

28.72 RESIDENTIAL USES

28.72.10 Dwellings

A. General Requirements

1. Minimum development standards for dwelling units.

- a.** All dwellings shall conform to the following minimum development standards:
 - (1)** Except as otherwise provided for in this section, each dwelling shall have a minimum gross floor area of one thousand square feet.
 - (2)** Exterior siding shall be a material commonly found in conventionally built residential structures. Metal sidings with a shiny or metallic appearance are not allowed. Siding shall extend to the ground or to the solid concrete or masonry perimeter foundation. Foundation or skirting materials simulating brick, concrete block or stone are permitted.
 - (3)** Roof eave or gable overhang shall be not less than twelve inches measured horizontally from the vertical side of the dwelling.
 - (4)** Roofing material shall be limited to materials commonly found on conventionally built residential structures. Roofing material with a shiny, metallic appearance is not allowed. The minimum pitch of the roof shall be three inches vertical to twelve inches horizontal.
 - (5)** The finished first floor of the dwelling shall be a maximum of thirty inches from the exterior finished grade of the lot measured from its highest level where it supports the dwelling.
 - (6)** A two-car enclosed garage shall accompany each primary dwelling, and the siding and roofing materials shall match the dwelling.
- b.** Should the Zoning Administrator determine that a dwelling unit does not meet these minimum development standards, zoning consistency approval of the building permit shall not be granted.

2. Minimum Architectural Standards *(See Section 28.91)

- 3. Exception.** A maximum of one single-family dwelling may be built on a parcel that existed and was designated “Agricultural” by the General Plan as of January 1, 1984, provided that the owner demonstrates compliance with all other applicable County requirements.

B. Specific Requirements

The specific residential uses listed below shall comply with the following specific standards:

1. Primary Dwelling (reserved)

2. Secondary Dwelling

A secondary dwelling, as permitted in the applicable zoning district, must meet the development standards delineated within the applicable zoning district, as well as the following specific development standards:

- a. **Maximum Size.** The maximum size of the secondary dwelling shall not exceed the following maximum sizes:

Maximum Size for a Secondary Dwelling	
(R-TC) Districts	850 Square Feet
(R-R) Districts	1,500 Square Feet
(A)(A-SM)(A-SV) Districts	1,800 Square Feet

- b. **Minimum Lot Size.** The minimum lot size for a secondary dwelling shall be 7,500 square feet.
- c. **Secondary Dwelling and Temporary Dwellings.** Only one secondary dwelling is allowed on a lot, except when any of the following temporary uses may be additionally permitted:
- (1) **Temporary Use of a Dwelling during Construction.** Use of an existing dwelling while the replacement dwelling is under construction, in accordance with Section 28-72.20A and B6.
- (2) **Temporary Dwelling during Construction.** Use of temporary dwelling while the primary dwelling is under construction, in accordance with Section 28-72.20A and B7.
- d. **Secondary Dwellings and Companion Living Units.** A secondary dwelling shall not be allowed on a lot that has a companion living unit or other similar accessory housing unit.
- e. **Attached / detached secondary lining units.** A secondary dwelling may be a detached structure or may be attached to another building on the same lot. If attached to another building, a separate exterior entrance shall be provided, independent from the entrance for the building to which it is attached.
- f. **Not allowed with companion living unit.** A secondary dwelling shall not be allowed on a parcel that has a companion living unit or other similar accessory housing unit.

3. Duplex or Multi-Family Dwellings (reserved)

4. Dwelling Group

Dwelling groups located on the same parcel in the R-TC-MF district, must meet the applicable development standards delineated in Table 28-26C and the specific building setback and siting requirements as follows:

- a.** Where the front of a building abuts the rear of another building (i.e., a front-to-back series) in a dwelling group on the lot, the minimum building separation shall be 20 feet, and the yard providing access shall be no less than 8 feet.
- b.** Where both the front and rear of a building abut a side yard (i.e. a single row side-to-side series) in a dwelling group on the lot, the side yard providing access shall have a width of not less than 12 feet.
- c.** Where the rear of a building abuts a side yard and the front faces a court (i.e. a double row side-to-side series) in a dwelling group on the lot, the court shall have a width of not less than 20 feet.
- d.** Buildings within a dwelling group on the lot shall be separated by a minimum distance of 10 feet.
- e.** No building in any group shall be located on the lot such that the rear thereof abuts on any street right-of-way.
- f.** Distances required between buildings and as yards and courts for dwelling groups on the lot shall be increased by two feet for each story that the height of any building or dwelling group on the lot exceeds two stories.

