

KINGS COUNTY PLANNING COMMISSION

Regular Meeting
7:00 P.M.

Government Center
Hanford, California

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Agency at (559) 852-2680 by 4:00 p.m. on the Thursday prior to this meeting. Agenda backup information and any public records provided to the Commission after the posting of the agenda for this meeting will be available for public review at the Kings County Community Development Agency, Building No. 6, Kings County Government Center, 1400 W. Lacey Blvd., Hanford, California.

AGENDA February 6, 2017

This meeting will be held in the Board of Supervisors Chambers, Administration Building No. 1, Kings County Government Center, 1400 W. Lacey Boulevard, Hanford, California. Pursuant to California Government Code Section 65009, subdivision (b), if you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

I. CALL TO ORDER - Kings County Planning Commission Meeting

1. REQUEST THAT CELL PHONES BE TURNED OFF
2. PLEDGE OF ALLEGIANCE
2. SUMMARY OF THE AGENDA - Staff
3. UNSCHEDULED APPEARANCES

Any person may address the Commission on any subject matter within the jurisdiction or responsibility of the Commission at the beginning of the meeting; or may elect to address the Commission on any agenda item at the time the item is called by the Chair, but before the matter is acted upon by the Commission. Unscheduled comments will be limited to five minutes.

4. APPROVAL OF MINUTES - Meeting of September 12, 2016.

II. OLD BUSINESS None

III. NEW BUSINESS

1. DEVELOPMENT CODE TEXT CHANGE 668.13 (Kings County) – An amendment of various sections of the Kings County Development Code as part of the Community Development Agency’s continuing administration and maintenance of the Development Code.
 - A. Staff Report
 - B. Public Hearing
 - C. Decision

IV. MISCELLANEOUS

- 1. FUTURE MEETINGS** - The next regular meeting of the Planning Commission is scheduled for Monday, March 6, 2017.
- 2. CORRESPONDENCE**
- 3. STAFF COMMENTS**
- 4. COMMISSION COMMENTS**

V. ADJOURNMENT

NOTICE OF RIGHT TO APPEAL: For projects where the Planning Commission's action is final, actions are subject to appeal by the applicant or any other directly affected person or party and no development proposed by the application may be authorized until the final date of the appeal period. An appeal may be filed with the Community Development Agency at 1400 W. Lacey Blvd., Building #6, Hanford, CA, on forms available at the Community Development Agency. A filing fee of \$320.00 must accompany the appeal form. The appeal must be filed within 8 days of the Planning Commission's decision date, not including the date of the decision. If no appeal is received, the Planning Commission's action is final. There is no right of appeal for projects for which the Planning Commission's action is advisory to the Board of Supervisors.

NEW BUSINESS:

1. Change of Zone District Boundaries 16-01 (Kings County)

Mr. Kinney provided an overview of various change of zone district boundaries in order to achieve consistency between the Kings County Development Code and the 2035 Kings County General Plan. The changes considered were a change from Service Commercial (CS) zoning designation to the Neighborhood Commercial (CN) zoning designation for Assessor Parcel Number 016-171-010 in the Home Garden area, changing Natural Resource Conservation (NRC) zoning designation to the Limited Agriculture 10 (AL-10) zoning designation for Assessor Parcel Number 026-132-011 in the Stratford area, and changing Transitional Use (T) and Rural Commercial (CR) zoning designations to the Public Facilities (PF) zoning designation for Assessor Parcel Number 042-137-013 in the Kettleman City area. Mr. Kinney also noted that the resolution number was changed to 16-07.

A motion was made and seconded (Gregory/Dias) to approve Planning Commission Resolution No. 16-07, recommending that the Board of Supervisors approve the change of zone district boundary. Motion passed unanimously with Jones absent.

2. Conditional Use Permit No. 15-03 (JAVA solar, LLC)

Mr. Roper provided an overview of a proposal to establish a 15-megawatt alternating current photovoltaic solar generating farm, access driveways, electrical interconnection, and project substation on approximately 96 acres of agricultural lands located at 16741 20th Avenue (State Route 41), Lemoore, CA, Assessor's Parcel Numbers 024-170-010 and 011. Mr. Roper noted that the resolution number was changed to 16-08. Commissioner Gregory asked about the right of way for State Route 41. Mr. Roper addressed his question. Chairman Trapnell opened the public hearing and asked if anyone wanted to speak in favor of the project. Mr. James Diven, representing Sunpower, stated there would be no new transmission lines since they would be tapping into the Henrietta gentie. He also reported they will be grazing sheep under the panels. Seeing nobody else wanting to speak in favor of the project Chairman Trapnell asked if there was anyone wanting to speak in opposition of the project. Mrs. Annie Bell asked if the area to the north would be panels or a substation, she expressed concern that property values would decrease and a concern regarding lights at night. These concerns were addressed by Mr. Diven and Mr. Roper. Chairman Trapnell asked if there was anyone else wanting to speak against the project. Seeing nobody, he closed the public hearing.

A motion was made and seconded (Gregory/Dias) to approve Planning Commission Resolution No. 16-08, approving the conditional use permit. Motion passed unanimously with Jones absent.

MISCELLANEOUS

1. **FUTURE MEETINGS:** The next regular meeting of the Planning Commission is scheduled for Monday, October 3, 2016.
2. **CORRESPONDENCE:** Mr. Gatzka reported that information was received for the California County Planning Commissioners Association Conference in Riverside on October 14 and 15. Commissioners Gregory and Chavez expressed an interest in attending.
3. **STAFF COMMENTS:** None
4. **COMMISSION COMMENTS:** None

ADJOURNMENT – The meeting was adjourned at 7:43 p.m.

Respectfully Submitted,

KINGS COUNTY PLANNING COMMISSION



Greg Gatzka, Commission Secretary

KINGS COUNTY PLANNING COMMISSION

STAFF REPORT

Development Code Text Change No. 668.13

February 6, 2017

APPLICANT: Kings County Community Development Agency, 1400 Lacey Blvd., Hanford, CA

PROPOSED CHANGES: Amendment of various sections of the Kings County Development Code as part of the Community Development Agency's continuing administration and maintenance of the Development Code.

DISCUSSION:

The Community Development Agency has the responsibility to administer and maintain the Kings County Development Code. Since the adoption of the Development Code in April 2015, Staff has come across various unintended minor omissions and/or needed additions/clarifications throughout the code. In addition, as State laws are created and/or amended, there are provisions in the Development Code that need to be updated to be consistent with State law. The proposed Development Code amendments are an accumulation of all the mentioned changes. The proposed amendments are bolded in red and underlined and the proposed deletions are bolded in red with strikethroughs. The changes are provided as Attachment No. 1 of Resolution 17-01.

The following are summaries for the more significant proposed amendments within each Article:

Article 1

- *Cannabis/Marijuana.*

The changes regarding cannabis and marijuana within the Development Code are proposed by County Counsel based on the recent passage of Proposition 64. The proposed changes will add a reference to the Kings County Code of Ordinances regarding the prohibition of marijuana activities in Kings County. The other changes are for clarity in the types of activities.

- *Certain Events within Public Rights-of-way.*

The existing Development Code has a Temporary Use Permit process for temporary events on private property. However, Kings County does not have a similar permitting process for events on public property or within public rights-of-way. Public Works has been issuing encroachment permits for such events; however that is not the most appropriate process. The proposed amendment will require that any events on public property and/or within the public rights-of-way obtain a Temporary Use Permit.

Article 4

- *Addition of new uses.*

There are five new uses proposed to be added to the Agricultural Zoning District Land Use Regulations (Table 4-1). Three of the uses were in the previous Zoning Ordinance and did not get transferred into the new Development Code. Staff discovered these uses were omitted and felt these uses should be included within the Development Code as these uses already exist within the County and there may be demand in the future to create new uses or modify existing uses. The three uses are Open private recreation facilities

up to 30 guests, Open private recreation facilities exceeding 30 quests, and Private non-commercial clubs, lodges and fraternal organizations.

The fourth use is a result of a Development Code Text Change (DCTC) application submitted by Hyperloop Transportation Technologies, Inc. Hyperloop is proposing a test track along Interstate 5, south of Kettleman City for acreage zoned General Agriculture 20 (AG-20) The development code currently does not have allowed uses for such research and development type projects. The amendment would add Research, development and demonstration facilities for the purpose of transportation research, prototype development, demonstration of transport technologies and associated support facilities as a conditional use within the AG-20 zone district and prohibited within the other three agriculture zoning districts. It will also include a provision that such use can only be on Non-Williamson Act land. Even though the project is still in the environmental document development stage, Staff recommends the use be put in the code as this type of use could be beneficial to the County's economic and job base even if Hyperloop never develops.

The fifth use is a result of an existing conflict within the Development Code. Section 408 details the provisions related to Agricultural Land Divisions and the allowance for creating undersized parcels. Section 408.C allows for the creation of an under sized parcel for conditional uses given the four criteria are met. However, the first paragraph within Section 408 states only uses specified within Table 4-2 can allow for the creation of undersized parcels. So to resolve the conflict, Staff is adding Commercial uses (Excluding residential uses) to Table 4-2 as a conditional use within all Agricultural Zoning Districts.

- *Formatting.*
One of the changes from the Zoning Ordinance to the Development Code was creating a matrix table for standards and development regulations (setbacks, parcel sizes, coverage, etc.) for each zoning district. However, the agriculture zoning districts standards and development regulations were never put into a matrix table. The proposed amendment will create a matrix table for all the standards; however none of the standards are being modified, that changes are strictly for formatting.

Article 5

- *Formatting.*
Staff discovered that some uses were inadvertently placed within the wrong generalized use sections. For instance, Family day cares were listed under Utility, Public and Semi Public Uses rather than under Residential. The changes will place the uses within the appropriate generalized use sections and in some cases add clarifying language, primarily referencing the Government Code that applies to that specific use. In addition, Table 5-2 is being amended to replace dashes with the wording "No Limitation". The dashes in Table 5-2 are used to indicate no restriction and/or limitation; however dashes are also used in the land use table (Table 5-1) to identify prohibited uses. Staff did not want the dashes in the standards table to be confused as being prohibited standards.
- *Accessory Dwelling Units.*
Earlier this year the State Legislature passed SB1069 which made some changes to the State law regarding Second Dwelling Units. Based on SB1069, Staff is amending the second dwelling unit section to be consistent with State law and also amending some of the criteria for the siting of the second dwelling unit.

The following are changes based on State law:

- The name is changed from Second Dwelling Unit to Accessory Dwelling Unit.

- Prohibits justifications from requiring discretionary approvals (CUP's) for accessory dwelling units. This provision did not affect the Development Code as our process already allows an accessory dwelling unit through site plan review.
- The floor area limitation when attached to the existing unit was increased from not exceeding 30% of the existing living area to not exceeding 50% of the existing living area.
- The law prohibits a jurisdiction from requiring an additional parking space if the accessory unit is attached to the existing single-family residence.

The remaining changes are changes recommended by Staff. In recent applications the Community Development Agency has received for Accessory Dwelling Units, some of the criteria has put unnecessary financial burden on the property owner. The main two provisions are the limitation of the doorway access and the architectural requirements. Staff recommends that the access requirement and architectural appearance be eliminated as there will be no negative impact to surrounding property owners as these requirements are not required for a primary residence. The changes within the location criteria are to remove the minimum 10 foot setback requirement between structures and any required separation be determined by the California Building Code which is consistent with other areas of the Development Code. Finally, the Utility Services criteria are being amended to not require an engineered septic plan as not all private septic require such plan. At such time the building permit is submitted, it will be determined if an engineered plan is needed.

Article 6

- *Addition of a New Use*

Religious Facilities was a use in the previous Zoning Ordinance and did not get transferred into the new Development Code. Staff discovered this use was omitted and felt the use should be included within the Development Code as this use already exists within the County and there may be demand in the future to create new uses or modify existing uses. Religious Facilities will be a conditional use in the CN, CT, CH, and CR zonings districts and a prohibited use in the CS district.

- *Formatting.*

Table 6-2 is being amended to replace dashes with the wording "No Limitation". The dashes in Table 6-2 are used to indicate no restriction and/or limitation; however dashes are also used in the land use table (Table 6-1) to identify prohibited uses. Staff did not want the dashes in the standards table to be confused as being prohibited standards.

Article 7

- *Mixed Use Zoning Districts – Permitted Uses*

The Mixed Use Zoning Districts were established within the existing core/downtown areas of Armona, Stratford, and Kettleman City. As a way to help the infill development of these areas, the MU districts were created to allow for more permitted uses as an incentive for businesses to locate within the MU areas. The establishment of the permitted uses allowed for business to not have to go through a zoning review saving a business time and money. The allowance of more permitted uses was also based on the fact that these uses would be established within existing buildings and thus likely only needing a building permit for minor alterations. However, there are vacant properties within each of the communities and when these properties are developed the lack of zoning review has prevented early review by other County agencies. Staff is recommending that a provision be added that states any new construction or additions to an existing building require site plan review. This will ensure that potential issues are mitigated at a point prior to a business investing significant time and money.

- *Signs*
A proposed change is within Table 7-1 under Signs, freestanding or detached. Currently, Table 7-1 allows for freestanding detached signs within both Mixed Use Districts. However, the Mixed Use Downtown zone district (Table 7-4) does not allow for freestanding detached signs. The amendment will correct the inconsistency by changing Table 7-1 to reflect detached freestanding signs as prohibited in the MU-D district.
- *Formatting*
Table 7-2 is being amended to replace dashes with the wording “No Limitation”. The dashes in Table 7-2 are used to indicate no restriction and/or limitation; however dashes are also used in the land use table (Table 7-1) to identify prohibited uses. Staff did not want the dashes in the standards table to be confused as being prohibited standards.

Article 8

- *Addition of new uses*
There are two new uses proposed to be added to the Industrial Zoning District Land Use Regulations (Table 8-1). The two uses are Truck repair garages and service stations (trucks up to and including one-ton rated capacity) and Truck repair garages and service stations (trucks over one-ton rated capacity) as site plan reviews. The two uses exist within the Service Commercial portion of the Development Code as conditional uses but were omitted entirely from the Industrial Zoning. The Industrial Zoning allows for any site plan review or conditional uses allowed in the CS to be allowed in the same manner in the Industrial Zoning. Since these uses were conditional uses within the CS that means they can only be allowed as conditional uses within the Industrial zoning. Truck repair garages are appropriately suited for the Industrial Zoning districts, thus requiring a CUP in the Industrial Zoning would, in essence, be over regulating the use. So in order to correct the issue, the two uses are being added to the Industrial Zoning land use matrix as site plan review approval.
- *Formatting*
Table 8-2 is being amended to replace dashes with the wording “No Limitation”. The dashes in Table 8-2 are used to indicate no restriction and/or limitation; however dashes are also used in the land use table (Table 8-1) to identify prohibited uses. Staff did not want the dashes in the standards table to be confused as being prohibited standards.

Article 9

- *Addition of a new use*
The Public Works Department is considering a park host program for the County parks. The Development Code does not have any provisions related to park hosts. Staff felt that adding Park Host as a permitted use in Public Facilities zoning district would be appropriate to ensure there is not any issue if and when the Public Works Department implements a park host program.
- *Formatting*
Table 9-2 is being amended to replace dashes with the wording “No Limitation”. The dashes in Table 9-2 are used to indicate no restriction and/or limitation; however dashes are also used in the land use table (Table 9-1) to identify prohibited uses. Staff did not want the dashes in the standards table to be confused as being prohibited standards. In addition, Table 9-3 is being amended to replace the “N/A” with “No Limitation” as N/A implies the use is not applicable/not allowed.

