12.010	GENERALLY
21.12.020	AGRICULTURE
21.12.025	AGRICULTURAL PROCESSING
21.12.030	AGRICULTURAL SERVICE ESTABLISHMENT
21.12.035	AIRCRAFT
21.12.040	AIRPORT
21.12.042	AIRPORT, AGRICULTURAL SERVICE
21.12.044	AIRPORT, PRIVATE
21.12.046	AIRPORT, PUBLIC
21.12.048	AIRPORT, TEMPORARY AGRICULTURAL SERVICE
21.12.050	ALLEY
21.12.060	APARTMENT
21.12.070	AUTOMOBILE WRECKING
21.12.080	BOARDINGHOUSE
21.12.090	BUILDING
21.12.100	BUILDING, ACCESSORY
21.12.110	BUILDING, MAIN
21.12.120	BUSINESS OR COMMERCE
21.12.130	CAMPGROUND
21.12.140	CARNIVAL
21.12.145	CARPORT
21.12.150	CIRCUS
21.12.153	CONFINED ANIMAL FACILITY
21.12.155	DAY CARE CENTERS
21.12.160	DENSITY BONUS
21.12.170	DISTRICT
21.12.180	DWELLING, SINGLE-FAMILY
21.12.190	DWELLING, TWO-FAMILY (DUPLEX)
21.12.200	DWELLING, MULTIPLE
21.12.210	DWELLING, GROUP
<b>21.12.215</b>	<b>EMERGENCY SHELTER</b>
21.12.220	FAMILY
21.12.225	FAMILY DAY CARE HOME
21.12.230	FARM LABOR CAMP
21.12.240	GARAGE
21.12.250	GARAGE, PUBLIC
21.12.260	GARAGE SALES, YARD SALES, MOVING SALES, PATIO SALES AND SIMILAR USES
21.12.270	GUESTHOUSE
21.12.280	HEIGHT OF BUILDING
21.12.290	HOME OCCUPATION
21.12.300	INDUSTRY
21.12.305	JUNK
21.12.310	JUNKYARD

21.12.320	KENNEL
21.12.330	LOT
21.12.340	LOT, CORNER
21.12.350	LOT, INTERIOR
21.12.360	LOT AREA
21.12.370	LOT DEPTH
21.12.380	LOT FRONTAGE
21.12.390	LOT LINES
21.12.400	LOT WIDTH
21.12.410	LOT LINE, REAR
21.12.420	MOBILE HOME PARK
21.12.430	MOBILE HOME (MANUFACTURED HOUSING)
21.12.435	MONUMENT
21.12.440	MOTEL
21.12.450	NONCONFORMING USE
21.12.460	OUTDOOR ADVERTISING SIGN
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## **21.12.010      GENERALLY**

For the purpose of this title, certain terms used in this title are defined as follows:

All the words used in the present tense shall include the future tense; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. The word "county" as used in this title means Stanislaus County, California; the words "board of supervisors" means the board of supervisors of the county; the words "planning commission" means the planning commission of the county; and the words "county boundary" means the boundary of the county and/or the boundary of any incorporated municipality within the county. The words "planning director" mean the director of planning and community development of the county. (Ord. CS 106 Sec. 1 (part), 1984).

## **21.12.020      AGRICULTURE**

"Agriculture" means the tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying, aquaculture, or animal husbandry, including all uses customarily incidental thereto but not including slaughterhouses, fertilizer yards, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes. (Ord. CS 1020, Sec. 1, 2007; Ord. CS 106 Sec. 1 (part), 1984).

## **21.12.025      AGRICULTURAL PROCESSING**

"Agricultural processing" means the act of changing an agricultural product (fruits, nuts and vegetables but not including animals) from its natural state to a different form, such as grapes to wine, apples to juice or sauce, etc. Incidental activities such as packing, sizing, polishing, hulling and the like, shall not be considered to be agricultural processing for the purposes of Section 21.20.030 (H). (Ord. CS 424 Sec. 3, 1991).

## **21.12.030      AGRICULTURAL SERVICE ESTABLISHMENT**

"Agricultural service establishment" means a business engaging in activities designed to aid production agriculture. Service does not include the provision of tangible goods except those sold directly to farmers and used specifically to aid in production of farm animals or crops. Nor does service include any business which has the primary function of manufacturing products. (Ord. CS 1020 Sec. 2, 2007; Ord. CS 106 Sec. 1 (part), 1984).

## **21.12.035      AIRCRAFT**

"Aircraft" means any contrivance used or designed for navigation of, or flight in, the air (including helicopters and ultralights). (Ord. CS 106 Sec. 1 (part), 1984).

## **21.12.040      AIRPORT**

"Airport" means any area of land or water, including areas elevated on a structure, which is used, or intended for use, for the landing and take-off of aircraft. "Airport" also includes appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, and all airport buildings and facilities located thereon. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.042      AIRPORT, AGRICULTURAL SERVICE**

"Agricultural service airport" means an airport which is primarily used by aircraft engaged in spraying, dusting, fertilizing and seeding of agricultural land or crops. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.044      AIRPORT, PRIVATE**

"Private airport" means a privately owned airport for the personal use of the tenant or owner of record not open to the general public and not used for any crop dusting operations. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.046      AIRPORT, PUBLIC**

"Public airport" means a publicly or privately owned airport open to the general public. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.048      AIRPORT, TEMPORARY AGRICULTURAL SERVICE**

"Temporary agricultural service airport" means an airport which is exclusively used by aircraft engaged in spraying, dusting, fertilizing and seeding of agricultural lands or crops, five or less days per year, having no permanent structures or appurtenances for aircraft and no fixed-based aircraft. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.050      ALLEY**

"Alley" means any public thoroughfare, not exceeding thirty feet in width for the use of pedestrians or vehicles which affords only a secondary means of access to abutting property. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.060      APARTMENT**

"Apartment" means a room or suite of two or more rooms which is designed for, intended for, or occupied by one family doing its cooking therein. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.070      AUTOMOBILE WRECKING**

See junkyards. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.080      BOARDINGHOUSE**

"Boardinghouse" means a dwelling, other than a hotel or a residential care home, wherein lodging and meals for five or more persons is provided for compensation. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.090      BUILDING**

"Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or any other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each such portion shall be deemed to be a separate building. (Ord. CS 106 Sec. 1 (part), 1984).



#### **21.12.100 BUILDING, ACCESSORY**

"Accessory building" means a subordinate building, the use of which is incidental to, and reasonably related to, a main building on the same lot or to the primary use of the property. Signs and fences are not to be considered as accessory buildings. A "detached" accessory building shall be one that does not have a common wall with the main building on the same lot. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.110 BUILDING, MAIN**

"Main building" means a building in which is conducted the principal use of the lot upon which it is situated. In any "R" district, any dwelling shall be deemed to be a main building upon the lot upon which the same is situated. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.120 BUSINESS OR COMMERCE**

"Business or commerce" means the purchase, sale or other transaction involving the handling or disposition (other than is included in the term "industry" as defined in this chapter) of any article, substance or commodity for profit or livelihood, including, in addition, office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs and outdoor advertising structures, automobile camps, automobile courts, and recreational and amusement enterprises conducted for profit, but not including junkyards. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.130 CAMPGROUND**

"Campground" means land or premises used or intended to be used, let or rented for occupancy by campers traveling by automobiles or otherwise, or for temporary occupancy by or of trailers, recreational vehicles (RVs), or movable sleeping quarters of any kind. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.140 CARNIVAL**

"Carnival" means a traveling or itinerant commercial amusement enterprise consisting of sideshows, vaudeville, games, merry-go-rounds or other mechanical amusement devices temporarily located within the county. A carnival shall not be construed to include or mean a festival or amusement. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.145 CARPORT**

"Carport" means an accessible and usable covered space of not less than nine feet by nineteen feet that is open on at least two sides and can be used for the parking of automobiles off the street. The edge of the roof line shall be considered the vehicle opening for the purposes of determining setback. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.150 CIRCUS**

"Circus" means a traveling or itinerant commercial amusement enterprise utilizing an enclosure of any kind, but usually circular or rectangular, partially surrounded by seats, used for exhibitions of horsemanship, acrobatic performances, acts of clowns, feats of animal training or the like, temporarily located within the county. (Ord. CS 106 Sec. 1 (part), 1984).

### **21.12.153      CONFINED ANIMAL FACILITY**

"Confined Animal Facility" means a confined animal facility as defined by state or federal statute and regulations adopted by the Regional Water Quality Control Board. (Ord. CS 861, Section 1, December 25, 2003)

### **21.12.155      DAY CARE CENTER**

"Day care center" means a dwelling or building or structure in which persons not of the immediate family are provided with care for compensation for a portion of the day not exceeding twelve hours in any twenty-four-hour period. A day care center shall not include twenty-four-hour care and shelter. (Ord. CS 106 Sec. 1 (part), 1984). Any child day care facility other than a family day care home is a day care center, including infant centers, preschools, and extended day care facilities.