5. Floating Home

- a.** Floating homes must be located within and part of a marina and shall contain no more than one dwelling unit. No living or storage space may be located below the water line
- b.** Must be connected to an approved electrical, water and sewage disposal systems.
- c.** The float area shall not exceed a maximum 1,200 sq ft.
- d.** The floatation system shall be designed according to accepted marine engineering principles by a licensed engineer.
- e.** The height of the floating home shall not exceed 21 ft. at highest point measured from water level.
- f.** A 10 ft. minimum distance shall be maintained between floats or walls. A 10 ft. minimum distance shall be maintained between walls of FM home on opposite sides of moorage walkway. A 5 ft. minimum distance shall be maintained between floating home and any lot line.

- g. No part of the floating home may be further extended over water beyond float edge.
- h. A floating home shall abut at least 20 feet wide open navigable water.
- i. Clearance at zero tide (hydrographic datum – the level of lowest normal tides) shall be a minimum 2 foot of water depth beneath the floating home.
- j. No accessory float structures are permitted.
- k. A minimum of two off street parking spaces per floating home.

6. Existing Nonconforming Dwellings

- a. **Non-conforming Secondary Dwelling.** A secondary living unit legally existing on the lot prior to October 27, 2006 in the R-R District, June 13, 2008 in the A and R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, and ATC-NC Districts, which does not comply with the size or setback requirements of this Section shall be considered legal non-conforming and subject to the provisions of Section 28-114 (“Nonconforming Uses”). Such use may continue, provided that it is not enlarged, increased or otherwise modified and fully complies with any conditions of approval that may have been adopted.
- b. **Non-conforming Guest House.** A guest house legally existing on the lot prior to October 27, 2006 in the R-R District, June 13, 2008 in the A and R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, and ATC-NC Districts, shall be considered legal non-conforming and subject to the provisions of Section 28-114 (“Nonconforming Uses”). Such a guest house may be converted to a secondary dwelling provided all of the following are met: (1) no other secondary dwelling is on the lot; (2) all facilities necessary to convert the structure to a dwelling, including cooking, sanitation, and parking facilities shall be installed in compliance with County building and zoning standards as applicable; (3) either the primary residence or the secondary dwelling is owner-occupied; and (4) if the structure does not meet the size or setback requirements of this Section for a secondary dwelling, it shall be considered legal non-conforming and subject to the provisions of Section 28-114 (“Nonconforming Uses”).
- c. **Non-conforming Companion Living Unit.** A companion living unit legally existing on the lot prior to October 27, 2006 in the R-R District, June 13, 2008 in the A and R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, and ATC-NC Districts, pursuant to an approved conditional use permit, may be converted to a secondary dwelling provided all of the following are met: (1) no other secondary dwelling is on the lot; (2) the unit is installed on a foundation system as a fixture or improvement to the real property, in accordance with section 18551(a) of the Health and Safety Code and implementing regulations; (3) either the primary residence or the secondary dwelling is owner-occupied; and (4) if the unit does not meet the size or setback requirements of this Section, it shall be considered legal non-conforming and subject to the provisions of Section 28-114 (“Nonconforming Uses”). If an existing companion

living unit is converted to a secondary dwelling, the conditions of the use permit shall no longer be applicable. If an existing companion living unit is not converted to a secondary dwelling, it shall remain subject to the conditions of the use permit, and shall be promptly removed from the lot upon expiration or revocation of the permit.

- d. **Secondary Dwelling and Companion Living Unit.** If both a secondary living unit and a companion living unit legally exist on the lot prior to October 27, 2006 in the R-R District, June 13, 2008 in the A and R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, and ATC-NC Districts, the secondary living unit shall be considered the secondary dwelling on the lot and the companion living unit may continue on the lot as a temporary dwelling for the remaining term of the conditional use permit.
- e. **Time Extensions.** A companion living unit legally existing on the lot prior to March 13, 2011, pursuant to an approved conditional use permit which expires, may be extended for a temporary period, not to exceed two years, upon securing a minor use permit, provided:
 - (1) All of the findings made in the original use permit still apply.
 - (2) The property owner and the occupant of the companion living unit have not changed since the original issuance of a use permit. (note: time extension not in RR)

28.72.20 TEMPORARY DWELLINGS

A. General Requirements

This section reserved

B. Specific Requirements

The specific temporary residential uses listed below shall comply with the following specific standards:

1. Security Quarters During Construction

- a. **Standards.** A recreational vehicle, manufactured home or commercial coach may be used, on a temporary basis, to provide security quarters during construction of a permitted use, provided the following standards are met:

- (1) Building permits have been issued for the construction of the structures,
- (2) Only one security coach or vehicle shall be allowed on the site,
- (3) The security coach or vehicle shall be removed upon completion of construction of the structures.
- (4) A recreational vehicle shall be connected to permanent power and utilities provided by the installation of an RV pad. The RV pad shall be removed at the completion of construction of the structures.