Article 11

- *Alcoholic Beverage Sales*

The zoning districts listed in Sections 1105.F.2 and 1105.G.2 were in conflict with the uses listed in the Commercial Zoning Districts. The amendment will eliminate the reference to specific commercial zoning districts and replace that with “within each respective zoning district land use table”. This will resolve the conflict as well as prevent future conflicts if the land use tables are amended.

- *Temporary Land Use Permits – Large Events*

The Community Development Agency has processed a few temporary use permits since the permitting process was created within the Development Code. These events have been small in nature and typically were for charity or fundraising events for organizations. There have not been any significant issues related to the events or even cleanup after the events. The intent of requiring a Temporary Use Permit for events is more for the benefit of the public safety agencies and health department being aware of these events, more so than strong oversight by the County. The existing criteria as written require a \$5,000 deposit at application to ensure cleanup as well as signed agreements with event organizers and property owners. Staff has found these requirements to be very onerous on the event organizers, as well as simply not being needed. Staff recommends these requirements be eliminated. The requirement to show basic liability coverage will remain, but the requirement to submit a deposit and require signed agreements from property owners will be eliminated.

A new Section 1107.G will be added and related to the issuance of a temporary use permit within the public right-of-way. This relates to the changes in Article 1 regarding temporary use permits. This section spells out the responsibility between Community Development Agency and Public Works in reviewing and issuing the temporary use permit.

- *Commercial Solar*

The amendment will eliminate the reference to solar use easements within criteria h of the siting criteria for commercial solar projects. The solar use easement portion is being eliminated due to the County not having an application or approval process for such easement.

- *Large Day Care Homes*

The amendment will eliminate the requirement for a play area for a day care to be fenced. This requirement can be very financially onerous on a day care and since there are no State or health and safety requirements for such fencing, Staff recommends this requirement be eliminated.

Article 13

- *Parking*

The Second Dwelling Unit parking is being amended to reflect changes in State law. The name will be changed to Accessory Dwelling Unit and state an additional space is not required if the second unit is attached to the existing first residence.

The parking requirements for public uses will be amended to change from 1 space per 200 sq. ft. of floor area to 1 space per 300 sq. ft. of floor area. The reason for the change was a result of a recent site plan review for the new Human Services Agency building. The Parking Generation Manual of the Institute for Transportation Engineers (ITE), which is the basis for parking requirements nationwide, states 1 space per 300 sq. ft. of floor area. Based on the ITE Manual, Staff recommends that the 1 space per 300 sq. ft. be adopted in order to not be too restrictive with parking demands.

Article 15

- *Landscaping*

The County does not have a landscaping ordinance with specific County standards and thus has fallen under the State of California Model Water Efficient Landscape Ordinance. The Development Code references that all development shall comply with such ordinance. When the Development Code was developed, some of the State code requirements were put in the landscaping section for ease of reference. However, those regulations have now changed. Staff recommends that the inclusion of these regulations in the Development Code be eliminated and just the references to the State ordinance remain. This will prevent Staff from having to do a Development Code Text change every time the State law changes.

Article 17

- *Appeals*

The amendment adds to the submittal requirements. Currently, the code only requires a complete original application and backup documentation be submitted. The additional copies are made by Staff. The amendment would require the applicant to provide all copies for the appeal, saving Staff time and cost.

The second part of the amendment would modify the timeframe in which the Board of Supervisors would hear the appeal. Currently, the code reads that the Board of Supervisor's shall hear the appeal right after the Planning Commissions decision based only on the time it takes for meeting notification requirements. The amendment will modify the section to state the appeal to be heard by the Board of Supervisors within 90 days of the appeal being filed with the Community development Agency. This timeframe is consistent with similar sections of the code.

Article 25

- *Definitions*

The first change is in regards to the Second Dwelling Unit and the name change to Accessory Dwelling unit. The definition itself will not change. The change is only due to the name change and as a result, the change of location within the section.

The second change will add a definition for Community Car Facility which is not currently contained within the definitions. Community Care Facility is a land use within the Development Code, so Staff felt there should be a definition to clarify what a Community Care Facility entails. The definition is consistent with the definition in the Government Code.

ENVIRONMENTAL REVIEW:

The approval of Development Code Text Change 668.13 is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*. This section states that a project is exempt from *CEQA* if the activity is covered by the general rule that *CEQA* applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to *CEQA*. The changes to the Development Code are technical changes concerning general policy for the implementation of the zoning regulations and there is no possibility that these changes will have a significant effect on the environment by the act of adopting the Development Code Text Change. In addition, any new uses added by the Development Code Text Change will be required to undergo individual environmental review determination, and will either be ministerial, categorically exempt, or subject to individual *CEQA* review. It would be speculative at this time to attempt to determine specific impacts without specific activity and site information.

STAFF RECOMMENDATION: Staff recommends that the Commission, upon completion of the public hearing recommend:

1. The approval of Development Code Text Change 668.13 is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the Guidelines for California Environmental Quality Act (*CEQA* Guidelines).
2. The Commission finds that Development Code Text Change 668.13 is consistent with and will implement the policies of the 2035 Kings County General Plan.
3. The Commission finds that Development Code Text Change 668.13 will achieve the objectives of the General Plan and the Development Code.
4. Adopt Resolution No. 17-01, recommending that the Board of Supervisors approve the Development Code Text Change 668.13.

Prepared by the Kings County Community Development Agency (Dan Kassik) on January 24, 2017. Copies are available for review at the Kings County Community Development Agency, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

**BEFORE THE KINGS COUNTY PLANNING COMMISSION
COUNTY OF KINGS, STATE OF CALIFORNIA**

**IN THE MATTER OF DEVELOPMENT CODE) RESOLUTION NO. 17-01
TEXT CHANGE 668.13 AMENDING VARIOUS)
SECTIONS OF THE KINGS COUNTY)
DEVELOPMENT CODE AS PART OF THE)
COMMUNITY DEVELOPMENT AGENCY'S)
CONTINUING ADMINISTRATION AND)
MAINTENANCE OF THE DEVELOPMENT CODE) **Re: Development Code Text Change 668.13****

WHEREAS, the County of Kings has adopted an Ordinance known as Development Code No. 668 in order to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the County of Kings and there are occasions in which the language of that Ordinance may need to be amended; and

WHEREAS, in October 2016, the Kings County Community Development Agency filed an application for Development Code Text Change 668.13 to amend various sections of the Kings County development Code as part of the Community Development Agency's continuing administration and maintenance of the Development Code; and

WHEREAS, in October 2016, the Kings County Community Development Agency drafted proposed changes to various sections of the Development Code, provided as Attachment #1 of the attached Resolution, after ensuring that it is consistent with current law, is internally consistent, implements policies within the 2035 Kings County General Plan, and addresses the needs of the county and the people who live and work here;

WHEREAS, the approval of Development Code Text Change 668.12 is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*. This section states that a project is exempt from *CEQA* if the activity is covered by the general rule that *CEQA* applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to *CEQA*. The changes in the Development Code are technical changes concerning general policy for the implementation of the zoning regulations and there is no possibility that these changes will have a significant effect on the environment by the act of adopting the Development Code. In addition, any new uses added to the Development Code will be required to undergo individual environmental review determination, and will either be ministerial, categorically exempt, or subject to individual *CEQA* review. It would be speculative at this time to attempt to determine specific impacts without specific activity and site information.

WHEREAS, on February 6, 2017, this Commission held a duly noticed public hearing to receive testimony from any interested person; and

WHEREAS, on February 6, 2017, this Commission considered all of the testimony it has received and the report and recommendation of the Community Development Agency Director before taking the following action.

NOW, THEREFORE, BE IT RESOLVED AND CERTIFIED, that this Commission finds that:

1. The approval of Development Code Text Change 668.13 is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the Guidelines for California Environmental Quality Act (*CEQA Guidelines*).
2. The Commission finds that Development Code Text Change 668.13 is consistent with and will implement the policies of the 2035 Kings County General Plan.

3. The Commission finds that Development Code Text Change 668.13 achieve the objectives of the General Plan and the Development Code.
4. The Commission adopt Resolution No. 17-01, and directs the Secretary of the Planning Commission to present this Resolution and its Attachments as approved by this commission, to the Kings County Board of Supervisors for their consideration and adoption.

The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held before the Kings County Planning Commission on February 6, 2017 by the following roll call vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

KINGS COUNTY PLANNING COMMISSION

Steven Dias, Vice-Chairperson

WITNESS, my hand this ____ day of _____, 2017.

Gregory R. Gatzka
Secretary to the Commission

cc: Kings County Board of Supervisors
Kings County Counsel

Attachments: Attachment #1 – Proposed Development Code Changes

- O. To coordinate policies and regulations relating to the use of land with such policies and regulations of incorporated cities of the county in order to: Facilitate transition from county to municipal jurisdiction that land which is first developed in an unincorporated area and is subsequently annexed to a city; foster the protection of farming operations in areas of planned urban expansion, and ensure unimpeded development of such new urban expansion that is logical, desirable and in accordance with objectives and policies of the General Plan.

Sec. 106. Components of the Development Code: This Development Code shall consist of a zoning plan designating certain districts and regulations controlling the uses of land, the density of population, the uses and locations of structures, the height and bulk of structures, the open spaces about structures, the appearance of certain uses and structures, the areas and dimensions of sites, regulations requiring the provision of off-street parking and off-street loading facilities and the subdivision of land.

Sec. 107. Applicability of the Development Code:

- A. **Applicability to Property:** This Development Code shall apply to the extent permitted by law to all property whether owned by private persons, firms, corporations, or organizations; by the United States of America or any of its agencies; by the State of California or any of its agencies or political subdivisions; by any County or City including the County of Kings or any of its agencies; or by any authority or public entity organized under the laws of the State of California; all subject to the exception of the following properties:
 - 1. Public streets and alleys, **except as described in Subdivision G of this Section**
 - 2. Underground utility lines and facilities
 - 3. Underground communications lines
 - 4. Overhead communications lines
 - 5. Overhead electric distribution facilities, not to include overhead transmission lines, transmission substations and distribution substation
 - 6. Railroad rights-of-way to the extent of 100 feet in width.
- B. **Compliance with Regulations:** An existing land use is lawful only when it was legally established in compliance with all regulations applicable at the time the use was established and when it is operated and maintained in compliance with all applicable provisions of this Development Code. No land shall be used and no structures built or occupied except in compliance with the provisions of this Development Code.
- C. **Conflicting Regulations:** Where conflict occurs with other County regulations or with state or federal laws, higher law shall control over lower law unless local variation is permitted. Where conflicting laws are of equal stature, the more specific provision shall control unless otherwise specified in this Development Code or in state or federal law. Where two conflicting laws are equally specific, the more recently enacted law controls.
- D. **Private Agreements:** It is not intended that the requirements of this Code shall interfere with, repeal, abrogate or annul any easement, covenant, or other agreement that existed when this Development Code became effective. This Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than an applicable private agreement or restriction, without affecting the applicability of any agreement or restriction. The County shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.
- E. **Conditional Zoning:** This Development Code shall not interfere with, repeal, abrogate, or annul any Conditional Zoning Agreement established between the County and an applicant prior to the effective date of this Development Code.

- F. **Other Requirements May Still Apply:** Nothing in this Development Code eliminates the need for obtaining any permit, approval or entitlement required by other provisions of the Code of Ordinances or complying with regulations of any city, county, regional, state or federal agency where applicable.
- G. **Certain Events in Public Rights-of-Way: Notwithstanding Subdivision A.1 of this Section, a temporary event held in any right-of-way in any subdivision, which right-of-way is open to the public and has been accepted on behalf of the public but not into the County maintained system pursuant to Streets and Highways Code section 941, shall require a temporary land use permit pursuant to Section 1107.G of this Development Code.**

Sec. 108. Interpretation of the Development Code: In their interpretation and application, the provisions of this Development Code are held to be minimum requirements except where they are expressly stated to be otherwise.

- A. **Interpretation:** The following rules of interpretation shall apply unless inconsistent with the plain meaning of the context of this Development Code.
 1. **Gender:** The masculine shall include the feminine and the neuter.
 2. **Headings:** In the event that there is any conflict or inconsistency between the heading of an Article, Section, Paragraph, Figure, Table, illustration, graphic, map, or caption and the context thereof, the text shall govern.
 3. **Language:** When used in this Development Code, the words “shall”, “will”, “is to”, and “are to” are always mandatory. “Should” is not mandatory but is strongly recommended; and “may” is permissive. Words used in the present tense include the future tense.
 4. **List and Examples:** Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.
 5. **Number:** Words used in the singular include the plural, and words used in the plural include the singular.
 6. **Oath:** The word "oath" shall include affirmation.
 7. **Time Limits:** Whenever a number of days or months are specified in this Development Code, or in any permit, condition of approval, or notice provided in compliance with this Development Code, the number of days shall be construed to be calendar days. The time limit shall expire at 5:00 p.m. on the last day of the time limit established or specified. A time limit shall extend to 5:00 p.m. on the following working day where the last of the specified number of days falls on a weekend, holiday, or other day, or partial day, the Community Development Agency is not open for business.
- B. **General Terminology:** The word "County" shall mean the County of Kings, California. The words "Board of Supervisors" and "Board" shall mean the Board of Supervisors of the County of Kings. The words "Planning Commission" and "Commission" shall mean the Planning Commission duly appointed by the Board of Supervisors. The words "Zoning Administrator" shall mean the Zoning Administrator duly appointed by the Board of Supervisors. The word "Director" shall mean the Director of Community Development duly appointed by the Board of Supervisors. The words "County Surveyor" shall mean the County Surveyor of the County of Kings. The words "Agricultural Commissioner" and "Ag. Commissioner" shall mean the Agricultural Commissioner of the County of Kings. The words "Building Official" shall mean the Building Official of the County of Kings. The words "Community Development" shall mean the staff of the Kings County Community Development Agency.
- C. **Similar Uses Permitted Purpose Statement:** When a use is not specifically listed in this Development Code, it shall be understood that the use may be allowed if it is determined by the Zoning Administrator that the use is similar to other uses listed. It is further recognized that every conceivable use cannot be identified in this Development Code, and anticipating that new uses will evolve over time, this Section establishes the Zoning Administrator’s authority to compare a proposed

uses in the Development Code do not allow the use sought by landowners, they may seek special review of the situation through a Conditional Use Permit (CUP), Variance or zoning amendment. Submission guidelines for Site Plan Reviews are contained in Article 16 of this Development Code.