### **21.12.160      DENSITY BONUS**

"Density bonus" means a density increase ~~of at least twenty-five percent~~ over the otherwise allowable residential density under the applicable zoning district, **in accordance with Chapter 21.82 Density Bonus**. (Ord. CS 106 Sec. 1 (part), 1984).

### **21.12.170      DISTRICT**

"District" means a portion of the unincorporated territory of the county within which certain uses of land, premises and buildings are permitted and certain other uses of land, premises and buildings are not permitted and within which certain yards and open spaces are required and certain building site areas are established and certain height limits are specified for buildings, all as set forth and specified in this title. (Ord. CS 106 Sec. 1 (part), 1984).

### **21.12.180      DWELLING, SINGLE-FAMILY**

"Single-family dwelling" means a detached building designed for and occupied exclusively by one family. **Single-Family Dwelling shall include a dwelling that is utilized for the purposes of providing transitional housing or supportive housing as defined in this chapter.** (Ord. CS 106 Sec. 1 (part), 1984).

### **21.12.190      DWELLING, TWO-FAMILY (DUPLEX)**

"Two-family dwelling (duplex)" means a detached building designed for and occupied exclusively by two families living independently of each other. **Two-Family Dwelling (Duplex) shall include a dwelling that is utilized for the purposes of providing transitional housing or supportive housing as defined in this chapter.** (Ord. CS 106 Sec. 1 (part), 1984).

### **21.12.200      DWELLING, MULTIPLE**

"Multiple dwelling" means a building or portion thereof used and designed as a residence for three or more families living independently of each other, and doing their own cooking in the building. **Multiple-Family Dwelling shall include a dwelling that is utilized for the purposes of providing transitional housing or supportive housing as defined in this chapter.** (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.210 DWELLING, GROUP**

"Group dwelling" means a group of two or more detached or semidetached single-family, two-family or multiple dwellings occupying a parcel of land in one ownership. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.215 EMERGENCY SHELTER**

**"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. This definition is established pursuant to the provisions of California Health and Safety Code Section 50801(e). This does not include temporary emergency shelters whose purpose is to intermittently house individuals who have lost their housing due to a community-wide disaster as defined in Section 8680 of the California Government Code (the California Disaster Assistance Act).**

#### **21.12.220 FAMILY**

"Family" means one or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.225 FAMILY DAY CARE HOME**

"Family day care home" means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

- A. "Large family day care home" means a home that provides family day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home, as set forth in California Health and Safety Code Section 1597.465 and as defined in regulations.
- B. "Small family day care home" means a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside at the home, as set forth in California Health and Safety Code Section 1597.44 and as defined in regulations.

#### **21.12.230 FARM LABOR CAMP**

"Farm labor camp" means any living quarters, dwelling, boardinghouse, tent, bunkhouse, camper, mobile home or other housing accommodation, maintained by an employer for five or more employees in connection with any agricultural work or place where agricultural work is being performed. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.240 GARAGE**

"Garage" means an accessible and usable covered space of not less than nine feet by nineteen feet for the parking of automobiles off the street. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.250 GARAGE, PUBLIC**

"Public garage" means any premises used for the storage or care of self-propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.260 GARAGE SALES, YARD SALES, MOVING SALES, PATIO SALES AND SIMILAR USES**

"Garage sales, yard sales, moving sales, patio sales and similar uses" means the retail sales of used or secondhand goods or merchandise in connection with a lawfully existing dwelling unit on property within any zoning district, provided that:

- A. No such sale shall be conducted upon the same premises for more than three consecutive days nor on more than two separate occasions within any one calendar year;
- B. No such sale shall result in the use of more than two unlighted signs not exceeding three square feet each in area. The signs to be displayed only on private property with the consent of the owner thereof and only during such times as the garage sale is actually being conducted. The definition includes similar sales commonly referred to as patio sales, yard sales, etc. (Ord CS 106 Sec. 1 (part), 1984).

#### **21.12.270 GUESTHOUSE**

"Guesthouse" means living quarters within an accessory building for temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.280 HEIGHT OF BUILDING**

"Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.290 HOME OCCUPATION**

"Home occupation" means a use conducted in a dwelling unit or accessory building which is clearly incidental and subordinate to the use of the dwelling for residential purposes. Such use shall not be considered to be incidental and subordinate unless all of the criteria outlined in Chapter 21.94 are met. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.300 INDUSTRY**

"Industry" means the manufacture, fabrication, reduction or destruction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form or character thereof. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.305 JUNK**

"Junk" means and includes, but is not limited to, surplus materials, secondhand material, any damaged, discarded, obsolete, salvaged, scrapped, worn-out, wrecked or dismantled object, thing or material composed in whole or part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fibre, glass, metal, paper, plaster, plaster of paris, rubber, wool, terra cotta,

**21.12.305      Junk**

cotton, cloth, canvas, organic material or other substance requiring reconditioning or rebuilding in order to be used for its original purpose. (Ord. CS 471 (part), 1991).

**21.12.310      JUNKYARD**

"Junkyard" means the use of more than two hundred square feet of the area of any parcel, lot, or contiguous lots or parcels for the storage or keeping of junk or for the dismantling or wrecking of automobiles or other vehicles or machinery. (Ord. CS 471 (part), 1991; Ord CS 106 Sec. 1 (part), 1984).

**21.12.320      KENNEL**

"Kennel" means a place where five or more dogs or cats over four months of age are kept for commercial or noncommercial purposes. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.330      LOT**

"Lot" means land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this title, having not less than the minimum area required by this title for a building site in the district in which the lot is situated, and having the principal frontage on a street. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.340      LOT, CORNER**

"Corner lot" means a lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.350      LOT, INTERIOR**

"Interior lot" means a lot other than a corner lot. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.360      LOT AREA**

"Lot area" means the total horizontal area included within lot lines. The area shall be the net acreage unless otherwise specified. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.370      LOT DEPTH**

"Lot depth" means the average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.380      LOT FRONTAGE**

"Lot frontage" means that portion of a lot abutting a public street. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.390      LOT LINES**

"Lot lines" means the lines bounding a lot as defined in this chapter. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.400 LOT WIDTH**

"Lot width" means the distance between the side lines of a lot measured at the building set-back line. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.410 LOT LINE, REAR**

"Rear lot line" means that line of a lot which is generally opposite the lot line along the frontage of the lot. In cases in which this definition is not applicable, the planning commission shall designate the rear lot line. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.420 MOBILE HOME PARK**

"Mobile home park" means a lot or parcel of land which is used exclusively for the parking thereon of ten or more mobile homes for a rental charge, or for rent or lease of mobile homes, and for appurtenant facilities for the exclusive use of the occupants such as laundry, restrooms, recreation and storage facilities, and mobile home or office facility for the owner or manager. For mobile home parks of twenty-five spaces or more, there may be maintained a dwelling for the owner or manager.

This definition is for zoning purposes only and shall not be construed to affect the definition of mobile home parks in the State Mobile Home Parks Act (Health and Safety Code, Section 18200, et seq.) or to affect enforcement of the provisions of the Act. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.430 MOBILE HOME (MANUFACTURED HOUSING)**

"Mobile home" means a vehicle designed and equipped for human habitation and includes a travel trailer and recreational vehicle as defined by the California Health and Safety Code. The vehicle must bear an insignia of approval issued by the California Department of Housing and Community Development, pursuant to Section 18056 of the Health and Safety Code. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.435 MONUMENT**

"Monument" means anything constructed, erected, shaped or placed in remembrance of a person or event; excluding anything which draws attention, whether intended or not intended, to a commercial enterprise. (Ord. 449 Sec. 2, 1991).

#### **21.12.440 MOTEL**

"Motel" means a building or buildings containing guest rooms or apartments with automobile storage space serving such rooms or apartments provided in connection therewith, which group designed, intended or used primarily for the accommodation of automobile travelers; including groups designed as auto cabins, motor lodges, and by similar designations. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.450 NONCONFORMING USE**

"Nonconforming use" means a building or land occupied by a use that does not conform to the regulations for the district in which it is situated. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.460 OUTDOOR ADVERTISING SIGN**

"Outdoor advertising sign" means any card, cloth, paper, metal, painted glass, wooden, plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in the definitions of "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.470 OUTDOOR ADVERTISING STRUCTURE**

"Outdoor advertising structure" means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including outdoor advertising statuary. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.480 PARKING SPACE**

"Parking space" means an accessory and usable space on a building site with access for the parking of automobiles that shall be of a size at least as large as required in the county improvement specifications as adopted by the board of supervisors from time to time. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.490 PLANNED STREET LINE**

"Planned street line" means the street line of any street, road or highway at its ultimate width as defined or delineated within the circulation element of the county general plan. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.495 PRODUCTION AGRICULTURE**

"Production Agriculture" means agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes. (Ord. CS 1020 Sec. 3, 2007).