2. **Temporary dwellings.** Temporary dwellings may be permitted in any A-L, MP, R-E, P and M-G districts for a temporary, fixed term corresponding to the circumstances of the particular case, and provided a use permit is first secured by the owner of the lot in each case except that a temporary dwelling may be utilized on any such site to provide emergency replacement housing in the event of loss due to fire, flood or other disaster for up to 18 months, with written approval from the Zoning Administrator and without the granting of a use permit.

3. Temporary Emergency Dwelling

Temporary dwelling may be utilized provide emergency replacement housing on any lot where a dwelling is destroyed due to fire, flood or other disaster for a period of up to 18 months.

4. Temporary Manufactured Home Storage

Temporary storage of a manufactured home shall comply with the following conditions and standards:

- a. The number of units stored shall be limited to one (1) per ownership.
- b. The term of a permit shall not exceed one (1) year. In no case shall more than two (2)

six month time extensions be granted or a successive permit is issued.

- c. All utilities must be disconnected and remain disconnected from a stored manufacture home.
- d. All appurtenances shall be removed including skirting, decking, and awnings.
- e. A stored manufactured home shall not be occupied or otherwise utilized.
- f. Posting of security satisfactory to the Zoning Administrator to guarantee performance of any conditions.

5. Temporary Occupancy of Existing Dwelling while Replacement Dwelling is under Construction

A. In any district where one-family dwellings are an allowed use, an owner may occupy an existing dwelling for the term of construction of the replacement dwelling provided that:

- (1) **Standards.** The replacement dwelling shall comply in all respects with yard, building, location, height and parking space requirements of this Chapter.
- (2) **Written Agreement.** The owner executes a written agreement with the County guaranteeing the demolition and removal of the existing dwelling.
- (3) **Security Deposit.** The owner shall, upon execution of the agreement, deliver to the County a Certificate of Deposit, faithful performance bond with an insurance company authorized to do business in the state, or make a cash deposit with the Treasurer of the County in the amount of money provided for in the agreement. The certificate, bond or cash deposit shall be in such amount as will be sufficient to accomplish such demolition and removal by the owner upon completion of the replacement dwelling or by the County in case the agreement is breached by the owner. The decision of the Zoning Administrator or Planning Commission as to the amount of deposit required shall be final.
- (4) **Access.** The owner shall, in the agreement, consent to agents and employees of the County entering upon his land and demolishing and removing existing dwelling if owner fails to remove such dwelling as stipulated in the agreement.

6. Temporary Single Family Dwelling

Temporary single family dwelling may be permitted for a temporary, fixed term corresponding to the circumstances of the particular case when the primary dwelling is under construction.

- a. **Development Standards.** Dwelling must be consistent with the development standards of the applicable zoning district.
- b. **Temporary Foundation.** Dwelling must be placed on a temporary foundation.

28.72.30 RESIDENTIAL ACCESSORY USES AND BUILDINGS

A. General Requirements

This section reserved

B. Specific Requirements

1. Accessory Buildings and Uses (Moved from 28.72.10)

Residential accessory buildings and uses, subject to the provisions within the applicable zoning district, shall comply with the following standards:

- a. Attached Accessory Structure.** An accessory building attached to the main building shall comply in all respects with the requirements of this Chapter applicable to the main building.
- b. Detached Accessory Structure.** An accessory building detached from the main building shall be located sixty feet from the front property line or on the rear fifty percent of the lot, unless otherwise specified in the applicable zoning district.
- c. Side and Rear Setback Waiver.** The side and rear yard requirements may be waived for an accessory building other than an animal shelter, except that such building shall not be located closer to any side street line than the main building, and such buildings, in the aggregate, shall not exceed the maximum site coverage in the rear yard for the main building as may be specified in the applicable zoning district. Waiver of said requirements shall be subject to notice as set forth in Section 14 (f) of this Chapter.
- d. Setback from Main Building.** An accessory building shall not be located closer than ten feet from the main building; except in the W district, the distance shall be thirty feet. Stables shall be located at least twenty feet from the main building.
- e. Animal Shelter Setbacks.** An accessory building for the shelter of small animals shall not be placed closer to any side street line than the main building, and in no case shall be placed closer than ten feet from any property line unless greater setbacks are required by the zoning district.
- f. Living Spaces Accessory Structures.** In any A or R district, an accessory building that includes an art or music studio, recreation or exercise room, office, or other similar use, including a pool house in any R district, if allowed by the zoning district in which it is located, shall comply with the following standards:
 - (1) Number of Accessory Structures.** Only one accessory building shall be allowed on a lot.
 - (2) Living Unit Prohibited.** The building shall not be designed for, or used as, a living or sleeping quarters, or commercial use, unless otherwise allowed by this Chapter.