4. **Conditional Use Permits (CUP):** Conditional uses are also listed in the Development Code for each district and may be allowed if they meet the standards listed in the Development Code and are consistent with the General Plan. Generally, they must be compatible with neighboring land uses, tailored to meet the limitations of the site, and not in violation of the objectives of the Development Code. Conditional uses are decided by the Planning Commission. Submission guidelines for conditional uses are contained in Article 17 of this Development Code.
5. **Variations:** A zoning Variance authorizes a landowner to use a property in a manner that is not permitted by the Development Code. Variations come in two types: use Variations and area Variations. Use Variations, which are rarely granted to avoid undermining the purposes of the Development Code, allow a landowner to use a property in a manner that is not allowed by the Development Code. Area Variations, which are more common, allow a property owner to violate a dimensional requirement, such as a building setback or height limitation. The Zoning Administrator determines whether to grant a Variance request based on the criteria outlined in state statutes and local ordinances. Submission guidelines for Variations are contained in Article 18 of this Development Code.
6. **Nonconforming Uses:** A nonconforming use is one which existed lawfully prior to the adoption or amendment of a Zoning Ordinance or Development Code, but does not comply with present zoning provisions. California law generally protects existing legal nonconforming principal uses of buildings, structures, premises or fixtures if they continue unchanged. Article 12 of this Development Code provides additional details concerning alterations and certain changes allowed to nonconforming uses.
7. **Prohibited Uses:** Any use specifically prohibited either by state or federal law shall be prohibited. Except as provided in Section 107.C of this Code, any use not specifically listed in the zoning district's Table of Land Use Regulations are prohibited. The Zoning Administrator's interpretation of the meaning of the uses listed in this Development Code is final unless modified by the Planning Commission or Board of Supervisors. Challenges to the Zoning Administrator's interpretation shall be processed as an application for a Conditional Use Permit.
8. Land Uses Involving Marijuana/~~Commercial and~~ Cannabis Activities: ~~Because marijuana is classified as a Schedule I controlled substance pursuant to the federal Controlled Substances Act and is banned in Kings County pursuant to Chapter 14, Article V of the Kings County Code of Ordinances (subject to certain criminal immunities required by state law), medical m~~Marijuana cooperatives, collectives, and any other forms of marijuana distribution or ~~commercial other~~ cannabis activity are forbidden in all zones in the county as set forth in Chapter 14, Article V of the Kings County Code of Ordinances, which is incorporated herein by reference. As used herein, "~~commercial~~ cannabis activity" includes, but is not limited to, the following activities: cultivation, processing, manufacture, distribution, dispensing, delivery (including mobile delivery), testing, donation, possession, and use of marijuana. If at any time in the future prohibitions of the Controlled Substances Act and the Kings County Ordinance Code relating to marijuana are repealed, cooperatives, collectives, and any other form of ~~medical~~ marijuana distribution or commercial ~~cannabis marijuana~~ activity shall be allowed only in zones designated for such use by subsequent amendment to this Development Code, and only as a conditional use subject to the requirements of this Development Code for a conditional use permit, as well as any other restrictions that the County may impose.

(Ordinance No. 668-2-16, §1, 1/26/16)

B. **Use Permit Requirements:** A new zoning permit or land use permit is generally required:

1. Before a new use which is listed as requiring "Site Plan Review" or "Conditional Use Permit" in the particular zoning district is to be established on a property within that zoning district.
2. Before an existing use on the property which already has a land use permit is to be expanded in any manner.



Table 4-1 **AGRICULTURAL ZONING DISTRICTS LAND USE REGULATIONS**

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit. “-” Not permitted	ZONING DISTRICT				Additional Regulations and Information
	AL-10	AG-20	AG-40	AX	
Residential Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED				
Accessory living quarters, without a kitchen.	P	P	P	P	One for each residence on the site. Unit shall not be rented.
Accessory living quarters, in excess of one per residence on the site.	-	C	C	-	Such quarters shall have no kitchen facilities and shall not be rented.
Community care facilities as allowed by the Health and Safety Code.	P	P	P	P	
Family day care homes (Small) for 8 or fewer children.	P	P	P	-	
Family day care homes (Large) for 9 to 14 children.	S	S	S	-	See Section 1117 and Health and Safety Code Section 1597.46
Farm employee housing incidental to an existing primary dwelling and incidental to a permitted or conditional farming operation with up to four such dwelling units permitted on a single parcel.	S	S	S	S	1. On a parcel with an existing primary dwelling, the farm employee housing shall be a mobile home or manufactured home. 2. Farm employee housing shall be located on the site which minimizes the loss of productive agricultural land and its productivity, but not to the detriment of the farm employee occupants.
Farm employee housing in excess of five or more dwelling units on a single parcel.	C	C	C	C	Farm employee housing shall be located on the site which minimizes the loss of productive agricultural land and its productivity, but not to the detriment of the farm employee occupants.
Farm labor supply housing.	-	C	C	C	Farm employee housing shall be located on the site which minimizes the loss of productive agricultural land and its productivity, but not to the detriment of the farm employee occupants.
Farm labor supply housing.	-	C	C	C	Farm employee housing shall be located on the site which minimizes the loss of productive agricultural land and its productivity, but not to the detriment of the farm employee occupants.
Recreational vehicle occupied as a temporary dwelling supplemental to an existing residence for a maximum period of 14 days.	TUP	TUP	TUP	TUP	See Article 11, Section 1107.B.3. for additional information.
Recreational vehicle occupied as a temporary dwelling to care for an Infirm Relative for a maximum period of 60 days, or until the condition requiring the care no longer exists, whichever is the shorter period of time.	TUP	TUP	TUP	TUP	See Article 11, Section 1107.B.3. for additional information. Requires documentation of the need from a Doctor.



Table 4-1 **AGRICULTURAL ZONING DISTRICTS LAND USE REGULATIONS**

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit. “-” Not permitted	ZONING DISTRICT				Additional Regulations and Information
	AL-10	AG-20	AG-40	AX	
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED				
Land excavation that does not qualify as a surface mining operation where the land is immediately re-leveled for farming purposes and the new grade of the site is less than one foot lower than the original grade.	P	P	P	P	
Land excavation in connection with earth borrow pit operations where: a. The depth of excavation will not exceed two and one half feet, or one foot within one mile of the Kings River; and b. The amount of excavated material removed from the site will be less than 1,000 cubic yards; and c. The land is immediately re-leveled for farming purposes.	S	S	S	S	
Mobile home or manufactured home storage on private property incidental to a permitted or conditional use.	S	S	S	S	See Article 11, Section 1108.
Offices of veterinarians and animal hospitals.	C	S	-	C	
Parks.	C	C	-	C	
<u>Open private recreation facilities not exceeding thirty (30) guests</u>	-	<u>S</u>	<u>S</u>	-	<u>On non-Williamson Act contracted land only</u>
<u>Open private recreation facilities exceeding thirty (30) guests</u>	-	<u>C</u>	<u>C</u>	-	<u>On non-Williamson Act contracted land only</u>
Penal institutions.	C	C	C	-	
<u>Private non-commercial clubs, lodges, and fraternal organizations</u>	-	<u>C</u>	<u>C</u>	-	<u>On non-Williamson Act contracted land only</u>
Public uses of an administrative, public service or cultural type including libraries, museums, art galleries, police and fire stations and other structures and facilities.	C	C	C	C	
Public and quasi-public uses of an educational type including preschools, elementary schools, junior high schools, high schools, and colleges.	C	C	C	C	
Racetracks or strips used for the racing of vehicles or animals.	-	C	C	-	On non-Williamson Act contracted land only.
Rain gardens.	P	P	P	P	See Article 15.
Recreational vehicle and boat parking.	P	P	P	P	Does not include use of the RV or boat as a dwelling or residence. See Article 11, Section 1110 and 1111 for additional information.
<u>Research, development and demonstration facilities for the purpose of transportation research, prototype</u>	-	-	<u>C</u>	-	<u>On non-Williamson Act contracted land only.</u>



development, demonstration of transport technologies and associated support facilities.					
Shooting ranges, private.	-	S	S	C	Not including enclosed uses. On non-Williamson Act contracted land only.
Shooting ranges, public.	-	C	C	C	Not including enclosed uses. On non-Williamson Act contracted land only.
Signs, freestanding or detached.	S	S	S	S	See Table 4- 3 4 below.

Table 4-1 AGRICULTURAL ZONING DISTRICTS LAND USE REGULATIONS					
KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit. “-” Not permitted	ZONING DISTRICT				Additional Regulations and Information
	AL-10	AG-20	AG-40	AX	
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED				
Signs, wall mounted or projecting.	P	P	P	P	Permitted without a new zoning permit provided the total amount of signage allowed for the zoning district is not exceeded and the sign meets signage regulations. See Table 4- 3 4 below.
Signs, temporary.	P	P	P	P	See Article 14 for time limits and additional information. See Table 4- 34 below.
Surface mining operations.	C	C	C	C	In compliance with the <i>State Surface Mining and Reclamation Act</i> .
Communal Swimming pools and fish ponds.	C	-	-	-	On non-Williamson Act contracted land only.
Rain water collection.	P	P	P	P	See Article 15.
Wedding chapels.	-	C	C	-	On non-Williamson Act contracted land only.

(Ord. No. 668-1-16, §1, §2, §3, 1/12/16)

Table 4-1 Notes:

1. New agricultural service establishments in the AL-10 zoning district shall be located within existing or temporary structures. New agricultural service establishments in the AL-10 zoning district that involve the construction of new structures shall be prohibited.
2. Existing agricultural service establishments in the AL-10 zoning district that were established prior to November 16, 2000, may construct new accessory structures incidental to the existing use.
3. Agricultural service establishments proposed in the AL-10 zoning district within the Blueprint Urban Growth Boundary as defined in the San Joaquin Valley Blueprint shall be evaluated for compatibility of the establishment with the potential future urban growth accommodation.

Sec. 408. Agricultural Land Divisions: In compliance with the following provisions, sites smaller than the minimum parcel size for the zoning district in which they are located may be allowed for uses specified in Table 4-2 below.



Hydroelectric generating facilities installation in connection with existing dams, canals, and pipelines where the capacity of the generating facilities is 5 megawatts or less and meets the additional standards listed in Table 4-1.	S	S	S	S	1. See Section 408 above. 2. See Article 16, Section 1602.
Irrigation, flood control and drainage facilities, percolation basins, groundwater recharge wells and evaporation ponds.	C	C	C	-	1. See Section 408.C above. 2. See Article 16, Section 1602.
<u>Commercial uses (Excluding residential uses)</u>	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>1. See Section 408.C above.</u> <u>2. See Article 16, Section 1602</u>

Table 4-2 Land Divisions and Specific Uses		Land divisions of less than the minimum parcel size required by the zoning district regulations may be permitted for the following purposes subject to the requirements shown below. Refer to Article 23 of this Development Code for details on map submission procedures.				
<i>Use Classifications</i>	<i>AL-10</i>	<i>AG-20</i>	<i>AG-40</i>	<i>AX</i>	<i>Additional Regulations and Information</i>	
New bovine stock feed yards and expansions of existing bovine stock feeding yards; new bovine dairies and expansions of existing bovine dairies, including incidental dairy calf and heifer raising facilities which qualify under the Dairy Element of the 2035 Kings County General Plan.	S	S	S	S	1. See Section 408 above. 2. See Article 16, Section 1602.	
Public utility and public service structures including electric transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and reservoirs which are not subject to Public Utility Commission approval.	S	S	S	S	1. See Section 408.C above.	
Sale, lease or financing of an agricultural service establishment legally established prior to October 4, 1994, and continuously operated as a legal agricultural service establishment since that date.	S	S	S	S	1. See Section 408 above. 2. See Section 412 below.	
Transfer of title between spouses, parents and children, grandparents and grandchildren, or between siblings.	S	S	S	S	1. See Section 408 above. 2. See Section 411 below.	

Sec. 409. Divisions for Farm Home Retention:

- A. When an application is being considered for retention of a farm home, and the area immediately around it, divisions of land may be permitted in the AL-10, AG-20, AG-40, and AX zoning districts for sites of not less than one acre, and generally not more that two and one-half acres, subject to the following requirements or conditions:
1. The applicant shall retain no more than one farm home, which is owned by and is the actual residence of the applicant. An applicant who has moved directly from the subject residence to an assisted care living arrangement, and still owns the residence, qualifies for the actual residence requirement.
 2. The parent parcel must have been in the divider’s continuous possession for the seven years preceding the date of the application for the division.



2. The parcel remaining after the division without the agricultural service establishment on it shall meet at least one of the following requirements:
 - a. The remaining parcel meets the requirements of the AL-10, AG-20, or AG-40 zoning district, as applicable.
 - b. The remaining parcel is merged with another parcel in the AL-10, AG-20, or AG-40 zoning district, and the new merged parcel meets the requirements of the AL-10, AG-20, or AG-40 zoning district, or
 - c. The remaining parcel is merged with a parcel in another zoning district and the parcel can be found to be consistent with the General Plan designation of the parcel it merges with, and a zoning district boundary change pursuant to Article 21 of this Development Code is accomplished.

Sec. 416. Agricultural Preserves and Land Conservation Contract Actions and Land Uses: This Section provides information concerning the California Land Conservation “Williamson” Act of 1965, for the management and preservation of agricultural lands within the County.

- A. Specific guidance and procedures concerning the establishment, disestablishment, expansion, or reduction of agricultural preserve boundaries and/or cancellation or establishment of Land Conservation Contracts are contained in the *“Implementation Procedures for the California Land Conservation “Williamson” Act of 1965 Including Farmland Security Zones.”*
- B. The *“Uniform Rules for Agricultural Preserves in Kings County”* which detail the only uses permitted upon “Williamson Act” contracted land are included in Appendix A of the *“Implementation Procedures for the California Land Conservation “Williamson” Act of 1965 Including Farmland Security Zones.”*

Sec. 417. Adaptive Reuse of an Agricultural Facility to Another Use: In certain circumstances when a parcel or structure on a parcel within an agricultural zoning district is vacant and no longer used for its intended and permitted use, the Zoning Administrator may approve the adaptive reuse of the parcel or structure for a use not normally allowed in the agricultural zoning district but which could be considered to be consistent with the purpose of the district.

- A. The adaptive reuse must be a use that makes no significant changes to the parcel or structure and will meet all other standards and development regulations of the zoning district.
- B. Adaptive reuse requests shall be processed as a Site Plan Review in compliance with Article 16 unless the proposed use is one that would be characterized as a conditional use in nature or scope.

(Ord. No. 668-1-16, §6, 1/12/16)

Sec. 418. Additional Standards and Development Regulations:



Table 4-3 DEVELOPMENT STANDARDS FOR AGRICULTURAL ZONING DISTRICTS

<u>Use Classifications</u>	<u>AL-10</u>	<u>AG-20</u>	<u>AG-40</u>	<u>AX</u>	<u>Additional Regulations and Information</u>
Site Area and Lot Standards	All Standards Shown are Minimum Standards Unless Otherwise Stated				
<u>Site area limitation (acres)</u>	<u>10</u>	<u>20</u>	<u>40</u>	<u>40</u>	<u>Exceptions to the minimum parcel size are located in Sections 408, 409, 410 and 411</u>
<u>Site width (ft.)</u>	<u>330</u>	<u>330</u>	<u>660</u>	<u>660</u>	<u>Exceptions to the minimum width requirements are located in Sections 408, 409, 410 and 411</u>
Site Coverage					
<u>Maximum area covered by structures.</u>	<u>No Limitation</u>	<u>No Limitation</u>	<u>No Limitation</u>	<u>No Limitation</u>	
Setback Requirement (ft.)					
<u>Front Setback (Occupied Structures)</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>See Notes 1 & 9</u>
<u>Front Setback (Non-Occupied Structures)</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>See Notes 2 & 9</u>
<u>Front Setback (Dairy corrals, feed and manure storage areas, and open sided shade structures on dairies)</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>See Notes 3 & 9</u>
<u>Front Setback - Other</u>	<u>See Notes 4-7</u>	<u>See Notes 4-7</u>	<u>See Notes 4-7</u>	<u>See Notes 4-7</u>	<u>See Note 9</u>
<u>Rear Yard</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>See Note 9</u>
<u>Side Yard (Interior)</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>See Note 9</u>
<u>Side Yard (Corner)</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>See Notes 8 & 9</u>
<u>Water Well and Water Body</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>See Note 10</u>
Distance Between Structures (ft.)					
<u>Residence and a structure housing livestock or poultry</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	
Height of Structures (ft.)					
<u>Maximum height of a permitted use or its accessory structures</u>	<u>No Limitation</u>	<u>No Limitation</u>	<u>No Limitation</u>	<u>No Limitation</u>	
<u>Maximum height of a structure in a traffic safety visibility area</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>See Note 11</u>
<u>Small wind energy system towers</u>	<u>See Note 12</u>	<u>See Note 12</u>	<u>See Note 12</u>	<u>See Note 12</u>	

Table 4-3 Notes:



1. Occupied structures including, but not limited to, residential dwellings; public and quasi-public uses of an educational type; community facilities and institutions; public uses of an administrative, public service or cultural type; and dairy milk barns.
2. Nonoccupied uses including open sided carports. Any portion of a carport which is constructed within the area of the front yard that exists between the 35 foot front yard setback and the 50 foot front yard setback must have open sides within that setback area.
3. Minimum setback to allow the dairy operator to operate vehicles and equipment to feed and care for the animals in the corral without encroaching into the public road right-of-way.
4. The front yard setbacks noted above shall apply except along those streets and highways where a greater setback is required by other ordinances or standards of the County, including, but not limited to, the *Kings County Improvement Standards*.
5. All minimum setback requirements shall be measured from the public road right-of-way. Public road right-of-way shall be verified with the Kings County Public Works Department to ensure that required setbacks are met.
6. Field crops, orchards, vines, vegetables, etc., shall be planted in such a manner that does not necessitate the farmer or property owner to use the public road right-of-way to operate or turn vehicles or equipment for normal farming operations.
7. Ornamental trees, orchards, vines, oleander bushes, horticultural specialties, etc., shall not be planted or maintained in such a manner as to cause or permit canopies or other growth to obscure or conflict with road signs within the public road right-of-way.
8. The side yard setbacks noted above prevail except along those streets and highways where a greater setback is required by other ordinances or standards of the County, including but not limited to, the *Kings County Improvement Standards*.
9. Required setback areas may be used for the growing of agricultural crops, horticultural specialties or for aesthetic landscaping.
10. Manured and feed storage areas on dairy facilities shall be set back 100 feet from wells and water bodies as required by California Regional Water Quality Control Board (CRWOCB) Central Valley Region. Deviations from the 100 foot setback shall only be permitted as allowed by CRWOCB General Order No. R5-2007-0035 (or newer Order). Manure and process water shall not be applied closer than 100 feet to any down gradient surface waters, open tile line intake structures, sinkholes, agricultural or domestic wells heads, or other conduits to surface waters except as specifically permitted by CRWOCB General Order No. R5-2007-0035 (or newer Order).
11. Traffic Safety Visibility Area, as defined in Article 25 of this Development Code.
12. Maximum height is limited to 80 feet in height on parcels between one and five acres and not more than 100 feet in height on parcels larger than five acres.