#### **21.12.500 RACING HOMER PIGEONS**

"Racing homer pigeons" means a pigeon trained to return home from a distance and which is identified by a nonremovable seamless leg band issued by a nationally recognized racing home pigeon association. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.510 RESIDENTIAL CARE HOME**

"Residential care home" means a dwelling or building, or structure in which seven or more persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment of disease or injury. (Ord. CS 106 (part) Sec. 1 (part), 1984).

#### **21.12.515 RETAIL BUSINESS**

"Retail Business" means an establishment engaged in selling goods to the ultimate consumer. The allowed area of a retail store shall include both the interior space within the structure and any outdoor area use to display or store goods for sale. (Ord. CS 896, Sec.1, 2004)

#### **21.12.520 ROOMINGHOUSE**

"Roominghouse" means a dwelling, building or structure (other than a residential care home) occupied by five or more persons who have agreed to pay a specific rent for a specific space as distinguished from guests subject to innkeepers liability. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.525 SECOND DWELLING UNIT**

"Second dwelling unit" means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code Section 17958.1 and as defined in regulations.

#### **21.12.530 SMALL LIVESTOCK FARMING**

"Small livestock farming" means the raising or keeping of more than twelve chicken hens, turkeys or twelve pigeons (other than defined in Section 21.12.500) or twelve similar fowl or twelve rabbits or twelve similar animals, or four permanent standard beehives, or any roosters, quacking ducks, geese, guinea fowl, peafowl, goats, sheep, worms or similar livestock provided that the term "small livestock farming" as used in this title shall not include hog farming, dairying or the raising or keeping for commercial purposes of horses, mules or similar livestock as determined by the board of supervisors. The keeping of animals in quantities less than described above is permitted in any district. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.535 SMALL WIND ENERGY SYSTEM**

"Small wind energy system" means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission and which will be used primarily to reduce onsite consumption of utility power. "Tower height", as it pertains to such systems, means the height above grade of the fixed portion of the tower, excluding the wind turbine. (Ord CS 798, Section 2, effective July 4, 2002)

#### **21.12.540 STABLE, PRIVATE**

"Private stable" means an accessory building or space where horses are kept for the private use of the owner and guests. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.550 STABLE, PUBLIC**

"Public stable" means a building other than a private stable for the commercial rental, training, or boarding of horses. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.560 STREET**

"Street" means a public or private thoroughfare which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined in this chapter. (Ord. CS 106 Sec. 1 (part), 1984).



#### **21.12.570 STREET LINE**

"Street line" means the boundary between a parcel and the abutting street. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.580 STRUCTURAL ALTERATIONS**

"Structural alterations" means any change in the supporting member of a building, such as bearing walls, columns, beams, or girders. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.590 STRUCTURE**

"Structure" means anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground; including, but not limited to, buildings, fences, walls, and free-standing signs. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.595 SUPPORTIVE HOUSING**

**"Supportive Housing" means housing with no limit on length of stay that is occupied by the target population, as defined in California Government Code Section 65582(g), and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. This definition is established pursuant to the provisions of California Health and Safety Code Section 50675.14(b)(2) and California Government Code Section 65582(f).**

#### **21.12.600 SURFACE MINING**

"Surface mining" means processes for the commercial removal of minerals from the surface of the earth. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.602 SWIMMING POOLS**

"Swimming pool" or "pool" means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. "Swimming pool" includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas, and non-portable wading pools. (Ord. CS 778, Section 2, 2001).

#### **21.12.605 TASTING ROOM**

"Tasting room" means a facility in which agricultural products grown or processed on the premises may be tasted and sold. A restaurant, where complete meals are served and consumed, shall not be considered to be a tasting room. (Ord. CS 424 Sec. 4, 1991).

#### **21.12.608 TRANSITIONAL HOUSING**

**"Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of assistance. This definition is established pursuant to the provisions of California Health and Safety Code Section 50675.2(h) and California Government Code Section 65582(h).**

#### **21.12.610           USE**

"Use" means the purpose for which land or a building is designed, arranged, or intended or for which it is or may be occupied or maintained. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.620           USE, ACCESSORY**

"Accessory use" means a use incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use. Any agricultural use in any R-A district shall be deemed to be an accessory use to the use of the property for residential purposes. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.625           VEHICLE STORAGE YARD**

"Vehicle storage yard" means any location consisting of parcel(s) or lot(s) where three or more vehicles (as defined by Section 670 CVC), or vessels (as defined by Section 651 of the Harbors and Navigation Code), or combinations of both, which are disabled, under repair or restoration, and/or vehicles or vessels which are not currently registered with the State Department of Motor Vehicles are stored. For purposes of this section, a vessel and a trailer designed to carry a vessel that are used together as one unit shall count as one vehicle or one vessel." (Ord. CS 759, 2001; Ord. CS 471 (part), 1991)

#### **21.12.627           WHOLESALE AND DISTRIBUTION**

"Wholesale and Distribution" means establishments engaged in selling merchandise to retailers; to commercial, industrial, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for selling merchandise to such persons or companies. Includes such establishments as: agents, merchandise or commodity brokers, commission merchants, assemblers, merchant wholesalers stores primarily selling electrical, plumbing, heating and air conditioning and equipment. (Ord. CS 896, Sec. 2 (part), 2004)

#### **21.12.628           WHOLESALE RETAIL STORES**

"Wholesale Retail Stores" means stores that emphasize the packing and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees. (Ord. CS 896, Sect 2 (part), 2004)

#### **21.12.630           YARD**

"Yard" means an open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward. In measuring a yard, as provided in this title, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such lot line, exclusive of the respective architectural features enumerated in Chapter 21.08 as not to be considered in measuring yard dimensions or being permitted to extend into any front, side, or rear yard, respectively, and the measurement shall be taken from the line of the building to the nearest lot line; provided, however, that if any official plan line has been established for the street on which the lot faces or if any future width line is specified therefor by the provisions of this title, then the measurement shall be taken from the official plan line or the future width line to the nearest line of the building. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.640     YARD, FRONT**

"Front yard" means a yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.650     YARD, REAR**

"Rear yard" means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.660     YARD, SIDE**

"Side yard" means a yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard. (Ord. CS 106 Sec. 1 (part), 1984).

**Note:** New wording is shown in **bold text** and deleted wording is shown as ~~strike-through~~ text.

## CHAPTER 21.60

# INDUSTRIAL DISTRICT (M)

### SECTIONS:

<b>21.60.010</b>	<b>APPLICABILITY</b>
<b>21.60.020</b>	<b>PERMITTED USES</b>
<b>21.60.030</b>	<b>USES REQUIRING A USE PERMIT</b>
<b>21.60.040</b>	<b>HEIGHT LIMIT</b>
<b>21.60.050</b>	<b>YARDS</b>
<b>21.60.060</b>	<b>NUISANCES</b>
<b>21.60.070</b>	<b>SCREENING</b>
<b>21.60.080</b>	<b>OFF-STREET PARKING</b>
<b>21.60.090</b>	<b>LOT COVERAGE</b>

### **21.60.010 APPLICABILITY**

The regulations set forth in this chapter shall apply in all M districts and shall be subject to the provisions of Chapter 21.08. (Ord. CS 106 Sec. 12 (part), 1984).