- (3) **Number of Bathrooms.** Shall not contain more than one bathroom.
- (4) **Electrical Service.** Only one electric service drop and one electric meter to serve both the main building or dwelling and such accessory building shall be permitted.
- g. **Not A Secondary Dwelling.** An accessory building does not include a secondary dwelling as defined in Section 28-10.
- h. **Sequence of Construction.** Accessory structures shall not be constructed on a lot until construction of the principal structure has commenced or a principal use has been established on the lot, and an accessory structure shall not be used unless the principal structure is being used or a principal use has been established.

2. Second Kitchens

The following regulations shall apply to all second kitchens in dwellings:

- a. A second kitchen may be approved only for a detached, single-family dwelling, and a dwelling shall not have more than one second kitchen.
- b. The second kitchen must be for the use of the family occupying the dwelling unit.
- c. The second kitchen shall not be used for any commercial purposes other than a licensed home occupation.
- d. The second kitchen must be arranged and located to be available for use by, and readily accessible to, all residents of the dwelling. The second kitchen shall not have primary access from a bedroom or other private area of the dwelling, or any similar arrangement that could limit its use to only some of the residents.
- e. The dwelling in which the second kitchen is located must have only one electric service drop and electric meter, one water meter if the dwelling is served by public water, and one assigned address.
- f. The dwelling in which the second kitchen is located may not be represented in any way as having a secondary dwelling or any other quarters that can be rented or otherwise used as a private, separate or independent living area.
- g. An application for a second kitchen shall be approved by the Zoning Administrator, without a public hearing, if the kitchen satisfies the requirements of this subsection and the required application fee has been paid.
- h. Upon approval of a second kitchen, the property owner shall enter into an Agreement for Registration of Second Kitchen with the County, on a form to be provided by the Department of Resource Management, and such Agreement shall be recorded with the County Recorder. The Agreement will remain in effect, and will be binding on all future owners of the property, unless/until the second kitchen is removed from the dwelling in compliance with County Building Codes.

3. Kennels, Catteries, Stables and Other Small Animal Uses

a. Grazing or Keeping of Animals Other Than Hogs

Grazing, or keeping of animals, when permitted in an R district shall comply with the following standards:

- (1) **Minimum Parcel Size.** The parcel size shall be one acre or greater.
- (2) **Maximum Number of Animals.** The number of animal units shall not exceed two animal units per acre of ownership.
- (3) **Limitations on Number of Horses.** The minimum lot area upon which two or fewer horses may be kept is one acre. One additional horse may be kept for each twenty thousand square feet by which the parcel of land exceeds one acre.
- (4) **Keeping of Hogs Prohibited.** Hogs are not permitted.
- (5) **Setbacks.** Private stables shall be located no closer than twenty (20) feet from the side and rear lot lines, and no closer than sixty (60) feet from the front lot line, and no less than twenty (20) feet from any dwelling unit on the property. Corrals shall be located on the rear half of the lot.

b. Hog Raising, Residential

The raising of hogs incidental to a dwelling in any R district, must meet the following specific development standards:

- (1) **Maximum Parcel Area.** The parcel upon which the hogs are kept shall contain a minimum of two net acres.
- (2) **Maximum Number of Animals.** The total number of hogs kept on such parcel shall not exceed three, one of which may be a brood sow.
- (3) **Limitations on Litters.** In the event that the brood sow farrows, the litter resulting there from shall be allowed to remain on the premises until the litter is weaned, but in no event for a period longer than ninety days.
- (4) **Operational Requirements.** The hogs shall be kept in a clean and sanitary manner, free of offensive odors, flies and rodents as shall be determined by the County department of public health.
- (5) **Setbacks.** The hogs shall be kept within a secure enclosure which is located within the rear half of the parcel and maintained at least two hundred (200) feet from all property lines and at least one hundred (100) feet distance from any water well.

c. Kennels and Catteries, Small

Small kennels and catteries shall:

- (1) Manage storm water to prevent feed and manure from entering any natural or constructed storm water facility, canal, creek, lake, pond, stream or river,
- (2) Maintain a setback of 200 feet from any lot for all activities, buildings and uses of the land,
- (3) Employ best practices to ensure that stray dogs or cats do not trespass onto adjacent public rights-of-way or private lands.
- (4) Regulate, control or prohibit the accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people

d. Small Animal Husbandry

Small animal husbandry shall meet the following standards::