~~A. Site Area:~~

- ~~1. AL-10: The minimum site area for parcels shall be nominally 10 acres and its minimum width shall be 330 feet, or the equivalent fractional part of a Section.~~
- ~~2. AG-20: The minimum site area for parcels shall be nominally 20 acres and its minimum width shall be 330 feet, or the equivalent fractional part of a Section.~~



~~3. AG-40: The minimum site area for parcels shall be nominally 40 acres and its minimum width shall be 660 feet, or the equivalent fractional part of a Section.~~

~~4. AX: The minimum site area for parcels shall be nominally 40 acres and its minimum width shall be 660 feet, or the equivalent fractional part of a Section.~~

~~Note: Exceptions to the minimum parcel size and minimum width requirements are located in Section 408, 409, 410 and 411 above.~~

~~B. Site Coverage: No limitation.~~

~~C. Setback Requirements:~~

~~1. Front yard minimum setback requirements:~~

~~a. Occupied structures including, but not limited to, residential dwellings; public and quasi-public uses of an educational type; community facilities and institutions; public uses of an administrative, public service or cultural type; and dairy milk barns shall be not less than 50 feet from the public road right-of-way line or the property line if not fronting on a public road right-of-way.~~

~~b. Nonoccupied uses including open-sided carports, shall be not less than 35 feet from the public road right-of-way line or property line if not fronting on a public road right-of-way. Any portion of a carport which is constructed within the area of the front yard that exists between the 35-foot front yard setback and the 50-foot front yard setback must have open sides within that setback area.~~

~~c. Dairy corrals, feed and manure storage areas, and open-sided shade structures on dairies shall be not less than 20 feet from the public road right-of-way line primarily to allow the dairy operator to operate vehicles and equipment to feed and care for the animals in the corral without encroaching into the public road right-of-way.~~

~~d. The front yard setbacks noted above shall apply except along those streets and highways where a greater setback is required by other ordinances or standards of the County, including, but not limited to, the *Kings County Improvement Standards*.~~

~~e. All minimum setback requirements shall be measured from the public road right-of-way. Public road right-of-way shall be verified with the Kings County Public Works Department to ensure that required setbacks are met.~~

~~f. Field crops, orchards, vines, vegetables, etc., shall be planted in such a manner that does not necessitate the farmer or property owner to use the public road right-of-way to operate or turn vehicles or equipment for normal farming operations.~~

~~g. Ornamental trees, orchards, vines, oleander bushes, horticultural specialties, etc., shall not be planted or maintained in such a manner as to cause or permit canopies or other growth to obscure or conflict with road signs within the public road right-of-way.~~

~~2. Rear yard minimum setback requirement: 10 feet from property lines.~~

~~3. Side yard minimum setback requirements:~~

~~a. Interior sites: 10 feet from property lines.~~

~~b. Corner sites: 20 feet from the public road right-of-way line on the street side of the corner site.~~



~~e. The side yard setbacks noted above prevail except along those streets and highways where a greater setback is required by other ordinances or standards of the County, including but not limited to, the Kings County Improvement Standards.~~

~~4. Required setback areas may be used for the growing of agricultural crops, horticultural specialties or for aesthetic landscaping.~~

~~5. Water well and water body setbacks:~~

~~a. Manured and feed storage areas on dairy facilities shall be set back 100 feet from wells and water bodies as required by California Regional Water Quality Control Board (CRWQCB) Central Valley Region. Deviations from the 100 foot setback shall only be permitted as allowed by CRWQCB General Order No. R5-2007-0035 (or newer Order).~~

~~b. Manure and process water shall not be applied closer than 100 feet to any down gradient surface waters, open tile line intake structures, sinkholes, agricultural or domestic wells heads, or other conduits to surface waters except as specifically permitted by CRWQCB General Order No. R5-2007-0035 (or newer Order).~~

~~D. Distance Between Structures: The minimum distance between a residence and a structure housing livestock or poultry shall be 40 feet.~~

~~E. Height of Structures:~~

~~1. No structure exceeding three feet in height may be located within a Traffic Safety Visibility Area, as defined in Article 25 of this Development Code.~~

~~2. Small wind energy system towers shall be no more than 80 feet in height on parcels between one and five acres and not more than 100 feet in height on parcels larger than five acres.~~

F A. Off-street Parking Areas, Aisles, Access Drives, Access Lanes and Off-street Loading Facilities: Off-street parking areas, aisles, access drives, access lanes, and off-street loading facilities shall be provided on the site for each use as prescribed in Article 13.

G. B. Fences, Walls, Gates, Hedges, and Screening and Landscaping: In order to ensure that fences, walls, gates, hedges, and screening and landscaping do not create traffic hazards at street or road intersections, and where driveways enter streets and roads, the following standards prescribed in this article shall be required by the Zoning Administrator or Planning Commission for all new uses and major alterations and enlargement of existing uses. These requirements are to protect public health and safety, conserve water resources, and where appropriate, insulate surrounding land uses from their impact.

1. **Fences, Walls, and Hedges** exceeding six feet in height shall be permitted except that fences, walls, and hedges shall not exceed three feet in height within a Traffic Safety Visibility Area as defined in Article 25 of this Development Code.

2. **Gates** shall be permitted as follows:

a. Gates which are used for the primary vehicular ingress and egress and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:

(1) A minimum distance of 20 feet.

(2) A distance sufficient to ensure that vehicles used for a permitted use requiring a Site Plan Review or Conditional Use permit are able to pull completely onto their property.



- b. Gates used for the primary vehicular ingress and egress and which are opened and closed electronically with a remote control may be located within any portion of the property being used for access to a driveway provided that:
 - (1) The property owner/occupant shall obtain a building permit from the building department for the installation of the electric gate operating mechanism and wiring. The property owner/occupant must also request and obtain a final inspection for the assigned building permit and demonstrate operation of the mechanism using the remote.
 - (2) The gate must be operational at all times using a remote control device that allows the property owner/occupant to open and close the gate to enter the driveway area without exiting the vehicle.
 - (3) At any time that the gate is not operational using the remote control device the gate must either be locked in the open position or it must be removed entirely.
- c. Access gates to property which are not the primary vehicular ingress and egress such as an access gate to a rear yard to allow the parking of an RV, boat or similar use or for equipment access to be used in maintenance of the property do not require additional setback from the property line. Secondary access gates shall have locking mechanisms accessible only from the interior side of the gate.

3. General Fencing and Gate Requirements:

- a. All private, single-family home swimming pools constructed after January 1, 1998 shall be fenced, enclosed or equipped with another safety feature as provided in Sections 115920 – 115927 of the California Health and Safety Codes.
 - b. Any fence or wall over seven feet in height is a structure and requires a building permit prior to construction.
 - c. All heights in this Section shall be measured from the finished grade of site or the adjacent property, which-ever is lower.
 - d. Fences, walls, hedges, gates, walks, driveways and retaining walls may occupy any required yard or other open spaces, subject to the limitations prescribed in the district regulations.
4. **Screening Requirements:** Storage of materials attendant to a permitted use requiring a Site Plan Review, or Conditional Use permit which are not specifically permitted to be stored within public view pursuant to an approved use permit, and are not completely enclosed in a structure, when located on a site abutting on or across a street or alley from an RR, R, RM or MU Zoning District shall be screened by a solid fence or masonry wall or compact growth of natural plant materials not less than six feet in height, provided that no materials or equipment shall be stored to a height greater than that of the wall or fence.
5. **Landscaping:** Landscaping is generally not required in these zoning districts however, as stated in Article 15 of this Development Code, all new construction and rehabilitated landscape projects installed after January 1, 2010 are subject to and shall comply with the “California Model Water Efficient Landscape Ordinance”. See Article 15 of this Development Code for additional information concerning specific landscaping requirements.

H. C. Signs in Agricultural Zoning Districts: Signs shall be allowed in compliance with the regulations contained in Article 14, and as prescribed in Table 4-~~3~~ 4 below. All signs shall be located outside of the public right-of-way and shall not be located within a Traffic Safety Visibility Area if over three feet in height. Unless a different setback is specified for a particular zoning district, the minimum setback distance for all signs over three feet in height shall be ten feet from property lines.



Table 4-34

SIGNS IN AGRICULTURAL ZONING DISTRICTS

Permitted Sign Type	Maximum Number	Maximum Aggregate Sign Area Allowed	Additional Regulations <i>See Article 14</i>
Name plates or signs with a structural area of less than 40 sq. ft. pertaining to a permitted use, permitted use with Site Plan Review or conditional use conducted on the site.	1	40 sq. ft. in area.	No direct illumination permitted.
Name plates or signs with a structural area between 40 and 150 sq. ft. pertaining to a permitted use, permitted use with Site Plan Review or conditional use conducted on the site.	1	150 sq. ft. in area.	Direct Illumination is allowed.
On-site real estate sign pertaining to the sale, lease, rental or display of a structure or land.	1	32 sq. ft. in area.	No direct illumination permitted.
Directional or information (other than advertising) adjacent to a state highway or county road listing commercial establishments accessible via the frontage road.	4 per each side of the highway or county road.	240 sq. ft. in area.	Within an area limited by points not closer than one-fourth mile or further than three-fourths mile from a frontage road turnoff.
Signs located adjacent to a State highway or county road that is classified as an arterial or collector road (including such designations as urban or rural, major or minor) giving direction to or information about Kings County cities, communities or rural service centers.	4 per city, community or rural service center regardless of the sign's location in this district.	240 sq. ft. in area.	Such signs shall not contain information pertaining to a subdivision of land or private development, commercial establishments or quasi-public developments.
Temporary special event signs.	1 per business.	32 sq. ft. in area.	See Section 1406.C.1.
Temporary advertising/ promotional signs.	1 per business.	32 sq. ft. in area.	See Section 1406.C.2.
Temporary construction signs.	1	32 sq. ft. in area.	See Section 1406.C.5. No direct illumination permitted.
Directional signs for off-street parking and off-street loading facilities.	2	6 sq. ft. in area.	May be illuminated or non-illuminated.
Political and other noncommercial signs.	No Restriction.	32 sq. ft. per sign.	See Section 1406.D.9.

I. D. General Provisions and Exceptions: All uses shall be subject to the general provisions and exceptions prescribed in Article 1.

J. E. Exterior Lighting: Exterior lighting should be designed to be compatible with the architectural and landscape design of the project.



1. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
2. New lighting that is part of residential, commercial, industrial, or recreational development shall be oriented away from sensitive uses, and shall be hooded, shielded, and located to direct light pools downward and prevent glare.
3. To achieve the desired lighting level for parking and pedestrian areas, the use of more short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.

K. F. Resource Conservation: All property owners and residents in Kings County are highly encouraged to participate in resource conservation efforts to help preserve and conserve dwindling natural resources. All property owners proposing new development within the agricultural zoning districts are encouraged to implement the following resource conservation measures, as applicable, as part of their development proposals.

1. **Water Meters:** The installation of water meters to encourage water conservation.
2. **Stormwater Drainage:** The integration of onsite stormwater drainage features such as small catch basins, rain gardens, and landscape depression basins into site plans to increase the stormwater detention.
3. **Drought Tolerant Landscaping:** The integration of drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use.

Sec. 419. Similar Use Findings. The Zoning Administrator may approve a use not specifically listed in a particular zoning district if the similar use findings listed in Section 1603.E can be made.