### **21.60.020 PERMITTED USES**

Uses permitted in M districts:

- A. All retail and wholesale establishments, warehouses, service establishments, public and quasi-public buildings; junkyards, wrecking yards and auto dismantling yards; and all uses permitted in the C districts except dwelling units of any kind unless otherwise specifically permitted in this zone;
- B. All industrial uses except those specified in Section 21.60.030;
- C. Outdoor advertising signs which are nonflashing and nonanimated;
- D. One mobile home when appurtenant and secondary to a permitted use with substantial outside storage subject to provisions of Chapter 21.72;
- E. One identification or informational sign not more than twelve square feet in area nor more than six feet in height may be permitted in the front yard or side yard adjacent to each street frontage in lieu of any other freestanding sign, provided that:
  - 1. It does not bear any advertising message,
  - 2. It is nonflashing, nonmoving, and nonanimated,
  - 3. It is located wholly on private property on the premises to which it pertains,
  - 4. A plot plan and elevation of the sign is approved by the director of planning and community development prior to request for building or electrical permits and installation;

**21.60.020** Permitted uses

- F. Crop farming;
- G. Ballrooms, commercial clubs, dance halls, drive-in theaters, night clubs, stadiums and tent or open-air churches. However, when located within two hundred feet of the boundary of an R district, a use permit shall first be secured;
- H. Single-family dwelling or one apartment if it is accessory to a permitted commercial or industrial use;
- I. Christmas tree sales lots provided they meet the required setbacks and provide at least ten accessible and usable off-street parking spaces in addition to one space per employee on a maximum shift. Such lots shall be limited to two double-faced signs not to exceed twelve square feet each. No off-site signs shall be permitted. Such lots may not be established prior to November 15 of any year and shall be removed and the property returned to its original condition prior to January 1;
- J. Fireworks stands provided they meet all required setbacks and provide at least five usable and accessible off-street parking spaces in addition to one space per employee on a maximum shift. Such stands shall meet all the requirements of the department of fire safety and shall be erected and removed within the time period prescribed by that department. (Ord. CS 106 Sec. 12 (part), 1984).
- K. Adult businesses as allowed by the provisions of Chapter 21.68.
- L. All retail stores and wholesale retail stores which have a building and sales area less than sixty-five thousand square feet or greater. (Ord. CS 896 §§9, 10, 2004; Ord. CS 607 §3, 1995; Ord. CS 106 §12, 1984).
- M. Emergency Shelters, when located within a LAFCO approved Sphere of Influence of any city, except where a city has adopted an emergency shelter overlay zone, in which case a use permit shall be required in accordance with Section 21.96 of the Stanislaus County Code, provided that.**
  - 1. The operator shall obtain a non-discretionary permit subject to the staff approval permit application process described in Section 21.100 of the Stanislaus County Code. The following development standards shall be applied to the permit:**
    - a. The maximum number of beds shall not exceed one hundred (100) beds**
    - b. Outdoor activity and intake areas shall be screened from public view and from the view of adjacent properties.**
    - c. On-site lighting shall be provided in all parking, pedestrian paths, and entry areas. Lights shall be shielded and reflected away from adjacent uses.**
    - d. Off-street parking shall be provided at a rate of one (1) vehicle parking space per employee (by shift) plus one (1) vehicle parking space for every ten (10) beds. Bicycle parking shall be provided at a rate of one (1) space for every three (3) beds.**
    - e. A minimum of one (1) supervisory level staff member must be present on the site during hours of operation. Operator(s) must ensure that**

**21.60.020 Permitted uses**

- loitering does not occur on the property during non-shelter hours and must ensure that clients are not loitering, littering, or otherwise creating a nuisance to the neighborhood.
- f. A security plan shall be submitted to the Sheriff Department for review and approval prior to operation and shall be annually reviewed.
  - g. If twenty-six (26) or more beds are included in the permit, a security guard or security officer must be provided during the intake period. If fifty-one (51) or more beds, a second security guard or security officer must be provided throughout the intake period. Security guards must be licensed through the State of California Department of Consumer Affairs Bureau of Security and Investigative Services.
  - h. The maximum length of stay shall be no longer than six (6) months, as established by the California Health and Safety Code for emergency shelters.
  - i. The shelter shall have set hours of operation and the hours shall be posted in a publicly visible and accessible location on a sign that is no larger than one (1) square foot.
  - j. Outdoor activity shall be allowed only during the hours of 8:00 a.m. to 10:00 p.m. The shelter shall comply with the County's Noise Ordinance.
  - k. If pets are permitted, a plan for their care must be reviewed and approved by the Department of Animal Services.
  - l. Outdoor trash receptacles shall be provided on-site and the property maintained free of litter and debris.
  - m. All other applicable local, State and federal laws, regulations and codes shall be met.
- 2. The non-discretionary permit shall be submitted to the appropriate city for review and comment.
  - 3. Approving the application shall not result in the number of beds within the Industrial Zoning district exceeding the number of beds identified as needed within the current Housing Element.

**21.60.030 USES REQUIRING A USE PERMIT**

Uses permitted, subject to first securing a use permit in each case:

- A. Distillation of bones, disposal, dumping, sanitary landfill; incineration or reduction of dead animals, garbage, offal, refuse or sewage; and fat rendering;
- B. Manufacturing of acid, cement, compressed gases, fertilizer, fungicides, glue, gypsum, hides, insecticides, lime, paper pulp, pesticides, plaster of paris or poison gas;
- C. Manufacture of explosives, or fireworks, and storage of explosives;
- D. Feed lots, stockyards, slaughter of animals or poultry;
- E. Refining of petroleum products, smelter of copper, iron, tin, zinc or other ores and metals;
- F. Drilling for, or removal of gas, oil or commercial removal of minerals, earth or other materials;

#### **21.60.030 Uses Requiring A Use Permit**

- G. Go-cart tracks, motor vehicle rides, race tracks, rifle ranges, skeet ranges, motorcycle tracks and motorcycle hill climbs. (Ord. CS 106 Sec. 12 (part), 1984).
- H. All retail stores and wholesale retail stores with a gross building and/or sales area of sixty-five thousand square feet or greater. (Ord. CS 896 §11, 2004; Ord. CS 106 §12, 1984)

#### **21.60.040 HEIGHT LIMIT**

Height limit in M districts:

- A. Building and appurtenant structures, seventy-five feet;
- B. Fireproof structures (excluding advertising structures) not used for human occupancy, no height limit;
- C. Separate standing advertising structures, thirty-five feet;
- D. No fence or screen planting in excess of three feet in height shall be constructed or permitted to grow within any required front yard, or side yard of a corner lot, unless the director determines that visibility will not be obstructed;
- E. Additional height may be granted for advertising signs, transmitting towers, storage towers, and structures not used for human occupancy, provided that a use permit is first secured in each case. (Ord. CS 106 Sec. 12 (part), 1984).

#### **21.60.050 YARDS**

Yards required in M districts:

- A. Front Yard and Side Yards of Corner Lots.
  - 1. Not less than seventy feet from the existing centerline of the street nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. Loading docks shall be so located that trucks will head-in and head-out and not use the public street for maneuvering, loading and unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
  - 2. Not less than forty-five feet from the existing centerline of the street on a collector street (sixty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. Loading docks shall be so located that trucks will head-in and head-out and not use the public highway for maneuvering, loading or unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
  - 3. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. Loading docks shall be so located that trucks will head-in and head-out and not use the public highway for maneuvering, loading and unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;

**21.60.050      Yards**

4.      The side yards of corner lots may be five feet less than the required front yard for the main building.
- B.      Side Yard of Interior Lot and Rear Yard. To be governed by the Uniform Building Code for use or occupancy and type of construction. (Ord. CS 106 Sec. 12 (part), 1984).

**21.60.060      NUISANCES**

No operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off the site. (Ord. CS 106 Sec. 12 (part), 1984).

**21.60.070      SCREENING**

An eight-foot masonry wall shall be constructed along the property line adjacent to any residential or agricultural zone or any P-D zoning for residential use, except where a building abuts an alley in which case no wall shall be required. (Ord. CS 106 Sec. 12 (part), 1984).

**21.60.080      OFF-STREET PARKING**

See Chapter 21.76 for off-street parking requirements for all uses in all districts. (Ord. CS 106 Sec. 12 (part), 1984).

**21.60.090      LOT COVERAGE**

Percentage of lot coverage, total area of building, maximum seventy-five percent. (Ord. CS 106 Sec. 12 (part), 1984).



**Note:** New wording is shown in **bold text** and  
deleted wording is shown as ~~strike-through~~ text.

## CHAPTER 21.86

# REASONABLE ACCOMMODATION

### SECTIONS:

21.86.010	INTENT AND PURPOSE
21.86.020	APPLICABILITY
21.86.030	APPLICATION PROCESS
21.86.040	APPROVAL PROCESS
21.86.050	FINDINGS AND DECISION

### 21.86.010 INTENT AND PURPOSE

This chapter is established pursuant to the provisions of California Government Code Sections 12927(c)(1) and 12955(1) to provide a formal procedure to request a reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests.

### 21.86.020 APPLICABILITY

In order to make housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability, equal opportunity to housing of their choice. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter applies only to those persons who are defined as disabled under the Acts.

### 21.86.030 APPLICATION PROCESS

In order to make housing available to an individual with a disability, an applicant may request a reasonable accommodation in zoning and other land use regulations, policies, practices and procedures.