- (1) **Maximum Number of Animals.** The total number of small animals kept on one parcel shall not exceed twenty (20) per acre.
- (2) **Operational requirements.** Small animals shall be kept in a clean and sanitary manner, free of offensive odors, flies and rodents as shall be determined by the Department of Resource Management.
- (3) **Limitations on Noise.** Small animals that create noise audible on adjacent properties that is deemed by the County to be excessive or not in harmony with the suburban environment shall be confined within enclosures adequate to reduce noise levels such that the noise does not create a public nuisance to surrounding properties.
- (4) **Maximum Number of Roosters.** No more than one (1) rooster per acre may be kept, providing further that no more than 4 roosters may be kept.
- (5) **Setbacks.** Small animals that are confined shall be kept within enclosures located at least sixty (60) feet from the front property line, and at least twenty (20) feet from side and rear property lines.

e. Stable, Private

- (1) **Minimum Lot Area.** The minimum lot area upon which two or fewer horses may be kept is one acre. One additional horse may be kept for each twenty thousand square feet by which the parcel of land exceeds one acre.
- (2) **Setbacks.** Private stables shall be located no closer than twenty feet from the side and rear lot lines, and no closer than sixty feet from the front lot line, and no less than twenty feet from any dwelling unit on the property. Corrals within any TC

district shall be located on the rear half of the lot. Private stables shall conform to the development standards in Table 28-70A below:

Table 28-70A Development Standards for PRIVATE STABLES

	Minimum Distance from any Dwelling Unit	Minimum Distance from Side and Rear Property Lines*	Minimum Distance from Front Property Lines*
Use			
Pens for no more than one horse; Barns and other similar shelters <u>for nine horses or less</u>	20 feet	20 feet	60 feet
Corrals, paddocks, riding rings and other similar horse arena arenas	20 feet	60 feet	60 feet
* Where the front property line lies within a county road easement, the setback shall be measured from the outer easement line.			

28.72.40 Home Occupations, Cottage Industries and Other Commercial Uses

A. General Requirements

Other uses incidental to a residential use shall comply with the following general standards:

1. **Access.** Shall provide adequate truck loading area as required by the Zoning Administrator or Planning Commission, together with ingress and egress designed to avoid traffic hazard and congestion; All connections to County roads shall meet the encroachment permit requirements of the Director of Resource Management, which generally include, but shall not be limited to, paving of the connection within the County road right-of-way. and,
1. **Food and Beverage.** Food and/or beverages provided for sale and/or consumption must meet all federal, state and local regulations.
2. **Parking.** Shall provide off-street parking in accordance with Section 28-94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
3. **Permit Requirements.** Shall obtain all necessary approvals with other County departments and from the applicable fire protection district, if required, prior to operation.
4. **Prevent Storm Water Pollution.** Shall manage storm water to prevent any processing wastes or by-products from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river.
5. **Setbacks.** Minimum setback from an adjacent street shall be the same as required for the main building.
6. **Signs.** All signs shall be installed in accordance with the requirements of Section 28.96.

B. Specific Requirements

The specific uses listed below shall comply with the general requirements (A.1-6) above and the following specific standards:

1. Cottage Industries

a. Purpose of Regulations

These Cottage Industry regulations provide for the accessory use of a dwelling or accessory building(s) on the same parcel as the dwelling for gainful employment involving limited amounts of manufacturing or sales of goods or services. The use must be clearly incidental and secondary to the use of the premises for residential purposes and must not change or adversely affect the residential or rural character of the property or its surroundings.

b. Types of Cottage Industries

There are two classes of Cottage Industry:

Cottage Industry – Limited, and

Cottage Industry - General

c. Use Permit Required

Cottage Industries may be permitted in zoning districts as specified in this Chapter, upon issuance of a Use Permit. A business license is first secured pursuant to Chapter 14 of this Code prior to operation of a Cottage Industry.

A Use Permit for a Cottage Industry may be granted for an unlimited period of years, unless the Zoning Administrator or Planning Commission determines that a shorter period is more appropriate to ensure conformance with the intent and standards of this Section or other applicable requirements.