(Ord No. 668-1-16, §7, 1/12/16)



Table 5-1 **RESIDENTIAL ZONING DISTRICTS LAND USE REGULATIONS**

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT			
	RR	R-1	RM	
Residential Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Accessory living quarters, without a kitchen.	P	P	P	Subject to maximum coverage allowance. The unit shall not be rented.
Boarding or rooming houses with 30 or fewer beds.	S	-	S	
Boarding or rooming houses with more than 30 beds.	C	-	C	
Community care facilities for 6 or fewer persons as allowed by the Health and Safety Code.	P	P	P	Per Health and Safety Code Section 1500
Family day care homes (Small) for 8 or fewer children.	P	P	P	
<u>Family day care homes (Large) for 9 to 14 individuals.</u>	S	S	S	<u>See Section 1117 and Health and Safety Code Section 1597.46</u>
<u>Family day care uses (Large) exceeding 14 individuals.</u>	C	C	C	
<u>Nursing homes, rest homes, boarding or rooming houses with more than 30 beds.</u>	C	-	C	
<u>Orphanages.</u>	-	C	C	
Recreational vehicle used as a temporary dwelling during construction of a single-family residence or due to rehabilitation of a single-family residence.	TUP	TUP	TUP	See Article 11, Section 1107.B.4 Requires the issuance of a building permit for the primary dwelling.
Second Dwelling Unit.	S	S	S	In compliance with Government Code Section 65852.2, and with the regulations prescribed in Section 507 below.
Single family dwelling.	P	P	P(2)	(2) See Table 5-1 Notes. One per legal parcel including a mobile home or manufactured home on a temporary or permanent foundation.
Energy Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Active solar heating systems.	P	P	P	Used to convert sunlight to heat that can be used for space heating and hot water.
Electric Vehicle (EV) recharge stations.	P	P	P	Incidental to designated parking spaces for electric vehicles. See Section 1511.C.
Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.	S	S	S	
Solar electrical generation equipment for non-commercial personal use.	P	P	P	With a design capacity to serve the electrical needs of only that site or use.
Cemeteries.	-	C	C	
Charitable institutions.	-	C	C	



Table 5-1 **RESIDENTIAL ZONING DISTRICTS LAND USE REGULATIONS**

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT			
	RR	R-1	RM	
Utility, Public and Semi-Public Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Cemeteries.	-	C	C	
Charitable institutions.	-	C	C	
Clubs & lodges, private non-commercial.	C	-	C	Private non-commercial clubs and lodges; excluding such clubs and lodges which sell, distribute, or serve, or allow the sale, distribution, service or consumption of alcoholic beverages on the premises; or conduct or allow the operation of any game of chance on the premises; or other activity which may be disruptive in any way to an environment for family life.
Community care facilities for 7 or more persons.	C	C	C	In compliance with Health and Safety Code Section 1500, et seq.
Community gardens.	P	P	P	See Article 15, Section 1503.
Educational & religious facilities.	C	C	C	Public and quasi-public uses of an educational type including elementary schools, junior high schools, high schools and colleges; preschools and nursery schools; religious institutions; private nonprofit schools and parochial schools.
Emergency shelters.	-	C	C	See Government Code Section 65583, Health and Safety Code Section 50800, et seq. and Article 11, Section 1107 of this Development Code.
Golf courses.	C	-	-	
Health facilities.	-	C	C	
Incidental and accessory structures and uses located on the same site as a use subject to a Conditional Use Permit.	S	S	S	See Article 11, Section 1101.
Incidental and accessory structures and uses located on the same site as a use subject to a Conditional Use Permit which are owned or operated by a public agency.	C	C	C	See Article 11, Section 1101.
Family day care homes (Large) for 9 to 14 individuals.	S	S	S	Not less than 10 days prior to the date on which the decision will be made on the application, the Zoning Administrator shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100 foot radius of the exterior boundaries of the proposed large family day care home.
Family day care uses (Large) exceeding 14 individuals.	C	C	C	
Nursing homes, rest homes, boarding or rooming houses with more than 30 beds.	C	-	C	



Orphanages:	-	€	€	
Table 5-1 RESIDENTIAL ZONING DISTRICTS LAND USE REGULATIONS				
KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit "-" Not permitted	ZONING DISTRICT			
	<i>RR</i>	<i>R-1</i>	<i>RM</i>	
Utility, Public and Semi-Public Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Public uses of an administrative, public service or cultural type including City, County, State or Federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities.	C	C	C	
Recreational facilities, private.	S	S	S	Private playgrounds, parks, community centers and other recreational facilities for communal use of an exclusive non-commercial basis.
Recreational facilities, public.	S	S	S	Public parks, playgrounds and community centers.
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Accessory structures located on the same site with a permitted use.	P(3)	P*	P*	(3) See Table 5-1 Notes following table. *Storage sheds are limited to 120 square feet or less in size with side walls not more than six feet in height. Storage sheds are limited to two per parcel. See Section 1101.
Animal keeping: Small animals kept on a domestic, non commercial scale conducted incidental to the residential use of the property.	P	P	-	Breeding, hatching, raising and fattening of rabbits, chinchillas, hamsters, guinea pigs, other small animals. Animals must be kept in pens or enclosures on the rear half of the lot and meet the setbacks prescribed in Table 5-2. All such animals shall be maintained in a manner approved by the county health officer.
Chicken hens, pigeons, quail, pheasants, doves and other birds of similar size for the noncommercial use of the residents only. Roosters are not permitted.	P	P	-	Not more than 12 birds and all such birds must be kept in pens or enclosures on the rear half of the lot and meet the setbacks prescribed in Table 5-2. All such birds shall be maintained in a manner approved by the county health officer.
Clotheslines.	P	P	P	Within side or rear yards – not subject to setbacks.
Gardens and community gardens including the raising of fruit and nut trees, vines, vegetables and horticultural specialties.	P	P	P	
Home occupations, Minor.	P	P	P	See Article 11, Section 1102.A.
Home occupations, Rural: Outside of either a city primary sphere or a rural community.	S	S	S	See Article 11, Section 1102.B.
Home occupations, Urban: Inside of either a city primary sphere or a rural community. Excludes barber and beauty shops.	S	S	S	See Article 11, Section 1102.C.
Home occupations including barber & beauty shops.	C	C	C	See Article 11, Section 1102.D.



include agricultural use accessory structures as noted in Article 25, Definition.

Sec 506. Development Standards for Residential Zoning Districts: Table 5-2 below provides development standards for parcels within residential zoning districts:

Table 5-2 DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS										
Use Classifications	RR	R-1-20	R-1-12	R-1-8	R-1-6	R-1-3*	RM-3	RM-2	RM-1.5	Additional Regulations
Site Area and Lot Standards (ft.)	<i>*Kettleman City Only</i> All Standards Shown are Minimum Standards Unless Otherwise Stated .									
Site area (Square Feet)	30,000	20,000	12,000	8,000	6,000	3,000	6,000	6,000	6,000	See Note (1)
Site area (Square Feet) per dwelling unit							3,000	2,000	1,500	
Site frontage Interior lot	160 *80	60	60	60	60	15	50	50	50	* Where there are curbs and gutters.
Site frontage (fronting on a cul-de-sec or loop-out street)	85 *60	40	40	40	40	15	40	40	40	* Where there are curbs and gutters.
Site width interior lot	160	100	80	70	60	25	60	60	60	
Site width corner lot	-	110	90	75	65	30	65	65	65	
Site depth interior lot	150	100	100	90	80	70	100	100	100	
Site depth corner lot	-	100	90	80	80	70	80	80	80	
Site Coverage										
Maximum area covered by structures	40%	40%	40%	40%	40%	83.3%	50%	60%	70%	
Setback Requirement (ft.)										
	See Note (2) through (8) below									
Front setback	50*	25	25	25	20	15	20	20	20	*Or not less than 80 feet from centerline of road. See Notes (2), (5) &(6)
Rear setback of ground floor	20	10	10	10	10	10	10	10	10	See Notes (3) and (4)
Additional rear setback per story	15	10	10	10	10	10	10*	10*	10*	*Where site is adjacent to an R District.
Side setback of ground floor	20	5	5	5	5	5	5	5	5	
Side setback on street side of a corner lot	25(5)	10(6)	10(6)	10(6)	10(6)	10	10	10	10	See Notes (5) and (6)
Reverse corner lot	(Note)	(Note)	(Note)	(Note)	(Note)	(Note)	(Note)	(Note)	(Note)	See Note (7)
Additional side setback per story	10	5	5	5	5	5	5	5	5	
Distance Between Structures (ft.)										
Between residence & structures housing livestock or small animals.	40*	- No Limitation	- No Limitation	- No Limitation	- No Limitation	- No Limitation	- No Limitation	- No Limitation	- No Limitation	*Stables shall be located a minimum of 30' from any property line.



Table 5-2 DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS											
Use Classifications	RR	R-1-20	R-1-12	R-1-8	R-1-6	R-1-3*	RM-3	RM-2	RM-1.5	Additional Regulations	
Distance Between Structures (ft.)											
Between residence & pens or enclosures housing poultry or small animals.	20*	20*	20*	20*	20*	20*	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	*Pens or enclosures shall be located at least 5 feet from side/rear property lines.	
Height of Structures (ft.)											
Maximum height of structures.	30	30	30	30	30	30	30	30	30	See Note (8)	
Maximum height of structures with CUP.	50	50	50	50	50	50	50	50	50		

Table 5-2 Notes:

1. In the R-1 and RM zoning districts, the density of the development may be increased and the site areas may be reduced for developments of five or more dwelling units to provide density bonuses when the developer enters into a development agreement pursuant to Article 2.5 (commencing with Section 65864) of Chapter 3 of Division 12 of Title 7 of the Government Code. Density bonuses shall be calculated and applied according to Article 2.5 (commencing with Section 65915) of Chapter 3 of Division 12 of Title 7 of the Government Code and the Kings County Density Bonus regulations located in Article 22 of this Development Code. In the RR zoning district, the minimum site area shall not be less than one (1) acre if either an individual water supply or individual sewage waste disposal system is to be utilized on the site.
2. On a site situated between sites improved with buildings, where said buildings are set back less than the minimum distance required by this section, the minimum front yard setback shall be the average depth of the front yards on the improved sites adjoining the side lines of the site, but such minimum shall not be less than 10 feet.
3. Where the rear of the site abuts on an alley right-of-way, the rear yard setback may be decreased one foot for each two feet of such alley right-of-way.
4. Accessory structures under six feet in height may be located within any portion of a required rear yard; garden structures greater than six feet in height may be located in any portion of a required rear yard which is not within a utility easement. Storage sheds 120 square feet or less in size with side walls not more than six feet in height may be set within any portion of a required rear yard.
5. In the RR zoning district, attached or detached garages or carports fronting on the street side yard of a corner lot shall be set back a minimum of 30 feet from the property line on a straight driveway approach or 20 feet from the property line where the garage opening is perpendicular to the property line requiring a curved driveway approach, except where a greater setback is required by any other ordinance.
6. In the R-1 zoning district, attached or detached garages or carports fronting on the street side yard of a corner lot shall be set back a minimum of 20 feet from the property line on a straight driveway approach or 15 feet from the property line where the garage opening is perpendicular to the property line requiring a curved driveway approach, except where a greater setback is required by any other ordinance.
7. On a reverse corner lot, the side yard adjoining the street shall be not less than one-half the required front yard on the adjoining key lot.
8. No accessory structures over three feet in height may be located in any portion of a required front yard, or a Traffic Safety Visibility Area.



Sec. 507. Second Accessory Dwelling Units: When an application is submitted for an “second accessory dwelling unit” in the RR, R-1, or the RM zoning districts the following findings shall be made by the Zoning Administrator before issuing a Site Plan Review:

- A. That the parcel or lot already contains one Single-family residence.
- B. That an second accessory dwelling unit is either a site built structure, a manufactured home as defined by Section 18007 Health and Safety Code, or an efficiency unit as defined by Section 17958.1 Health and Safety Code.
- C. That the second accessory dwelling unit meets all of the following standards:
 - 1. Floor Area: An second accessory dwelling unit permitted by this section shall not exceed 1,200 square feet of floor area if separated from the existing single-family detached residence. If attached to the existing single-family residence, the floor area of the second accessory unit shall not exceed ~~30~~ 50 percent of the existing living area of the existing single-family detached residence.
 - 2. A manufactured home shall not be less than eight ft. wide by forty 40 ft. long and 320 sq. ft. in floor area.
 - 3. An efficiency unit shall not be less than 150 sq. ft. in floor area and meet all space and occupancy standards of Chapter 5 of the Uniform Housing Code.
 - 4. Location: An second accessory dwelling unit shall be located either to the side or to the rear of the existing single-family ~~detached~~ residence and shall be either attached to the existing single-family ~~detached~~ residence or be separated from the existing single-family ~~detached residence by not less than ten feet or the separation~~ as allowed by the ~~Uniform Building Code~~ current California Building Code, whichever is the more restrictive (greater).
 - ~~5.— Access: Doorway access shall be provided either to the side or rear of the second dwelling unit. Direct doorway access to the front yard by the second dwelling unit shall be prohibited.~~
 - ~~5.6.~~ Owner Occupancy: Either the existing single-family detached residence or the second accessory dwelling unit shall be occupied by the owner of the property.
 - ~~6.7.~~ Off-Street Parking: At least one additional off-street parking space shall be provided for the second accessory dwelling unit, and must comply with Article 13, Section 1306, except when the accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 - ~~7.8.~~ Utility Services: Second Accessory dwelling units shall be provided with water, sewer and other utilities as determined by the Building Official. Where water and sewer service is provided by a city or community or public service district the Site Plan Review application shall include a letter from the agency providing the services that the agency will allow connection to their systems. ~~Where private water well and/or individual septic tank/leach fields are used the Site Plan Review application shall be accompanied by a plan prepared and signed by a Professional Engineer designed to Kings County Standards, including the required setbacks from neighboring water wells and septic tank/leach line systems.~~
 - ~~9.— Architectural Appearance: A second dwelling unit shall be designed and constructed so as to blend with the single-family detached residence and be architecturally similar in appearance in order to match the existing single-family detached residence in terms of design, construction, height, roofing, siding materials and color.~~
 - ~~8.10.~~ Compliance with other regulations for the R District: Except as specifically set forth in this Article and the standards set forth in this section, all second accessory dwelling units regulated pursuant to this Article shall meet all of the requirements of the R District in which the second accessory dwelling unit is located including, without limitation, requirements regarding fences, walls and hedges; site area, frontage width, and depth of sites; coverage; yard requirements; height of structures; distances between structures; signs; and general provisions and exceptions.



(1) Fences, walls, gates, and hedges shall not exceed three feet in height within a Traffic Safety Visibility Area as defined in Article 25 of this of this Development Code.

(2) Any fence, wall or gate over seven feet in height is a structure and shall require a building permit prior to construction.

3. General Fencing and Gate Requirements:

a. All private, single-family home swimming pools constructed after January 1, 1998 shall be fenced, enclosed or equipped with another safety feature as provided in Sections 115920 – 115927 of the California Health and Safety Code.

b. Any fence, wall or gate over ~~six~~ **seven** feet in height is a structure and requires a building permit prior to construction.

c. All heights in this section shall be measured from the finished grade of site or the adjacent property, whichever is lower.

4. Screening Requirements: Storage of materials attendant to a permitted use requiring a Site Plan Review, or Conditional Use Permit which are not specifically permitted to be stored within public view pursuant to an approved use permit, and are not completely enclosed in a structure, when located on a site abutting on or across a street or alley from an RR, R, or RM Zoning District shall be screened by a solid fence or masonry wall or compact growth of natural plant materials not less than six feet in height, provided that no materials or equipment shall be stored to a height greater than that of the wall or fence.

5. Landscaping: Landscaping is not required in these zoning districts. However, all new construction and rehabilitated landscape projects installed after January 1, 2010 are subject to and shall comply with the “Model Water Efficient Landscape Ordinance”. See Article 15 of this Development Code for additional information concerning specific landscaping requirements.

C. Signs in Residential Zoning Districts: Signs shall be allowed in compliance with the regulations contained in Article 14, and as prescribed below in Table 5-3 below. All signs shall be located outside of the public right-of-way and shall not be located within a Traffic Safety Visibility area if over three feet in height. Unless a different setback is specified for a particular zoning district, the minimum setback distance for all signs over three feet in height shall be ten feet from property lines.