- A. All requests shall be reasonable and limited to the minimum that the applicant believes is necessary to accommodate the disability. The applicant is requested to provide the following information:
  1. Description of the requested accommodation, and the regulation(s), policy or procedure for which accommodation is sought, which could include site plans, floor plans, and/or details as necessary to define the extent of the required accommodation;

#### **21.86.030 Application Process**

2. The basis for the claim that the fair housing laws apply to the individual(s) with a disability and evidence supporting the claim, which may be in the form of a letter from a medical doctor or other licensed healthcare professional, a handicapped license, or other appropriate evidence;
  3. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the property; and
  4. How the property will be used by the applicant and individual(s) with disabilities.
- B. Any information identified by the applicant as confidential shall be retained by the County in a manner so as to respect the privacy rights of the individual with a disability and shall not be made available for public inspection.
- C. A request for a reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not negate an applicant's obligation to comply with other applicable regulations not at issue in the requested reasonable accommodation.
- D. If an individual needs assistance in making the request for a reasonable accommodation, the County will provide assistance to ensure that the process is accessible.
- E. Requests for a reasonable accommodation shall be submitted as a non-discretionary permit subject to the staff approval permit application process described in Section 21.100 of the Stanislaus County Code.

#### **21.86.040 APPROVAL PROCESS**

- A. The Planning Director or an appointed designee has the authority to review and make determinations upon requests for a reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter.
- B. The Planning Director, or an appointed designee, shall approve, approve with conditions, or deny the application within 30 days after the application is deemed complete, based on the findings set forth in Section 21.86.050 of the County Code.
- C. If the application for a reasonable accommodation involves another discretionary decision, the reviewing body for that decision shall accept as final the determination regarding reasonable accommodation by the Planning Director or an appointed designee.

#### **21.86.050 FINDINGS AND DECISION**

Any decision on an application under this chapter shall be supported by written findings addressing the criteria set forth in this subsection. An application under this chapter for a reasonable accommodation shall be granted if all of the following findings are made:

**21.86.050 Findings And Decision**

- 1. The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts;**
- 2. The requested reasonable accommodation is necessary to make housing available to an individual with a disability under the Acts;**
- 3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the County;**
- 4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a County program or law, including but not limited to land use and zoning; and**
- 5. There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the County's applicable rules, standards and practices.**

**In granting a request for a reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings above.**

**Note:** New wording is shown in **bold text** and deleted wording is shown as ~~strike-through~~ text.

## CHAPTER 21.82

# DENSITY BONUS FOR AFFORDABLE HOUSING

### SECTIONS:

21.82.010	INTENT AND PURPOSE
21.82.020	GENERAL PROVISIONS
21.82.030	AFFORDABILITY PROVISIONS
21.82.040	INCENTIVES OR CONCESSIONS
21.82.050	APPLICATION PROCEDURES
21.82.060	AFFORDABLE HOUSING AGREEMENT

### 21.82.010 INTENT AND PURPOSE

The intent of the density bonus program is to contribute significantly to the economic feasibility of affordable housing in proposed developments by offering incentives to developers consisting of density bonuses or other concessions of equal financial value, in compliance with California Government Code Sections 65915 - 65918.

### 21.82.020 GENERAL PROVISIONS

Projects which meet the requirements of this Chapter shall qualify for a density bonus as described below:

- A. Very Low and Low Income Housing and Senior Citizen Housing. Upon written request to the County, an applicant for a housing development is eligible for one density bonus of twenty percent over the maximum residential density provided that the applicant agrees to construct the housing development in accordance with one of the following criteria:
1. Very Low Income Households. Five percent of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to very low income households; or
  2. Low Income Households. Ten percent of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to low income households; or
  3. Senior Citizen Housing Development. For senior citizen housing developments conforming with Section 21.82.020(G) of this Chapter, the density bonus shall be twenty percent of the number of senior housing units provided.
- B. Moderate Income Housing. Upon written request to the County, an applicant for a housing development is eligible for one density bonus of five percent over the maximum residential density if the applicant agrees to construct the housing development in accordance with all of the following criteria:

**21.82.020 General Provisions**

1. At least ten percent of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable ownership costs to moderate income households; and
  2. The housing development is a common interest project as defined by Section 1351 of the California Civil Code; and
  3. All of the dwelling units in the housing development are offered for sale to the public.
- C. Higher Density Bonus for Greater Contribution of Affordable Units:** Upon written request to the County, an applicant for a housing development that is eligible for a density bonus based upon the contribution of affordable units, may receive a higher amount of density bonus if the percentage of very low, low, and moderate income housing units exceeds the base percentage established in Section 21.82.020(A) or (B) of this Chapter, as follows:
1. **Very Low Income Units.** For each one percent increase above five percent in affordable units for very low income households, the density bonus shall be increased by two and one-half percent up to a maximum of thirty five percent.
  2. **Low Income Units.** For each one percent increase above ten percent in the affordable units for low income households, the density bonus shall be increased by one and one-half percent up to a maximum of thirty five percent.
  3. **Moderate Income Units.** For each one percent increase above ten percent in affordable units offered for sale to moderate income households, the density bonus shall be increased by one percent up to maximum thirty five percent.

**Table 1: Density Bonus Summary**

<b>Types Of Affordable Units Providing Eligibility For A Density Bonus</b>	<b>Minimum Percent</b>	<b>Bonus Granted</b>	<b>Bonus For Each 1% Increase In Affordable Units</b>	<b>Additional Percent Of Affordable Units Required For Maximum 35% Bonus</b>
<b>Very Low Income</b>	<b>5%</b>	<b>20%</b>	<b>2.5%</b>	<b>11%</b>
<b>Lower Income</b>	<b>10%</b>	<b>20%</b>	<b>1.5%</b>	<b>20%</b>
<b>Moderate Income</b>	<b>10%</b>	<b>5%</b>	<b>1%</b>	<b>40%</b>
<b>Senior Citizen Housing</b>	<b>Qualified Development</b>	<b>20% of the units</b>	<b>-</b>	<b>-</b>

**21.82.020      General Provisions**

- D.      Higher Density Bonus for Land Donation.** When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the county, in accordance with Section 65915 of the California Government Code, the applicant shall be entitled to a fifteen percent increase, and up to thirty five percent density bonus increase when very low income units are accommodated on the donated land, above the otherwise maximum allowable residential density for the entire development.
- E.      Child Care Facilities.** When an applicant proposes to construct a housing development which includes a child care facility either of the following may be granted, up to a maximum density bonus of thirty five percent:

  - 1.      An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or
  - 2.      An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- F.      The highest possible density bonus is thirty five percent above the normally allowed density, regardless of which density bonus the developer chooses to apply to their project.**
- G.      For the purposes of this section, "total units" or "total dwelling units" do not include units added by a density bonus awarded pursuant to this Chapter or any local law granting a greater density bonus.**
- H.      "Housing development," as used in this section, means a development project for five or more residential units.**
- I.      All density calculations resulting in fractional units shall be rounded up to the next whole number.**
- J.      For the purposes of any provisions in this article, an applicant may elect to accept a lesser percentage of density bonus than that to which the housing development is eligible.**
- K.      Senior citizen housing is a housing development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units, as defined in Section 51.3 and Section 51.12 of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code.**

**21.82.030      AFFORDABILITY PROVISIONS**

- A.      Rental Units.** An applicant shall ensure continued affordability of all very low and low income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the low income density bonus

**21.82.030**            **Affordability Provisions**

units shall be set at an affordable rent as defined in Section 50053 of the California Health and Safety Code.

- B.     For Sale Units.** An applicant shall ensure that, the initial occupant of all for sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the California Health and Safety Code.
- 1.**        The local government shall enforce an equity sharing agreement in conformance with the requirements set forth in Section 65915 of the California Government Code, unless it is in conflict with the requirements of another public funding source or law.
  - 2.**        Where there is a direct financial contribution to a housing development pursuant to Section 65915 of the California Government Code through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the county shall assure continued availability for low and moderate-income units for 30 years.
- C.**        An applicant shall be ineligible for a density bonus or any other incentives or concessions under this Chapter, in conformance with the requirements set forth in Section 65915 of the California Government Code, if the housing development is proposed on property which had previously been subject to an affordable housing covenant or was occupied by low income persons within the last five years.

**21.82.040**            **INCENTIVES OR CONCESSIONS**

- A.**        Projects which meet the requirements of this Chapter may request concessions to development standards, in accordance with Section 65915 of the California Government Code, as described below:
- 1.**        One incentive or concession for projects that include at least ten percent of the total units for low income households, at least five percent for very low income households, or at least ten percent for persons and families of moderate income in a common interest development.
  - 2.**        Two incentives or concessions for projects that include at least twenty percent of the total units for low income households, at least ten percent for very low income households, or at least twenty percent for persons and families of moderate income in a common interest development.
  - 3.**        Three incentives or concessions for projects that include at least thirty percent of the total units for low income households, at least fifteen percent for very low income households, or at least thirty percent for persons and families of moderate income in a common interest development.