The Zoning Administrator shall be the hearing authority for Cottage Industry-Limited permits and the Planning Commission shall be the hearing authority for Cottage Industry-General Use Permits.

b. General Requirements for all Cottage Industries

- (1)** The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes. Only a resident-occupant of an existing on-site primary residence may operate a cottage industry; a cottage industry cannot exist in the absence of a dwelling unit.
- (2)** Cottage industries shall not produce evidence of their existence in the external appearance of the dwelling, accessory structures or premises, or in the creation of noise, odors, smoke, vibrations or other nuisances to a degree greater than that normal for the neighborhood.
- (3)** The conduct of cottage industries shall not prevent the use of the required garage or parking spaces for vehicle parking on a daily basis.
- (4)** The site of the cottage industry shall have direct access to a public road or access from an adequate private road. Where access to the site is by private road, the applicant for the cottage industry permit must demonstrate either (1) active financial participation in a road maintenance association, or (2) written consent to use the private road for business purposes from all co-owners of the private road easement.
- (5)** A maximum of one cottage industry per parcel shall be allowed.

- (6) All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), with the exception of outdoor storage of materials or products as specifically provided by the use permit, when completely screened from the street and adjoining properties. Any accessory building used for a cottage industry must comply with applicable building codes.
- (7) No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood. The Zoning Administrator or Planning Commission may impose performance standards to address these requirements. Performance standards may include additional setbacks to property lines, screening, soundproofing, restricted hours of operation, or other measures that mitigate the impacts of the business.
- (8) No land or building shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness; radioactivity, electrical or other disturbances; glare; liquid or solid refuse or wastes; or other substances, condition or element referred to herein as dangerous or objectionable elements in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises.
- (9) The applicant shall submit plans and a complete statement of any proposed machinery, processes and products, and specifications or standards for the mechanisms and techniques to be used in obviating the emission of dangerous and objectionable elements.

c. Specific Standards for Cottage Industries – Limited.

Cottage Industries—Limited shall conform to the following additional requirements:

- (1) Not more than two (2) employees may work on the premises in addition to the members of the family residing on the premises. This limitation applies to all employees who come onto the property on a daily basis, even if they work primarily at off-site locations.
- (2) The total area occupied by the cottage industry, including storage, shall not exceed one thousand five hundred (1,500) square feet.
- (3) There shall be no change in the outside appearance of the building used for the cottage industry or premises, except one (1) non-illuminated sign not exceeding four (4) square feet may be permitted.
- (4) A maximum 500 square foot area may be devoted to retail sales. Retail sales are only allowed on site when the merchandise sold was produced by the operator of the cottage industry or is incidental to a service provided by the operator. Businesses that purchase goods wholesale may store those goods on the property, but may not conduct retail sales on the property; such transactions must occur by

telephone, online, and by mail. Not more than three (3) delivery vehicles shall access the premises each day.

- (5) The operator of the cottage industry shall provide sufficient on-site parking to accommodate both customers and employees. One work vehicle and two personal employee vehicles may be parked in public view. Additionally, one customer parking space shall be provided for any retail area. This parking area does not count toward the 1,500 square foot limitation.
- (6) A maximum of three large vehicles and one trailer per large vehicle may be kept on the property in connection with a cottage industry. Large vehicles are defined as having a gross vehicle weight rating (GVWR) in excess of 14,000 pounds. Such vehicles may only be stored in an enclosed building in connection with a cottage industry. Storage of large vehicles shall be counted as part of the square footage of a cottage industry.
- (7) Customers or clients may come to premises during the hours 8:00 a.m. to 6:00 p.m.

d. Specific Standards for Cottage Industries—General.

Cottage Industries—General shall conform to the following requirements:

- (1) Not more than three (3) employees may work on the premises in addition to the members of the family residing on the premises. This limitation applies to all employees who come onto the property on a daily basis, even if they work primarily at off-site locations.
- (2) The total area occupied by the cottage industry, including storage, shall not exceed three thousand (3,000) square feet
- (3) The parcel on which the cottage industry is conducted must be at least four acres in size, excluding roads, canals, or railroad rights of way.
- (4) A maximum 1,000 square foot area may be devoted to retail sales. Retail sales are only allowed on site when the merchandise sold was produced by the operator of the cottage industry or is incidental to a service provided by the operator. Businesses that purchase goods wholesale may store those goods on the property, but may not conduct retail sales on the property; such transactions must occur by telephone, online, and by mail. Not more than three (3) delivery vehicles shall access the premises each day.
- (5) The operator of the cottage industry shall provide sufficient on-site parking to accommodate both customers and employees. One work vehicle belonging to the operator and three personal employee vehicles may be parked in public view. Additionally, one customer parking space shall be provided for every 500 square feet of retail area. This parking area shall not count toward the 3,000 square foot limitation.