Table 5-3 SIGNS IN RESIDENTIAL ZONING DISTRICTS			
Permitted Sign Type	Maximum Number	Maximum Aggregate Sign Area	<i>Additional Regulations See Article 14</i>
Name plate for single-family uses.	1 per legal dwelling unit.	R-1 and RM - 1 sq. ft. in area RR – 2 sq.ft. in area.	See Section 1406.D.10.
Identification sign for multifamily residential uses.	1 per multi-unit use.	12 sq. ft. in area.	See Section 1406.B.
Identification signs for uses requiring SPR or CUP.	1 per use on the site.	12 sq. ft. in area	See Section 1406.B.
Identification sign for religious institutions, schools, and day care facilities.	1 per driveway.	40 sq. ft. in area.	See Section 1406.B.
On-site real estate sign pertaining to the sale, lease, rental or display of a structure or land.	1 per street frontage.	R and RM - 6 sq. ft. in area RR – 12 sq.ft. in area.	See Section 1406.D.7
Temporary subdivision signs (Large)	1 per abutting street but not more than 4 per subdivision	N/A	See Section 1406.C.3
Temporary subdivision signs (Small)	1 sign per new subdivision on each major community entrance route	32 sq. ft. in area	See Section 1406.C.4



Table 6-1 COMMERCIAL ZONING DISTRICTS LAND USE REGULATIONS

KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit "-" Not permitted	ZONING DISTRICT					Additional Regulations
	CN Note 1	CS	CT Note 1	CH	CR Note 1	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED					
Mini storage facilities.	-	S	-	-	S	
Mobile home and recreation vehicle sales and service.	-	S	S	-	S	
Mortuaries and funeral parlors.	-	S	C	-	S	
Motorcycle sales and service.	-	S	-	-	S	
Motor vehicle dismantling or wrecking yards with total site area not to exceed 10,000 square feet in area.	-	C	-	-	-	All dismantling shall be conducted within an enclosed building. No burning of any portion of a motor vehicle on site.
Movie theaters, theaters, auditoriums.	-	-	S ⁽¹⁾	-	S ⁽¹⁾	See Note 1
Musical instrument repair shops.	-	S	-	-	S	
Music, dance and gymnastics studios	-	-	S	-	S	
Office equipment and machinery repair shops.	-	S	-	-	S	
Offices, Business and Professional Type Uses	S	-	S	-	S	See list in Article 25
Parking facility, commercial.	-	-	S	-	S	See Article 13.
Party supply rentals.	-	S	-	-	S	
Pawn Shops.	-	-	-	-	S	See Article 11, Sec. 1118.
Personal Services Type Uses	S	-	S	-	S	See list in Article 25
Photography studios.	S	-	S	-	S	
Picture framing shops.	-	S	-	-	S	
Printing, graphics, embroidery, lithography and engraving shops.	S	S	S	-	S	
Private non-commercial clubs, lodges and fraternal organizations.	S	-	S	-	S	
Professional Services Type Uses	S	S	S	-	S	See list in Article 25
Race tracks and drag strips.	-	-	C	C	-	
Radio and television broadcasting studios	-	S	-	-	S	
Radio and television repair and services.	S	S	S	-	S	
Recycling centers for ferrous metals such as iron, steel, etc., and all other scrap metals.	-	C	-	-	-	All processing of recycled material shall be conducted within an enclosed building. Total site area shall not exceed 10,000 square feet
Recycling facility; Small collection facility.	S	S	-	-	S	See Article 11, Sec. 1115.B.
Recycling facility; Large collection facility.	-	C	-	-	-	See Article 11, Sec. 1115.C.
Refrigeration equipment sales and service.	-	S	-	-	S	
Religious Facilities	C	-	C	C	C	
Restaurants, cafes, including fast food, drive-in restaurants, buffets, cafeterias, etc. with no sale of alcoholic beverages.	S(2)	S(2)	S	S	S(2)	See Note 2 .
Restaurants or similar eating establishments that sell or serve beer, wine, and/or distilled spirits which require or obtain a special ABC license # 41, 47, or 75.	C(2)	S(2)	S	S	S(2)	See Note 2.



Commercial (CR) zoning districts. Refer to Section 1104 of this Development Code for additional details concerning the requirements and permitting of outdoor advertising structures.

Sec. 605. Development Standards for Commercial Zoning Districts: Table 6-2 below provides development standards for parcels within commercial zoning districts:

Table 6-2 DEVELOPMENT STANDARDS FOR COMMERCIAL ZONING DISTRICTS						
Use Classifications	CN	CS	CT	CH	CR	Additional Regulations and Information
Site Area and Lot Standards	All Standards Shown are Minimum Standards Unless Otherwise Stated					
Site area limitation.	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	
Site frontage.	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	
Site width.	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	
Site depth.	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	
Site Coverage						
Maximum area covered by structures.	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	
Setback Requirement (ft.)						
Front Setback	15	5	5	15	15	
Front Setback abutting property in an RR, R, or RM District fronting on the same street	15	15	15	20	20	
Rear Setback	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	
Rear Setback abutting an RR, R-1 or RM District	10	10	10	10	10	
Side Setback.	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	
Side Setback abutting an RR, R-1 or RM District	10	10	10	10	10	
Side Setback on a reversed corner lot adjoining a key lot in an RR, R-1 or RM District	½ the required front yard of the key lot.	½ the required front yard of the key lot.	½ the required front yard of the key lot.	½ the required front yard of the key lot.	½ the required front yard of the key lot.	
Distance Between Structures (ft.)						
Distance between commercial uses	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	<u>- No Limitation</u>	
Distance between residential use and another structure	10	10	10	10	10	
Height of Structures (ft.)						
Maximum height of a permitted use or its accessory structures	50	75	50	50	50	See Note 1.
Maximum height of a sign or tower used for commercial cellular telephone service	(2)	<u>- No Limitation</u>	(2)	(2)	<u>- No Limitation</u>	(2) See Notes 2 and 3.
Maximum height of a structure	3	3	3	3	3	See Note 4.



Business identification signs in CS, CT and CR districts.	Number of signs not to exceed maximum aggregate sign area.	2 Sq. Ft. Per 1 linear foot of building frontage	Only one face of a double-faced sign shall be counted in computing the permitted copy area of the sign. If the sign is multi-faced (3 or more faces), then <u>the third or subsequent faces</u> shall be counted in computing the permitted area of the sign.
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Table 6-3 SIGNS IN COMMERCIAL ZONING DISTRICTS			
Type of Sign	Maximum Number	Maximum Aggregate Sign Area Allowed	<i>Additional Regulations</i>
Business identification signs in CH districts.	Number of signs not to exceed maximum aggregate sign area.	3.2 Sq. Ft. Per 1 linear foot of building frontage not to exceed 240 square feet per direct frontage along each highway.	Only one face of a double-faced sign shall be counted in computing the permitted copy area of the sign. If the sign is multi-faced (3 or more faces), then <u>the third or subsequent faces</u> shall be counted in computing the permitted area of the sign.
Name plate for single-family uses.	1 per legal dwelling unit.	1 sq. ft	See Section 1406.D.10. Below Cornice or roof line near main entrance.
Identification sign for multifamily residential uses.	1 per multi-unit use.	12 sq. ft.	Below Cornice or roof line flat against a wall.
Parking lot signs for multifamily residential uses.	1	4 sq. ft.	
Window signs.	<u>N/A No Limitation</u>	Not calculated as part of the aggregate sign area per use.	Signs shall cover no more than 15% of a single window's surface area.
Temporary special event signs.	1 per business.	32 sq. ft. in area.	Article 14, Sec. 1406.C.1.
Temporary advertising/promotional signs.	1 per business.	32 sq. ft. in area.	Article 14, Sec. 1406.C.2.
Temporary construction signs.	1 per street frontage.	32 sq. ft. in area.	Article 14, Sec. 1406.D.5.
On-site real estate sign pertaining to the sale, lease, rental or display of a structure or land.	1 per street frontage.	10 sq. ft. in area in CN District. 20 sq. ft. in area in all other commercial districts.	Article 14, Sec. 1406.D.7.
Directional signs for off-street parking and off-street loading facilities.	2	6 sq. ft. in area.	Illuminated or non-illuminated
Open-air barbeque facility signs.	1 "A" frame lettered on both sides or 2 single faced signs.	6 sq. ft. in area.	"A" frame sign shall not be placed in a landscape area, sidewalk or used as an off site directional sign/advertisement. Single faced signs shall be attached to mobile food preparation unit's walls or sides.
Political and other non-commercial signs.	No Restriction.	32 sq. ft. per sign.	See Article 14, Sec. 1406.D.9.
Murals	No Restriction	No Restriction	Shall be non-commercial in nature.

Table 6-3 Specific Limitations and Additional Requirements:

1. All signs shall be located outside of the public right-of-way.



2. No sign other than a directional sign shall project more than 24 inches into a required rear yard or required interior side yard. No sign other than a sign required by law shall project more than 12 inches into a public right-of-way. No outdoor advertising structure shall project into a public right-of-way.
3. No sign permitted by this Section shall be placed within 30 feet of a street intersection (intersecting curb lines) unless placed on a pole at least 12 feet above the ground or unless placed at a maximum height of three feet above ground.
4. No sign which faces and is located directly across the street from property situated in an R-1 or RM District, shall be directly illuminated or flashing.
5. No red, green or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.
6. Corner lots in Commercial zoning districts at an intersection controlled by traffic lights are not subject to the Traffic Safety Visibility Area restriction.
7. Unless a different setback is specified for a particular zoning district, the minimum setback distance for all signs over three feet in height shall be ten feet from property lines.
8. **Building Frontage:** For the purposes of signage, building frontage shall be considered the wall of a building that faces and is roughly parallel with a public street, excluding an alley. The linear dimension of that building frontage shall be used to calculate allowable signage. Buildings with walls facing more than one public street shall be allowed signage for each building frontage. Buildings located on interior lots (not on a corner) and that are oriented perpendicular to a public street shall be allowed signage based on the longer of the front or side building elevation.

D. General Provisions and Exceptions: All uses shall be subject to the general provisions and exceptions prescribed in Article 1.

E. Transit Stop Improvements: In Community Plan designated areas, building entrances and pedestrian walkways shall be designed to provide safe and efficient access to nearby public transit stops. The applicant for a development on property which is near or abuts a transit stop may be required to make transit stop improvements. Improvements may include the installation of a bus pad, turnouts, benches, trash receptacles (and service), shade/shelter, security lighting, bike racks, water features, and/or landscaping. When practical, the bus stop shall be built into the project and be compatible with the development.

F. Exterior Lighting: Exterior lighting should be designed to be compatible with the architectural and landscape design of the project, so as not to constitute a nuisance.

1. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
2. An appropriate hierarchy of lighting fixtures/structures and intensity should be considered when designing the lighting for the various elements of a project (i.e., building and site entrances, walkways, parking areas, or other areas of the site).
3. The use of exterior lighting to accent a building's architecture is encouraged. All lighting fixtures ~~should~~ shall be properly shielded to eliminate light and glare from impacting adjacent properties, and passing vehicles or pedestrians. If neon tubing is used to illuminate portions of a building it ~~should~~ shall be concealed from view through the use of parapets, cornices or ledges. Small portions of exposed neon tubing may be used to add a special effect to a building's architecture but this must be integrated into the overall design of the project.
4. To achieve the desired lighting level for parking and pedestrian areas, the use of several short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.



Article 7. Mixed Use Zoning Districts

Sections:

- Sec. 701 - Purpose and Objectives**
- Sec. 702 - District Designations**
- Sec. 703 - Land Use Regulations**
- Sec. 704 - Development Standards for Mixed-Use Zoning Districts**
- Sec. 705 - Additional Standards and Regulations**

Sec. 701. Purpose and Objectives: The two classes of Mixed Use (MU) Districts included in this Development Code are designed to be integrated into centralized community downtowns or community core areas to allow various mixtures of commercial and residential uses and to replace the Central Commercial land use designation in previous Zoning Ordinances. Mixed Use zoning districts are intended to allow a vertical and horizontal mix of business, office, and housing within common building structures as well as encourage private investment, revitalization of community commercial areas and visual community distinction. Standards in the Mixed Use district are intended to reduce reliance on the automobile, create pedestrian-oriented environments, and support social interaction by allowing resident to work, shop and play within walking distance to where they live.

Sec. 702. District Designations:

- A. **MU – Mixed Use District:** The Mixed Use District is intended primarily for the provision of various mixtures of commercial and residential uses along 14th Avenue north of the downtown mixed use area in Armona. In Kettleman City, the mixed use district is located along State Route 41 within the existing community.
- B. **MU-D – Downtown Mixed Use:** The Downtown Mixed Use District is made up primarily of Rural Commercial and Multifamily Residential combined zoning and is intended to increase the jobs/housing balance in the county's large unincorporated communities. The Downtown Mixed Use District is intended primarily for the provision of various mixtures of commercial and residential within the existing commercial core areas of Armona, Stratford and a newly designated commercial core in Kettleman City. Buildings more than one story are strongly encouraged.

Sec. 703. Land Use Regulations: The following table prescribes the land use regulations for Mixed Use districts. The regulations for each district are established by letter designation shown in the key of Table 7-1:

Table 7-1 MIXED USE ZONING DISTRICTS LAND USE REGULATIONS			
KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT		<i>Additional Regulations and Information</i>
	<i>MU</i>	<i>MU-D</i>	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Accessory structures located on the same site as a use requiring Site Plan Review or Conditional Use Permit.	S	S	See Article 11, Section 1101.
Arcades, including video rentals and sales.	P	P	See Note 1
Automobile parts stores.	S	S	
Automobile and truck repair garages (trucks up to and including one-ton rated capacity).	C	-	



Table 7-1 MIXED USE ZONING DISTRICTS LAND USE REGULATIONS

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT		Additional Regulations and Information
	MU	MU-D	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Banks and financial institutions.	P	P	See Note 1
Barbeque facilities (Open-air).	S	S	See Article 11, Section 1104.
Bars/night clubs/lounges/taverns.	S	S	
Beer gardens as an incidental use.	S	S	
Billiard and pool halls.	S	S	
Blueprint, copy and duplicating services.	P	P	See Note 1
Body piercing establishments.	S	S	
Bowling alleys.	C	-	
Brew pubs.	S	S	See Article 11, Section 1105.
Building material sales, excepting bulk storage of sand, gravel or cement.	S	-	
Catering as an incidental use to a restaurant, cafes, delicatessens or other food related use.	P	P	
Ceramic and pottery shops.	P	P	See Note 1
Child Care Facilities	S	S	
Coffee shops.	P	P	See Note 1
Convenience stores.	S	S	See Article 11, Section 1105.
Delicatessens and health food stores.	P	P	See Note 1
Donut shops.	P	P	See Note 1
Dry cleaning and laundry agencies.	S	S	
Farmers markets.	TUP	TUP	
Food lockers (no slaughtering).	S	S	
Food stores and grocery stores.	P	S	
Garden supply shops and nurseries.	S*	S	*All equipment, supplies and merchandise, other than plants, shall be kept within completely enclosed buildings or under a lathed structure, and further provided that fertilizer of any type shall be stored and sold in packaged form only.
Health and Fitness Type Uses	P	S	See list in Article 25
Household appliance sales, service & repair.	P	P	See Note 1
Hotels and motels	S	S	On 2 nd floor and above.
Ice cream and desert shops.	P	P	See Note 1
Interior decorating and design shops.	P	-	
Liquor stores.	S	S	See Article 11, Section 1105.
Locksmiths.	P	-	See Note 1
Mailbox rental, receiving and forwarding.	P	P	See Note 1
Meeting halls.	S	S*	*Located on the second floor only.
Movie theaters, theaters, auditoriums.	S	C	See Article 11, Section 1105.
Offices, Business and Professional Type Uses	P	P	See list in Article 25 and Note 1
Pawn shops.	S	-	See Article 11, Section 1118.
Personal Services Type Uses	P	P	See list in Article 25 and Note 1
Photography studios.	P	P	See Note 1



Table 7-1

MIXED USE ZONING DISTRICTS LAND USE REGULATIONS

KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit ". ." Not permitted	ZONING DISTRICT		<i>Additional Regulations and Information</i>
	MU	MU-D	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Picture framing shops.	P	P	See Note 1
Printing, graphics, lithography and engraving shops.	P	P	See Note 1
Private clubs, lodges and fraternal organizations.	C	C	Located on the second floor only.
Reading rooms.	S	-	
Religious institutions.	C	-	
Restaurants, cafes, including fast food, drive-in restaurants, outdoor cafes, buffets, coffee shops, tearooms, cafeterias, etc., with no sale of alcoholic beverages.	P*	P*	*Excluding drive-thru. See Note 1
Restaurants or similar eating establishments that sell or serve beer, wine, and/or distilled spirits which require or obtain a special ABC license # 41, 47, or 75.	S	S	
Retail Sales Type Uses	P	P	See List in Article 25 and Note 1
Secondhand and Thrift Stores.	P	-	See Note 1
Fueling stations including CNG, and electric vehicle recharge stations .	C*	-	*Excluding automotive repair services not included in the definition of "Service Station" as provided in Article 25, provided that all operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least two sides.
Storage facilities, garages, and yards	S	-	
Tattoo Parlors.	S	S	
Telecommunication dealers and services.	P	P	See Note 1
Tire sales and service.	S	-	
Travel bureaus.	P	P	See Note 1
Wedding services and supplies.	S	S	
Medical Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Medical/dental offices and clinics.	S	P	See Note 1
Medical and orthopedic appliance stores.	S	-	
Medical spas.	S	-	
Educational Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Nursery schools/preschools.	-	S	
Energy Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Active solar heating systems used to convert sunlight to heat that can be used for space heating and hot water.	P	P	