**21.82.040**            Incentives or Concessions

- B.     Waivers to Other Development Standards.** Applicants granted a density bonus may, by written proposal, seek a waiver, modification or reduction of other development standards that would otherwise have the effect of physically precluding the construction of the housing development at the densities or with the concessions or incentives permitted pursuant to this Chapter.
1.     In order to obtain a waiver or modification of development standards, the applicant shall show that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of this Chapter, at the densities or with the concessions or incentives permitted by this Chapter.
  2.     A proposal for the waiver or reduction of development standards pursuant to this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to 21.82.40(A) of this Chapter.
  3.     The County may deny a request for any waiver, modification or reduction of development.
- C.     In accordance with paragraph (d) of California Government Code Section 65915, the requested concession(s) shall be granted unless the Planning Director makes a written finding, based upon substantial evidence, of any of the following:**
1.     The concession or incentive is not required in order to provide for affordable housing costs or for rents for the targeted units.
  2.     The concession or incentive would have a specific adverse impact, as defined in of California Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
  3.     The concession or incentive would be contrary to state or federal law.
- D.     Amendment, Zone Change.** The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

**21.82.050     APPLICATION PROCEDURES**

- A.     The application for a density bonus, incentive or concession shall be submitted with the first application for approval of a housing development and shall be processed concurrently with any other planning permit required for the housing development. If no other planning permit is required then the application for a density bonus shall be submitted in accordance with Section 21.100 of the County Code. The application shall be submitted on form and contain such information and support data as prescribed by the Planning Director. The application shall contain sufficient information to make the required determinations and findings defined in Section 65915 of the California Government Code.**



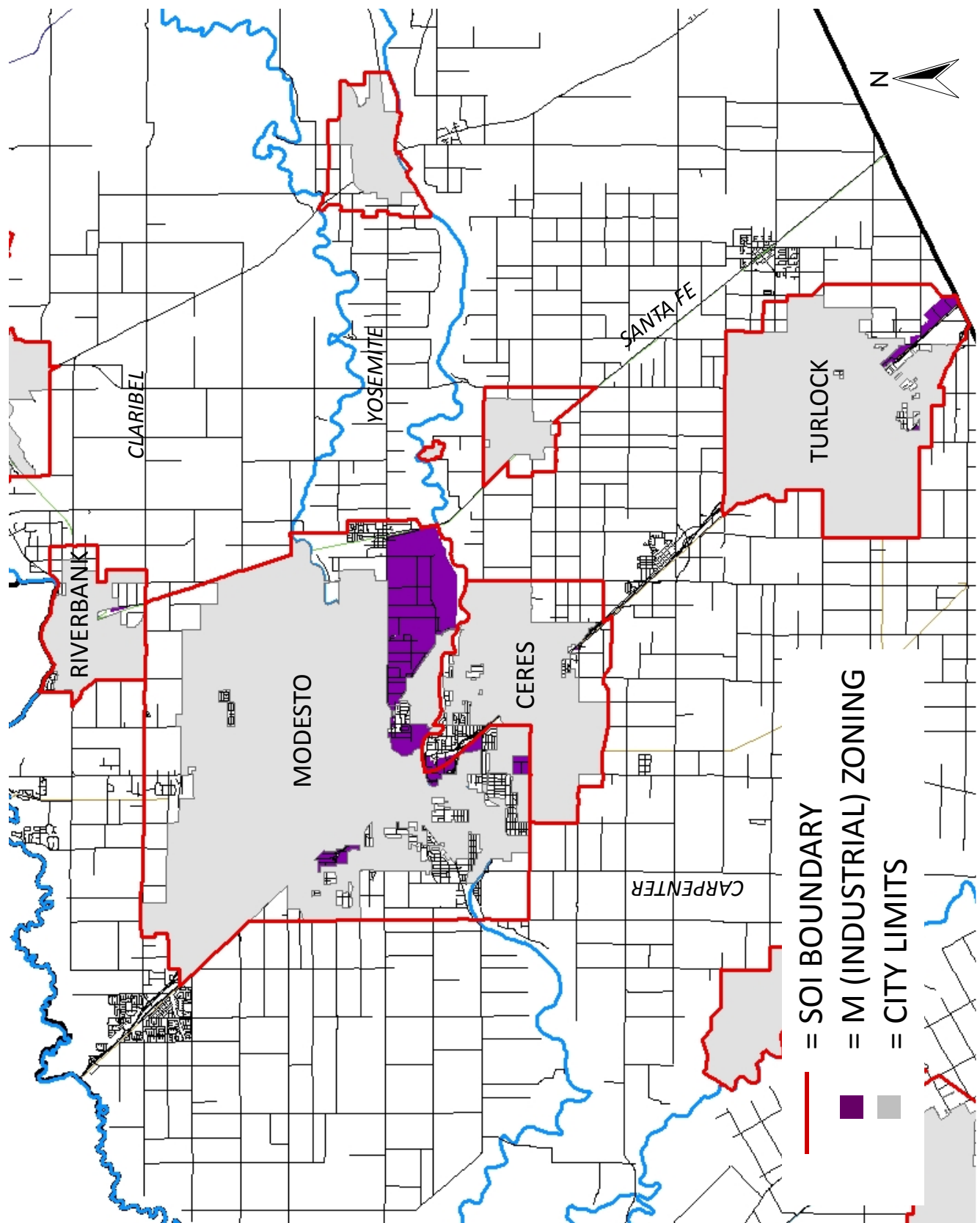
**21.82.050      Application Procedures**

- B.      The following findings must be made in order to approve an application for a density bonus:**
- 1.      The housing development is eligible for a density bonus in conformance with this Chapter and Section 65915 of the California Government Code, and is supported by a financing mechanism for all implementation and monitoring costs.**
  - 2.      If the density bonus is based all or in part on dedication of land, the application must meet the qualifications and findings stated in Section 65915(g) of the California Government Code.**

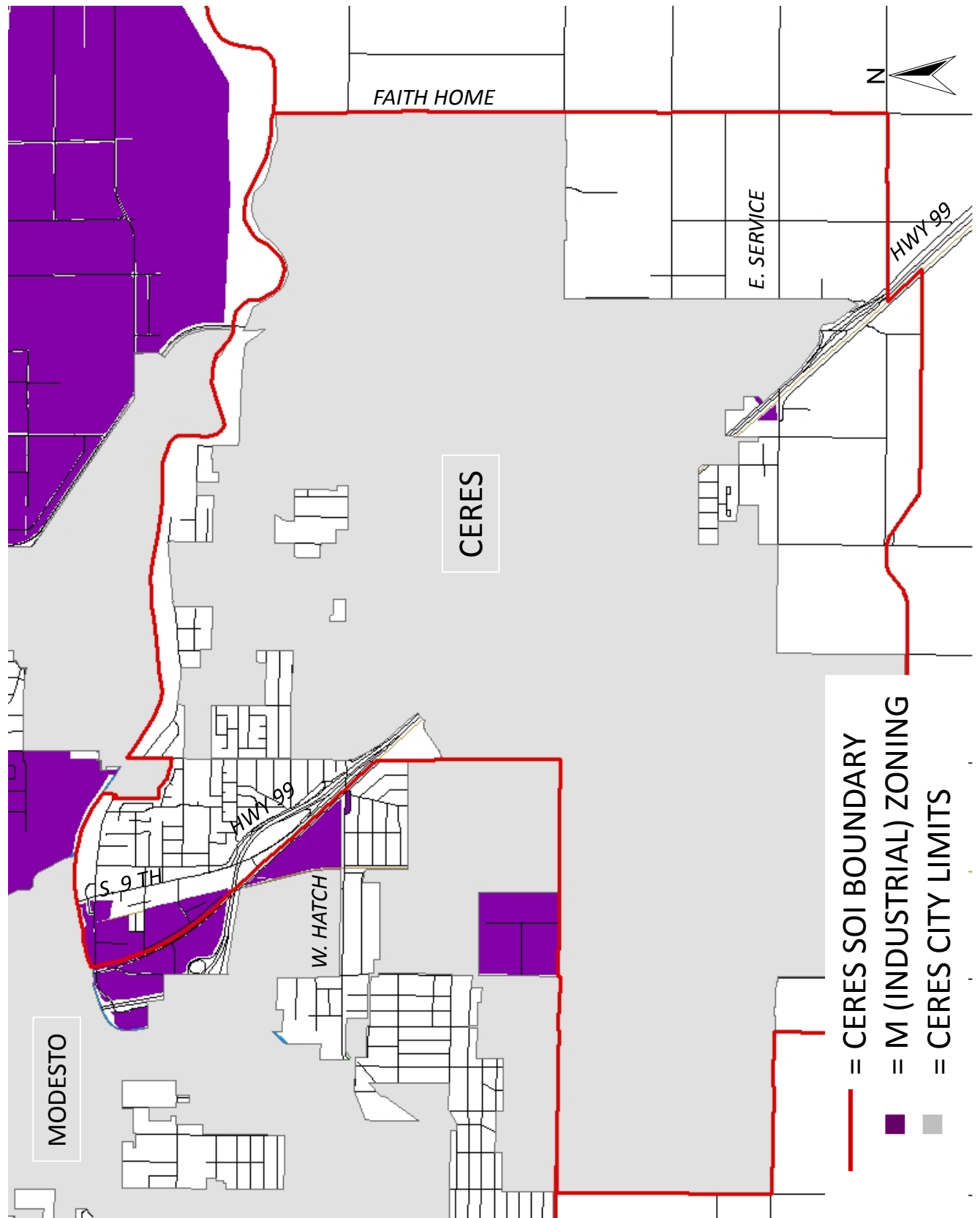
**21.82.060      AFFORDABLE HOUSING AGREEMENT**