- (6) A maximum of three large vehicles and one trailer per large vehicle may be kept on the property in connection with a cottage industry. Large vehicles are defined as having a gross vehicle weight rating (GVWR) between 14,001 lbs. and 26,000 lbs. Such vehicles may only be stored in an enclosed building in connection with a cottage industry. Storage of large vehicles shall be counted as part of the square footage of a cottage industry. Vehicles with a GVWR exceeding 26,000 lbs. may not be stored on the property in connection with a cottage industry.
- (7) No more than one (1) non-illuminated sign not exceeding four (4) square feet may be permitted.
- (8) Two or more separate businesses, with separate business licenses, may be permitted as a single cottage industry. However, when added together, those businesses cannot exceed the limitations set forth above for a single cottage industry;
- (9) Customers or clients may come to premises during any the hours 8:00 a.m. to 6:00 p.m.

e. Prohibited Uses.

The following uses shall not be permitted as Cottage Industries:

- (1) Outside storage of materials and equipment other than permitted vehicles
- (2) Concrete crushing, batching or mixing,
- (3) Corporation yards,
- (4) Motor vehicle and other vehicle repair or maintenance conducted outside,
- (5) Storage of motor vehicles, boats, trailers, mobile or manufactured homes for hire,
- (6) Welding and machining conducted outside,

Any other use that is not incidental to the residential use of the property or is not compatible with the residential character of the neighborhood.

2. Home Occupations

a. Purpose of Regulations

These Home Occupation regulations provide for the accessory use of a dwelling or accessory building(s) on the same parcel as the dwelling for gainful employment involving the manufacture, provision, or sale of goods and/or services. The use must be clearly incidental and secondary to the use of the premises for residential purposes and must not change or adversely affect the residential or rural character of the property or its surroundings. A use permit is not required to conduct a home occupation; however, such use shall be subject to all conditions of this Chapter generally, such as off-street

parking, and all other permits required under County Code, such as building permits and business licenses.

Home occupations may be allowed in any district allowing a residential dwelling, provided a business license is first secured pursuant to Chapter 14 of this Code. In approving a business license, the Business Licensing Officer must find that the proposed activity will conform to all requirements set forth in this Section. In making this finding, the Business Licensing Officer shall rely on the recommendation provided by the Department of Resource Management.

b. Types of Home Occupations

There are two types of Home Occupations, as follows:

Type I Home Occupation, and

Type II Home Occupation

c. Type I Home Occupations

Type I Home Occupations are service-type businesses which require a home office and may require storage of supplies utilized in the business. A Type I Home Occupation requires a business license prior to commencing operations. Type I Home Occupations must comply with the following standards:

General Standards – Type I Home Occupations

- (1) The particular uses conducted as a Type I Home Occupation, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.
- (2) The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. All aspects of the home occupation, including storage, shall be conducted entirely within the dwelling unit or enclosed accessory building(s) on the premises. The square footage allocations are as follows:
 - i. The total area used for the home occupation, exclusive of incidental storage, shall not exceed four hundred forty (400) square feet of the habitable floor area of the dwelling. The home occupation may be conducted within a detached building otherwise allowed by zoning and in compliance with applicable building codes, as long as its square footage does not exceed 400 square feet.
 - ii. Incidental storage in an accessory structure not exceeding 120 square feet shall be allowed.
 - iii. Incidental storage in the required enclosed two-car garage shall be permissible, provided that two cars can still be parked in the garage.

- (3) There shall be no merchandise offered for sale, except that produced on the premises. Internet-based businesses that do not involve the storage of product on site are exempt from this requirement.
- (4) No person other than members of the family residing on the premises shall be engaged in the home occupation.
- (5) No clients or customers shall come onto the property in conjunction with the business.
- (6) The use shall not generate traffic in excess of that normally associated with the residential use. Heavy commercial vehicles shall not be used in the home occupation for delivery of materials to or from the premises.
- (7) No more than one vehicle or truck with a maximum one ton capacity and one trailer shall be permitted on the site in conjunction with any home occupation.
- (8) No mechanical or electrical equipment shall be employed other than machinery or equipment typical of the type or specifications used in a hobby or a vocation customarily conducted within the confines of a dwelling unit.
- (9) The use shall not generate noise, odor, dust, glare, vibration or electrical interference to neighboring properties, or constitute a nuisance, or be detrimental to the health, safety, peace, morals, comfort or general welfare of the public.

d. Type II Home Occupations

Type II Home Occupations may involve retail sales of merchandise and service type businesses which require a home office and may require storage of supplies utilized in the business as well as inventories of merchandise. A Type II Home Occupation requires both a business license and a Home Occupation permit prior to commencing operations. Type II Home Occupations must meet the following standards:

General Standards – Type II Home Occupations

- (1) The particular uses conducted as a Type II Home Occupation, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.
- (2) The home occupation shall not result in any change in the outside appearance of the building or premises, or other visible evidence of the conduct of such occupation, other than one (1) non-illuminated sign not exceeding two (2) square feet.
- (3) The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. All aspects of the home occupation, including storage, shall be conducted entirely within the dwelling unit or enclosed accessory building(s) on the premises. The square footage allocations are as follows:

- i. The total area used for the home occupation, exclusive of incidental storage, shall not exceed six hundred forty (640) square feet of the habitable floor area of the dwelling. The home occupation may be conducted within a detached building otherwise allowed by zoning and in compliance with applicable building codes, as long as its square footage does not exceed 640 square feet.
 - ii. Incidental storage in an accessory structure not exceeding 120 square feet shall be allowed.
 - iii. Incidental storage in the required enclosed two-car garage shall be permissible, provided that two cars can still be parked in the garage.
- (4) The sale of merchandise not produced on the premises (except mail order and Internet-based businesses) shall be incidental and accessory to the merchandise or service produced by the home occupation.
 - (5) No person other than members of the family residing on the premises shall be engaged in the home occupation, provided, however, that one (1) employee shall be permitted when the property on which the home occupation is located is a minimum of two net acres in size.
 - (6) Not more than ten (10) customers or clients shall come to the premises during any one (1) day, restricted to the hours 8:00 a.m. to 8:00 p.m. Not more than three (3) delivery vehicles shall access the premises each day. Businesses shall operate Mondays through Saturdays. Businesses receiving clients on the property shall provide one additional on-site parking space beyond those required for any dwellings located on the property.
 - (7) The use shall not generate traffic in excess of that normally associated with the residential use. Heavy commercial vehicles shall not be used in the home occupation for delivery of materials to or from the premises.
 - (8) No more than one vehicle or truck and one trailer per truck with a maximum one ton capacity shall be permitted in conjunction with any home occupation.
 - (9) No mechanical or electrical equipment shall be employed other than machinery or equipment typical of the type or specifications used in a hobby or a vocation customarily conducted within the confines of the dwelling unit.
 - (10) The use shall not generate noise, odor, dust, glare, vibration or electrical interference to neighboring properties, or constitute a nuisance, or be detrimental to the health, safety, peace, morals, comfort or general welfare of the public.

3. Rural Resident Enterprise

Rural resident enterprises may be allowed in the Suisun Marsh Agricultural (A-SM) districts upon securing a land use permit, provided the conditions of this Section and all other provisions of this Chapter have been or will be met. It is the intent of this Section that such uses be limited to small-scale home business activities which are clearly

secondary to residential use of the property, do not conflict with the rural character of surrounding properties, or create impacts associated with commercial and industrial uses. Rural resident enterprises are uses which clearly do not compete with commercially or industrially zoned properties and are not likely to expand.

- a. Uses shall not exceed a total area of one thousand five hundred square feet of contiguous indoor or outdoor space of which a maximum of five hundred square feet may be devoted to retail sales or services directly involving customers.
- b. Enterprises shall be operated by the resident family only, and there shall not be more than one nonresident employee on site.
- c. Uses shall not be allowed which generate significant amounts of traffic. A permit on a private road which involves an increase in traffic may be approved by the Planning Commission only after evidence is shown that the proposed use will not unduly burden adjacent property owners on the private road.
- d. Uses which generate traffic beyond that normally associated with rural areas or which may have impacts associated with increased lighting or noise shall be limited to daytime hours.
- e. Enterprises shall remain secondary to the residential use of the property and shall be located behind the front building line of the residence, and a minimum of twenty feet from side property lines and twenty-five feet from rear property lines.
- f. When enterprises are to be contained within a building or area exceeding the allowable size limitations, that area to be used for the enterprise shall be physically separated from the remaining area and in no case shall an existing garage be converted to a rural resident enterprise unless additional enclosed parking is provided in conformance with the County's parking standards.
- g. Signs shall be limited to one non-illuminated name plate not to exceed twenty square feet mounted on or directly adjacent to the residence or proposed use. No advertising signs shall be permitted.
- h. Areas dedicated to outside storage or use shall be adequately screened or fenced so as not to have a visual impact on neighboring properties.
- i. Adequate parking shall be provided as determined necessary by the Zoning Administrator or Planning Commission. Access to the enterprise shall be limited to the existing residential driveway.
- j. Industrial uses, including uses involving heavy machinery, trucking and transportation operations, or uses which involve the use, storage or disposal of hazardous materials, chemicals or other objectionable elements, shall not be permitted.

4. Temporary Subdivision Sales Office

- a. **Hours of Operation.** Shall be limited to 9:00am until 6:00 pm Mondays through Sunday.