- A.      Applications requesting a density bonus shall agree to enter into a density bonus housing agreement with the County. The terms of the draft agreement shall be reviewed and revised as appropriate by the Planning Director. A density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this article and shall be recorded as a restriction on any parcels on which the affordable units or density bonus units will be constructed.**
- B.      The density bonus housing agreement shall be recorded prior to recording of a final subdivision or parcel map, or, where the housing development does not include a map, prior to issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind future owners and successors in interest.**

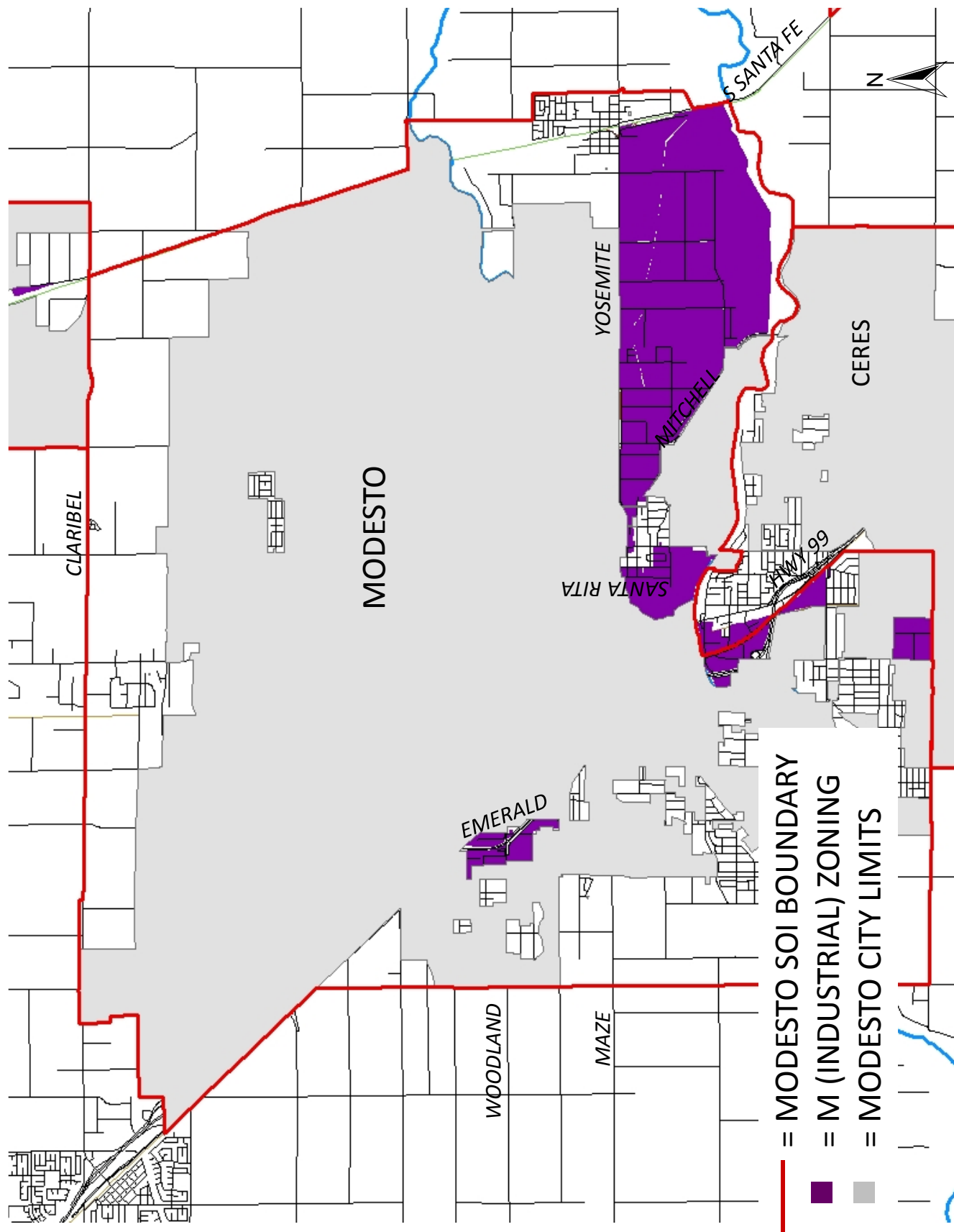
# M (INDUSTRIAL) ZONED PROPERTIES WITHIN CITIES SPHERES OF INFLUENCE (SOI)



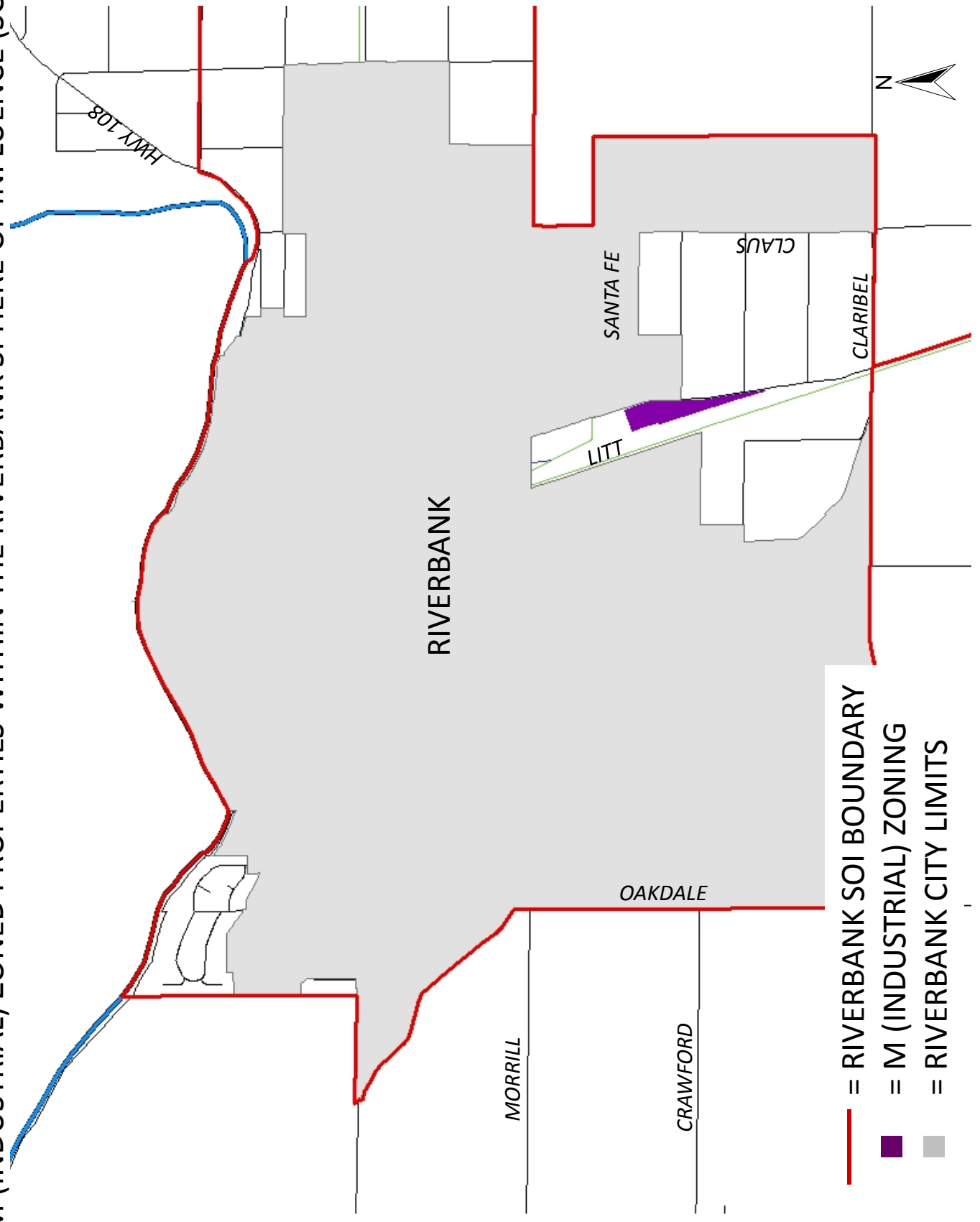
# M (INDUSTRIAL) ZONED PROPERTIES WITHIN THE CERES SPHERE OF INFLUENCE (SOI)



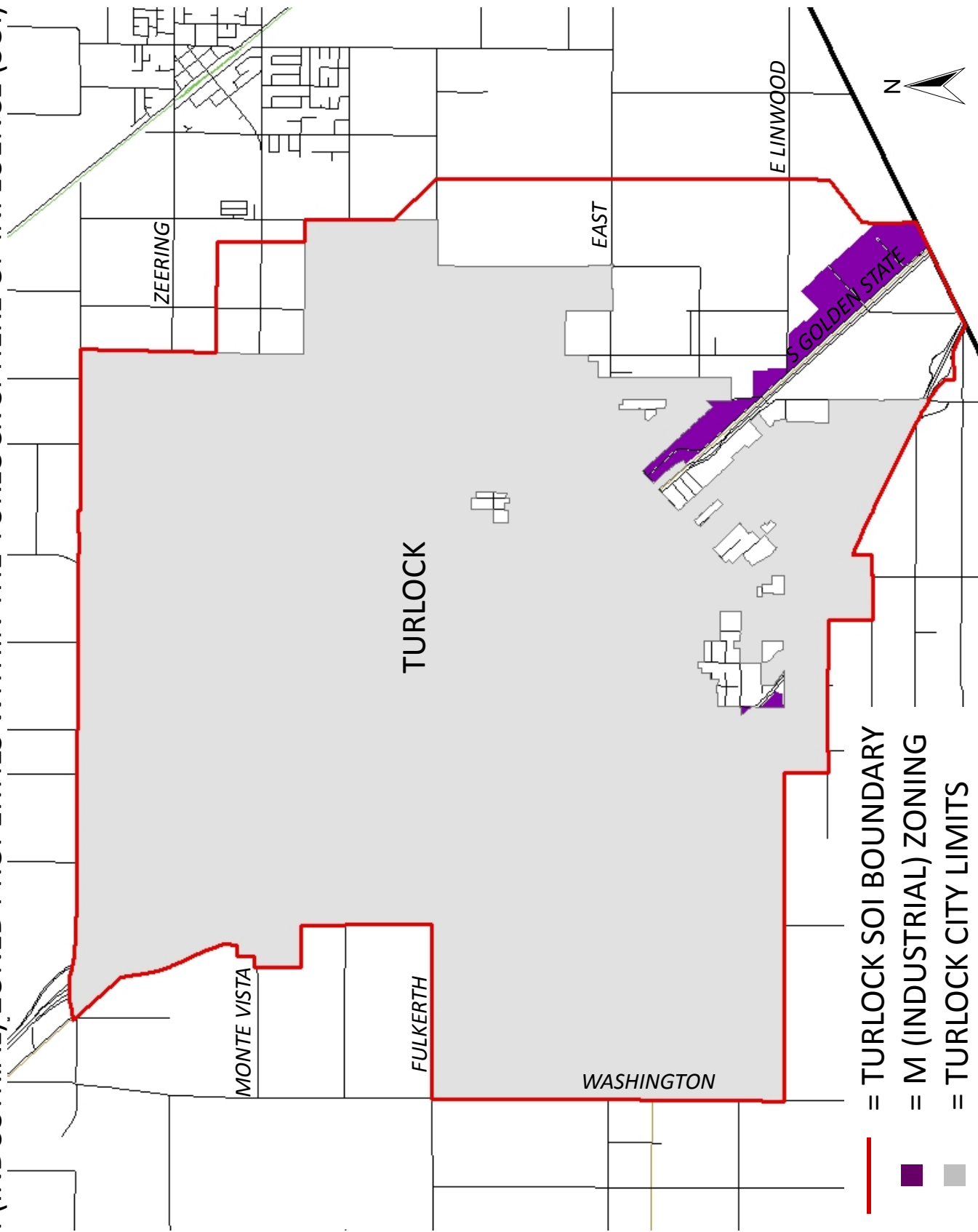
# M (INDUSTRIAL) ZONED PROPERTIES WITHIN THE MODESTO SPHERE OF INFLUENCE (SOI)



M (INDUSTRIAL) ZONED PROPERTIES WITHIN THE RIVERBANK SPHERE OF INFLUENCE (SOI)



# M (INDUSTRIAL) ZONED PROPERTIES WITHIN THE TURLOCK SPHERE OF INFLUENCE (SOI)



**STANISLAUS COUNTY**  
DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

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## NOTICE OF EXEMPTION

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**Project Title:** Ordinance Amendment No. PLN2015-0047 - Housing Related Code Amendments

**Applicant Information:** Stanislaus County / 1010 10<sup>th</sup> Street / Modesto, CA 95354 / (209) 525-6330

**Project Location:** Countywide

**Description of Project:** Request to amend the Stanislaus County Zoning Ordinance Chapters 21.08 General Provisions, 21.12 Definitions, and 21.60 Industrial District (M) and to add Chapter 21.86 Reasonable Accommodation and Chapter 21.82 Density Bonus for Affordable Housing to meet state requirements for fulfillment of Housing Element goals.

**Name of Agency Approving Project:** Stanislaus County Board of Supervisors

**Lead Agency Contact Person:** Kristin Doud, Associate Planner

**Telephone:** (209) 525-6330

**Exempt Status:** (check one)

- ☐ Ministerial (Section 21080(b)(1); 15268);
- ☐ Declared Emergency (Section 21080(b)(3); 15269(a));
- ☐ Emergency Project (Section 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: \_\_\_\_\_
- ☐ Statutory Exemptions. State code number: \_\_\_\_\_
- ☒ General Exemption (Section 15061(b)(3)).

**Reasons why project is exempt:** The project will update the County's zoning ordinance to be compliant with existing California Planning and Zoning Laws and will have no direct physical impact on the environment.

**ORDINANCE AMENDMENT APPLICATION NO. PLN2015-0047 - HOUSING RELATED CODE AMENDMENTS**

**DISTRIBUTION LIST FOR CEQA EXEMPT REFERRAL AND NOTICE OF PUBLIC HEARING**

X	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation	X	STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE	X	STAN CO ANIMAL SERVICES
X	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
	CA OPR STATE CLEARINGHOUSE	X	STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
X	CA STATE LANDS COMMISSION	X	STAN CO ERC
X	CA DEPT OF HOUSING AND COMMUNITY DEVELOPMENT	X	STAN CO FARM BUREAU
X	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF : CERES, MODESTO, TURLOCK		STAN CO PARKS & RECREATION
X	COMMUNITY SERVICES / SANITARY DISTRICTS	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION	X	STAN CO RISK MANAGEMENT
X	COUNTY OF: SAN JOAQUIN, MERCED, CALAVERAS, TUOLUMNE, SANTA CLARA	X	STAN CO SHERIFF
X	FIRE PROTECTION DISTRICTS	X	STAN CO SUPERVISORS
X	HOSPITAL DIST: ALL	X	STAN COUNTY COUNSEL
X	IRRIGATION DIST: ALL	X	StanCOG
X	MOSQUITO DIST: EASTSIDE, TURLOCK	X	STANISLAUS FIRE PREVENTION BUREAU
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	STANISLAUS LAFCO
X	MUNICIPAL ADVISORY COUNCIL: ALL		SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
X	PACIFIC GAS & ELECTRIC	X	TELEPHONE COMPANY: AT&T
X	POSTMASTER: ALL		TRIBAL CONTACTS (CA Government Code §65352.3)
X	RAILROAD: ALL	X	TUOLUMNE RIVER TRUST
X	SAN JOAQUIN VALLEY APCD	X	US ARMY CORPS OF ENGINEERS
X	SCHOOL DISTRICTS: ALL	X	US FISH & WILDLIFE
	SCHOOL DIST 2:	X	US MILITARY (SB 1462) (7 agencies)
X	STAN ALLIANCE	X	USDA NRCS
X	STAN CO AG COMMISSIONER	X	WATER DIST: ALL

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