Table 7-1 **MIXED USE ZONING DISTRICTS LAND USE REGULATIONS**

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT		<i>Additional Regulations and Information</i>
	MU	MU-D	
Energy Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Electric Vehicle (EV) recharge stations.	P	P	Incidental to designated parking spaces for electric vehicles and private recharge station for electric vehicles operated by the occupants of the property. See Article 15, Section 1511.C
Solar electrical generation equipment for non-commercial personal use.	P	P	With a design capacity to serve the electrical needs of only that site or use.
Solar photovoltaic electrical generating facilities that commercially produce power for sale, which comply with all local, regional, state, and federal regulations.	C	C	
Public and Utility Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Co-location of antennas and related equipment on existing towers, poles, structures or wireless telecommunications collocation facilities.	P	P	
Communications equipment buildings and public service pumping stations and/or elevated pressure tanks.	S	-	
Community centers.	C	C	May be located on the second story of a commercial use or a separate stand alone use.
Electrical distribution substations, gas regulator substations.	S	S	
Museums and art galleries.	S	S	
Public buildings including courts, fire stations, libraries, police stations, post offices.	C	C	Includes city, county, special district, state and administrative offices.
Public parks and playgrounds.	C	C	
Radio and television broadcasting studios and accessory structures.	S	-	
Residential Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Apartments	S	S	Over or to the rear of a permitted commercial use.
Community care facilities for 6 or fewer persons as allowed by the Health and Safety Code	P	P	As allowed by the Health and Safety Code Section 1500 et seq.
Emergency Shelters.	C	C	See Article 11, Section 1106.
Family day care home, Small.	P	P	For 8 or fewer children.
Home Occupations, Minor.	P	P	See Article 11, Section 1102.A.
Home Occupations, Urban.	S	S	See Article 11, Section 1102.C.
Incidental single-family dwellings.	S	S	Located on the ground floor to the rear of a permitted commercial use.
Multifamily dwellings.	S	S	Over or to the rear of a permitted commercial use.

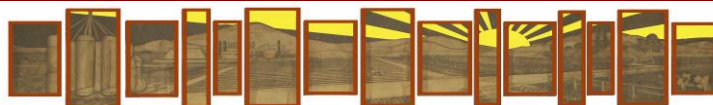


Table 7-1 MIXED USE ZONING DISTRICTS LAND USE REGULATIONS			
KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “.” Not permitted	ZONING DISTRICT		<i>Additional Regulations and Information</i>
	MU	MU-D	
Residential Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Household pets, such as dogs, cats, canaries and parakeets (no livestock) belonging to those living on the site.	P	P	Pets shall be maintained in compliance with public health laws and Kings County Animal Control standards.
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Accessory structures located on the same site with a permitted use.	S	S	See Article 11, Section 1101.
ATMs.	P	P	
Community gardens, non-medicinal.	P	P	See Article 15, Section 1503.
Incidental uses located on the same site with a permitted use.	P	P	See Article 11, Section 1101.
Incidental uses located on the same site as a use requiring Site Plan Review or Conditional Use Permit.	S	S	See Article 11, Section 1101.
Outdoor seating incidental to restaurants, cafes, bars, beer gardens, etc.	S	S	
Parking lots with landscaping accents.	S	S	
Rain gardens.	P	P	See Article 15.
Raising of fruit/nut trees, vegetables, and horticultural specialties.	P	*	*All properties within Armona Community Plan may continue agricultural farming practices until development applications are approved by the County.
Regional produce stands.	S	S	Armona Community Plan Policy 7E.2.2.
Recycling facility; reverse vending machine.	P	P	See Article 11, Section 1115.A.
Sale of fresh fruits and vegetables.	-	P	As an accessory use.
Sheltered transit stops.	P	P	
Signs, freestanding or detached.	S	S	See Table 7- 2 3.
Signs, wall mounted, projecting, or awning.	P	P	Permitted without a new zoning permit provided the total amount of signage allowed for the zoning district is not exceeded and the meets signage regulations. See Table 7-2.
Signs, temporary.	P	P	See Article 14 for time limits and additional information.
Small Recycling Facility	S	-	See Article 11, Section 1115.B
Vending machines including water dispensing, snacks, food, soda, and DVD type machines.	P	P	Incidental to an existing use.
Water collection.	P	P	See Article 15.

(Ord. No. 668-1-16, §12, §13, 1/12/16)



Table 7-1 Specific Limitations and Additional Requirements:

1. Only uses being established within an existing building with no increase to floor area are considered a Permitted Use. New construction or additions to an existing building require site plan review.

Sec. 704. Development Standards for Mixed Use Zoning Districts: Table 7-2 below provides development standards for parcels within Mixed-Use zoning districts:

Table 7-2 DEVELOPMENT STANDARDS FOR MIXED USE ZONING DISTRICTS			
<i>Use Classifications</i>	<i>MU</i>	<i>MU-D</i>	<i>Additional Regulations and Information</i>
Site Area and Lot Standards (ft.)	All Standards Shown are Minimum Standards Unless Otherwise Stated		
Site Area per ground floor single-family dwelling unit (Square Feet).	- No Limitation	- No Limitation	
Site Area per ground floor multifamily dwelling unit (Square Feet).	- No Limitation	- No Limitation	
Site Area for all other permitted and conditional uses (Square Feet).	- No Limitation	- No Limitation	
Minimum width of site – Interior Lot	- No Limitation	- No Limitation	
Minimum width of site – Corner Lot	- No Limitation	- No Limitation	
Minimum depth of site – Interior Lot.	- No Limitation	- No Limitation	
Minimum depth of site – Corner Lot .	- No Limitation	- No Limitation	
Maximum area covered by commercial Structures.	No limitation provided that motor vehicle, bicycle parking and pedestrian walkway requirements are met.	No limitation provided that motor vehicle, bicycle parking and pedestrian walkway requirements are met.	
Site Coverage			
Maximum area for residential uses and/or structures.	45%(2)	45%(2)	See Note 2
Setback Requirement (ft.) (Note 1)			
Front Setback.	10	*Must abut front and street side property lines.	*Up to 30% of the a building may be recessed to accomodate pedestrian spaces such as entryways, courtyards, patios, etc.
Rear Setback	10	5*	*10 foot setback required if abutting RR, R, or RM District.
Side Setback	- No Limitation*	-No Limitation	*10 foot setback required if abutting RR, R, or RM District or use.
Distance Between Structures (ft.)			
Distance between commercial uses	- No Limitation (3)	- No Limitation (3)	See Note 3
Distance between residential use and another structure .	- No Limitation (3)	- No Limitation (3)	See Note 3
Height of Structures (ft.)			
All Standards Shown are Minimum Standards Unless Otherwise Stated			
Maximum height of a permitted use or its accessory structures	30(4)	30(4)	See Note 4.
Maximum height of a conditional use or its accessory structures	50(5)	50(5)	See Note 4
Maximum height of a structure in a traffic safety visibility area	3	3	See Note 5
Minimum sidewalk area			



Window signs.	<u>N/A-No Limitation</u>	Not calculated as part of the aggregate sign area per use.	Signs shall cover no more than 25% of a single window's surface area.
Temporary special event signs.	1 per business.	32 sq. ft. in area.	See Section 1406.C.1.
Temporary advertising/promotional signs.	1 per business.	32 sq. ft. in area.	See Section 1406.C.2.
Table 7-3 SIGNS IN MIXED USE(MU) ZONING DISTRICT			
Permitted Sign Type	Maximum Number	Maximum aggregate sign area per use	<i>Additional Regulations See Article 14</i>
Temporary construction signs.	1 per street frontage.	32 sq. ft. in area.	See Section 1406.C.5.
On-site real estate sign pertaining to the sale, lease, rental or display of a structure or land.	1 per street frontage.	20 sq. ft. in area	See Section 1406.D.7.
Directional signs for off-street parking and off-street loading facilities.	2	6 sq. ft.	Illuminated or non-illuminated
Open-air barbeque facility signs.	1 "A" frame lettered on both sides or 2 single faced signs.	6 sq. ft. in area.	"A" frame sign shall not be placed in a landscape area, sidewalk or used as an off site directional sign/advertisement. Single faced signs shall be attached to mobile food preparation unit's walls or sides.
Political and other non-commercial Signs.	No Restriction.	32 sq. ft. per sign	See Article 14, Section 1406.D.9.
Murals	No Restriction	No Restriction	Shall be non-commercial in nature.

Table 7-3 Additional Regulations:

1. No sign other than a directional sign shall project more than 24 inches into a required rear yard or required interior side yard. No sign other than a sign required by law shall project more than 12 inches into a public right-of-way. No outdoor advertising structure shall project into a public right-of-way.
2. No sign permitted by this Section shall be placed within 30 feet of a street intersection (intersecting curb lines) unless placed on a pole at least 12 feet above the ground or unless placed at a maximum height of three feet above ground.
3. No sign which faces and is located directly across the street from property situated in an R or RM District, shall be directly illuminated or flashing.
4. No red, green or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.

Table 7-4 SIGNS IN THE MIXED USE-DOWNTOWN (MU-D) ZONE DISTRICT			
Type of Sign	Maximum Number	Maximum aggregate sign area per use	Requirements/Regulations
Wall mounted Sign (Primary street)	Not to exceed allowed aggregate total	1 sq. ft. of signage for each lineal foot of building frontage up to a maximum of 75 sq. ft.	Must be mounted to facade of building.
Wall mounted sign	Not to exceed	.5 sq. ft. of signange for	Must be mounted to facade of building



(Secondary street and/or alley)	allowed aggregate total	each lineal foot of building frontage up to a maximum of 36 sq. ft.	
Awning/canopy	1	9 sq. ft.	If placed on the exterior of the awning the lettering must be on the awning/canopy valance. If placed under the awning/canopy, a minimum of 8 feet of vertical clearance between sign and sidewalk must be maintained.
Table 7-4 SIGNS IN THE MIXED USE-DOWNTOWN (MU-D) ZONE DISTRICT			
Type of Sign	Maximum Number	Maximum aggregate sign area per use	Requirements/Regulations
Projecting/Bracket	1	9 sq. ft.	Must be placed at least 8 feet above sidewalk and cannot project more than 4 feet from face of building.
Freestanding Sidewalk Sign	1	6 sq. ft.	Signs cannot interfere with pedestrian travel or accessible route. Signs can only be displayed during business hours and must be removed when business is closed.
Window			Limited to a maximum of 25% of the window area

E. General Provisions and Exceptions: All uses shall be subject to the general provisions and exceptions prescribed in Article 1. In addition, all permitted uses in the MU-D District must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, and automated teller machines.

F. Transit Stop Improvements: When transit stops are existing or proposed, they shall be fully integrated into the project site and/or at the focal point of the new development whenever practical. Building entrances and pedestrian walkways shall be designed to provide safe and efficient access to nearby public transit stops. The applicant for a development on property which is near or abuts a transit stop may be required to make transit stop improvements. Improvements may include the installation of a bus pad, turnouts, benches, trash receptacles (and service), shade/shelter, security lighting, bike racks, water features, and/or landscaping. Transit Stop Improvement Standards fall under the jurisdiction of Kings Area Rural Transit (KART) and, to some extent, Kings County Public Works, and the requirement for the installation of such improvements shall be coordinated with those agencies in order to comply with established standards.

G. Exterior Lighting: Exterior lighting should be designed to be compatible with the architectural and landscape design of the project, so as not to cause a nuisance.

1. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
2. An appropriate hierarchy of lighting fixtures/structures and intensity should be considered when designing the lighting for the various elements of a project (i.e., building and site entrances, walkways, parking areas, or other areas of the site).
3. The use of exterior lighting to accent a building’s architecture is encouraged. All lighting fixtures **should shall** be properly shielded to eliminate light and glare from impacting adjacent properties, and passing vehicles or pedestrians. If neon tubing is used to illuminate portions of a building it **should shall** be concealed from view through the use of parapets, cornices or ledges. Small portions of exposed neon tubing may be used to add a special effect to a building’s architecture but this must be integrated into the overall design of the project.
4. To achieve the desired lighting level for parking and pedestrian areas, the use of several short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.



Table 8-1 **INDUSTRIAL ZONING DISTRICTS LAND USE REGULATIONS**

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. See Article 16 “C” Conditional Use Permit required. See Article 17 “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT		<i>Additional Regulations and Information</i>
	IL	IH	
Commercial / Industrial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Porcelain products manufacture including bathroom and kitchen fixtures and equipment.	C(1)	S	(1) See Table 8-1 Notes
Precious metals reduction, smelting and refining.	C(1)	S	(1) See Table 8-1 Notes
Recycling Facilities (Small), for recycling of aluminum cans, glass bottles, plastic bottles, CRV containers, and paper for further transfer to another facility for re-reprocessing.	S	S	See Section 1115.B. Power driven equipment is prohibited.
Recycling Facilities (Large), including the storage, sorting, collecting or baling of ferrous and non-ferrous metals, junk, paper, rags or scrap for further transfer to another facility for re-reprocessing or to a solid waste facility. Also includes recycling of CRV containers for further transfer to another facility for re-reprocessing.	-	C	See Section 1115.C. Power driven equipment may be allowed.
Rolling mills.	-	C	
Rubber manufacture or processing including natural or synthetic rubber and gutta-percha.	-	C	
Rubber products manufacture including tires and tubes.	C(1)	S	(1) See Table 8-1 Notes
Sand blasting.	C(1)	S	(1) See Table 8-1 Notes
Shoe polish manufacture.	C(1)	S	(1) See Table 8-1 Notes
Soap manufacture including fat rendering.	-	C	
Starch and dextrine manufacture.	C(1)	S	(1) See Table 8-1 Notes
Steel products manufacture and assembly including steel cabinets and lockers, doors, fencing and furniture.	C(1)	S	(1) See Table 8-1 Notes
Stockyards and slaughterhouse.	-	C	
Stone products manufacture and stone processing including abrasives, asbestos, stone screening and sand and lime products.	C(1)	S	(1) See Table 8-1 Notes
Stone quarries, gravel pits, mines and stone mills.	-	C	
Storage of used building materials.	-	C	
Structural steel products manufacture including bars, girders, rail and wire rope.	C(1)	S	(1) See Table 8-1 Notes
Tallow manufacture.	-	C	
Tanneries and curing and storage of rawhides.	-	C	
Textile bleaching.	C(1)	S	(1) See Table 8-1 Notes below.
<u>Truck repair garages and service stations (trucks up to and including one-ton rated capacity).</u>	<u>S</u>	<u>S</u>	
<u>Truck repair garages and service stations (trucks over one-ton rated capacity).</u>	<u>S</u>	<u>S</u>	
Wire and cable manufacturing.	C(1)	S	(1) See Table 8-1 Notes below.
Wood and bones distillation.	-	C	
Wood and lumber processing and woodworking including planing mills and saw mills, excelsior, plywood, veneer and wood-preserving treatment.	C(1)	S	(1) See Table 8-1 Notes below.
Wood pulp and fiber reduction and processing.	-	C	
Warehousing and Storage <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Storage of used building materials.	-	C	



for sale, which comply with all local, regional, state, and federal regulations.			
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Table 8-1 INDUSTRIAL ZONING DISTRICTS LAND USE REGULATIONS			
KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. See Article 16 "C" Conditional Use Permit required. See Article 17 "TUP" A temporary land use which requires an over-the-counter permit "-" Not permitted	ZONING DISTRICT		Additional Regulations and Information
	IL	IH	
Energy and Utility Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Towers used for commercial radio and television broadcasting, cellular telephone service, microwave relays and transmission; commercial satellite communication receiving dishes.	S	S	
Wind and solar photovoltaic electrical generating facilities that commercially produce power for sale, which comply with all local, regional, state, and federal regulations.	C	C	
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		Additional Regulations and Information
Accessory Structures located on the same site as a use requiring Site Plan Review, or a Conditional Use Permit.	S	S	Excludes those uses which are owned or operated by a public agency.
Accessory Structures which are owned or operated by a public agency and are located on the same site as a use requiring a Conditional Use Permit.	-	C	
Airports and heliports.	C	C	
Hazardous waste treatment equipment which is added to an existing use at the same site.	S	S	
Hazardous waste management facilities, including transfer, storage, treatment, and disposal facilities, or combinations thereof.	-	C	See Section 1707 (c).
Incidental Uses located on the same site with a use requiring Site Plan Review, or a Conditional Use Permit.	S	S	
Incidental Uses which are owned or operated by a public agency and are located on the same site as a use requiring a Conditional Use Permit.	-	C	
Mini storage facilities.	S	S	
Offices, retail stores and watchmen's living quarters incidental to and on the same site with an industrial use.	S	S	
Outdoor or off-site advertising structures.	S	S	Section See Section 1105.
Rifle ranges.	-	C	
Signs, freestanding or detached.	S	S	See Table 8- 2 3.
Signs, wall mounted or projecting.	P	P	Permitted without a new zoning permit provided the total amount of signage allowed for the zoning district is not exceeded and the sign meets signage regulations. See Table 8- 1 3.
Signs, temporary.	P	P	See Article 14 for time limits and additional information.
Rain water collection.	P	P	See Article 15.



3. Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment.
4. There will be no significant upstream or downstream passage of fish affected by the project.
5. The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure.
6. The project will not cause violations of applicable state or federal water quality standards.
7. The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places.
8. Construction will not occur in the vicinity of any endangered, rare, or threatened species.

Sec. 804. Development Standards for Industrial Zoning Districts: Table 8-2 below provides development standards for parcels within Industrial zoning districts:

Table 8-2 DEVELOPMENT STANDARDS FOR INDUSTRIAL ZONING DISTRICTS				
<i>Use Classifications</i> Key: “-“ No Restrictions	<i>IL</i>	<i>IH</i>	<i>IP</i>	<i>Additional Regulations and Information</i>
Site Area and Lot Standards	All Standards Shown are Minimum Standards Unless Otherwise Stated			
Site area limitation.	- <u>No Limitation</u>	1 Acre.	20 Acres.	
Site frontage.	- <u>No Limitation</u>	- <u>No Limitation</u>	- <u>No Limitation</u>	
Site width.	- <u>No Limitation</u>	- <u>No Limitation</u>	- <u>No Limitation</u>	
Site depth.	- <u>No Limitation</u>	- <u>No Limitation</u>	- <u>No Limitation</u>	
Site Coverage				
Maximum area covered by structures.	- <u>No Limitation</u>	- <u>No Limitation</u>	- <u>No Limitation</u>	
Setback Requirement (ft.)				
Front Setback	25	15	- <u>No Limitation</u>	
Rear Setback	- <u>No Limitation</u>	- <u>No Limitation</u>	- <u>No Limitation</u>	
Rear Setback abutting property in an RR, R, or RM District	15	15	- <u>No Limitation</u>	
Side Setback	- <u>No Limitation</u>	- <u>No Limitation</u>	- <u>No Limitation</u>	
Side Setback abutting an RR, R-1 or RM District	15	15	- <u>No Limitation</u>	
Side Setback on a reversed corner lot adjoining a key lot in an RR, R-1 or RM District	½ the required front yard of the key lot.	½ the required front yard of the key lot.	- <u>No Limitation</u>	
Distance Between Structures (ft.)				
Distance between industrial uses	- <u>No Limitation</u>	- <u>No Limitation</u>	- <u>No Limitation</u>	
Distance between residential use and another structure	10(1)	10(1)	10(1)	See Note 1 below.



Height of Structures				
Maximum height of a permitted use or its accessory structures	- No Limitation	- No Limitation	- No Limitation	See Notes 2 and 3 below.

Table 8-2 Additional regulations:

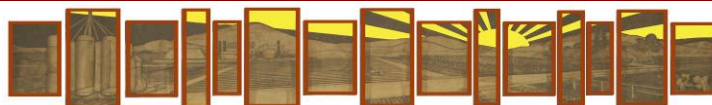
1. Greater minimum distances between structures may be required if fire code or building code regulations require greater separation between structures for safety and fire protection. This includes distances from structures on adjacent properties.
2. New structures in Kettleman City shall not exceed two stories in height unless adequate fire equipment is provided that can reach beyond two stories or other alternatives are found acceptable to the Kings County Fire Department.
3. Maximum height determined as part of the Conditional Use Permit.

Sec. 805. Additional Standards and Regulations:

A. Off-street Parking Areas, Aisles, Access Drives, Access Lanes and Off-street Loading Facilities: Off-street parking areas, aisles, access drives, access lanes and off-street loading facilities shall be provided on the site for each use as prescribed in Article 13.

B. Fences, Walls, Gates, Hedges, Screening and Landscaping: In order to ensure that fences, walls, gates, hedges, screening and landscaping do not create traffic hazards at street or road intersections, and where driveways enter streets and roads, the following standards prescribed in this article shall be required by the zoning administrator or County Planning Commission for all new uses and major alterations and enlargement of existing uses. These requirements are to protect public health and safety, conserve water resources, and where appropriate, insulate surrounding land uses from their impact.

1. **Fences, Walls, and Hedges** shall be permitted as follows:
 - a. No solid fence, wall, hedge or shrub shall exceed seven feet in height if located in a required front, side, or rear yard.
 - b. Noise attenuation fencing that is required as a mitigation measure is not limited to seven feet, but shall not exceed the height required in the mitigation measure.
 - c. No solid fence, wall, hedge, or shrub shall exceed three feet in height if located in a required Traffic Safety Visibility Area, except there shall be no limitation on the location, or height up to seven feet, of open chain link fences.
 - d. Where a site adjoins, or is located across a street or alley from, a R-1, RM, RR, C, PO, or T zoning district, a solid wall, fence, or vine-covered open fence six feet in height, shall be located on the property line common to such districts, except in a required front yard and/or Traffic Safety Visibility Area as defined in Article 25 of this Development Code.
2. **Gates** shall be permitted as follows:
 - a. Gates which are used for primary vehicular ingress and egress and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:
 - (1) A minimum distance of 20 feet.
 - (2) A distance sufficient to ensure that vehicles used for a permitted use requiring a Site Plan Review or Conditional Use Permit are able to pull completely onto their property.



5. No red, green, or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic-control device or traffic signal or official directional guide signs.
6. Corner lots in Industrial zoning districts at an intersection controlled by traffic lights are not subject to the Traffic Safety Visibility Area restriction.

D. General Provisions and Exceptions: All uses shall be subject to the general provisions and exceptions prescribed in Article 1.

E. Exterior Lighting: Exterior lighting should be designed to be compatible with the architectural and landscape design of the project, so as not to cause a nuisance.

1. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
2. An appropriate hierarchy of lighting fixtures/structures and intensity should be considered when designing the lighting for the various elements of a project (i.e., building and site entrances, walkways, parking areas, or other areas of the site).
3. The use of exterior lighting to accent a building’s architecture is encouraged. All lighting fixtures **should shall** be properly shielded to eliminate light and glare from impacting adjacent properties, and passing vehicles or pedestrians. If neon tubing is used to illuminate portions of a building it **should shall** be concealed from view through the use of parapets, cornices or ledges. Small portions of exposed neon tubing may be used to add a special effect to a building’s architecture but this must be integrated into the overall design of the project.
4. To achieve the desired lighting level for parking and pedestrian areas, the use of several short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.

F. Resource Conservation: All property owners and residents in Kings County are highly encouraged to participate in resource conservation efforts to help preserve and conserve dwindling natural resources. All new development within the County may be subject to the following requirements, as applicable, as part of their development proposals.

1. **Water Meters:** All new development within the Armona, Home Garden, Kettleman City, and Stratford Community Service District areas shall be required to install water meters to encourage water conservation.
2. **Stormwater Drainage:** All new development within the communities of Armona, Home Garden Stratford, Kettleman City, and Stratford shall integrate onsite stormwater drainage features such as small catch basins, rain gardens, and landscape depression basins into their site plans to increase the stormwater detention throughout the community.
3. **Drought Tolerant Landscaping:** All new residential and commercial development in the communities of Armona, Home Garden and Stratford shall integrate drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use within the community.



Table 9-1 PUBLIC FACILITY ZONING DISTRICT LAND USE REGULATIONS		
KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT	<i>Additional Regulations and Information</i>
	PF	
Public and Semi-Public Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED	
Public corporation yards and maintenance and storage facilities.	C	
Public parks, public playgrounds, public and quasi-public uses of an educational or religious type, including public and parochial elementary and junior high schools, high schools, and colleges; nursery schools; private nonprofit schools and colleges; and Religious Facilities.	S	
Public uses of an administrative, recreational, public service, or cultural nature, including city, special district, county, state, and federal offices, administrative centers and courts, libraries, museums, art galleries, police and fire stations, and other public buildings, structures, and facilities, public playgrounds, parks, and community centers.	S	
Waste water treatment facilities; municipal waste transfer and processing facilities.	C	
Energy Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED	<i>Additional Regulations and Information</i>
Solar electrical generation equipment for non-commercial use on the property with a design capacity to serve the electrical needs of only that site or use.	P	
Electric Vehicle (EV) recharge stations.	P	Incidental to designated parking spaces for electric vehicles. See Section 1511.C.
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED	<i>Additional Regulations and Information</i>
Accessory structures located on the same site as a use requiring Site Plan Review or a Conditional Use Permit.	S	See Section 1101.
Incidental uses located on the same site as a use requiring Site Plan Review or a Conditional Use Permit.	S	See Section 1101.
<u>Park Host</u>	<u>P</u>	
Sale of fresh fruits and vegetables.	P*	*In the Main Street Oval of Stratford on a temporary basis.
Signs, freestanding or detached .	S	See Table 9-3.
Signs, wall mounted or projecting.	P	Permitted without a zoning permit provided the total amount of signage allowed for the zoning district is not exceeded and the sign meets signage regulations. See Table 9-3.
Signs, temporary.	P	See Article 14 for time limits and information.

Sec. 903. Adaptive Reuse of a Public Facility to Another Use: In certain circumstances when a parcel or structure on a parcel within a PF district is vacant and no longer used for its intended and permitted public use, the Zoning Administrator may approve the adaptive reuse of the parcel or structure for a use not normally allowed in the PF districts but which could be considered to be consistent with the purpose of the district.



- A. The adaptive reuse must be a use that makes no significant changes to the parcel or structure and will meet all other standards and development regulations of the zoning district.
- B. Adaptive reuse requests shall be processed as a Site Plan Review in compliance with Article 16 unless the proposed use is one that would be characterized as a conditional use in nature or scope.
- C. **Similar Use Findings:** The Zoning Administrator may approve a use not specifically listed in a particular zoning district if the similar use findings listed in Section 1603.E can be made.

Sec. 904. Development Standards for Public Facility Zoning Districts: Table 9-2 below provides development standards for parcels within PF zoning districts:

Table 9-2 DEVELOPMENT STANDARDS FOR PUBLIC FACILITY ZONING DISTRICTS		
Use Classifications	PF	Additional Regulations and Information
Site Area and Lot Standards (ft.)	All Standards Shown are Minimum Standards Unless Otherwise Stated.	
Site area limitation.	- No Limitation	
Site frontage	60	See Note (1)
Site frontage (fronting on a cul-de-sec or loop-out street)	40	See Note (1)
Site width interior Lot	60	
Site width corner Lot	65	
Site depth interior Lot	100	
Site depth corner Lot	80	
Site Coverage		
Maximum area covered by structures.	-	
Setback Requirement (ft.) <i>For a definition see Article 25</i>	See Notes (2) through (7) below.	
Front Setback	15	See Notes (2) and (3)
Rear Setback of ground floor	10	
Additional rear Setback per story	10	See Notes (4) and (5)
Side Setback of ground floor	5	
Side Setback abutting an RR, R-1 or RM District	5	
Side Setback street side of corner lot	10	
Street side setback reverse corner lot.	½ the required front yard on the adjoining lot.	
Additional side setback per story for a site adjacent to an RR, R-1 or RM District	10	
Distance Between Structures (ft.)		
Distance between public facility structures	10	See Notes (6) and (7)
Height of Structures (ft.)		
Maximum height of a permitted use or its accessory structures	50	See Note (8)

Table 9-2 Specific Limitations and Additional Requirements:

1. Frontage shall not be required for public facilities which are not open to public access, but which are accessed by a recorded easement, such as drainage basins, water storage reservoirs or other similar uses.
2. The Zoning Administrator may, by Site Plan Review, approve within any portion of the front yard setback, for nonresidential uses, ornamental covers, such as a sidewalk, entry awning, trellis, or any other improvement of a similar nature, when such covering or improvement is intended solely as an improved passageway. Such covering or improvement shall be harmonious with the surrounding neighborhood. The supports or walls of the ornamental covers shall be 90% open for visibility and safety and shall not be enclosed.



Table 9-3 SIGNS IN PUBLIC FACILITY ZONING DISTRICTS			
Permitted Sign Type	Maximum Number	Maximum Aggregate Sign Area Allowed	<i>Additional Regulations</i>
Wall mounted identification sign.	1 per use.	20 sq. ft. in area per use.	Located flat against a wall and not projecting above the cornice or roof line. Only one face of a double-faced sign shall be counted in computing the permitted copy area of the sign. If the sign is multi-faced (3 or more faces), then <u>the third or subsequent faces</u> shall be counted in computing the permitted area of the sign.
Freestanding sign.	1 per use.	16 sq. ft. in area per face.	Maximum height of six feet, and located no closer than five feet from the front property line or side property line.
On-site real estate sign pertaining to the sale, lease, rental or display of a structure or land.	1 per street frontage.	6 sq. ft. in area.	No direct illumination permitted.
Window signs.	<u>N/A No Limitation</u>	Signs shall cover no more than 15% of a single window's surface area.	Window signage is not calculated as part of the aggregate sign area per use.
Temporary special event signs.	1 per use.	32 sq. ft. in area.	See Section 1406.C.1.
Temporary advertising/promotional signs.	1 per use.	32 sq. ft. in area.	See Section 1406.C.2.
Temporary construction signs.	1 per street frontage.	32 sq. ft. in area.	See Section 1406.C.5.
Freestanding signs for emergency hospital services.	<u>N/A No Limitation</u>	9 sq. ft. in area per face.	
Non-illuminated directional signs for off-street parking and off-street loading facilities.	2	4 sq. ft. in area.	
Political and other non-commercial signs.	No Restriction.	32 sq. ft. per sign.	See Article 14, Section 1406.D.9.
Wall murals.	<u>N/A No Limitation</u>	<u>N/A No Limitation</u>	Shall be non-commercial in nature.

Table 9-3 Specific Limitations and Additional Requirements:

1. All signs shall be located outside of the public right-of-way.
2. No sign permitted by this Section shall be placed within 30 feet of a street intersection (intersecting curb lines) unless placed on a pole at least 12 feet above the ground or unless placed at a maximum height of three feet above ground.
3. Unless a different setback is specified for a particular zoning district, the minimum setback distance for all signs over three feet in height shall be ten feet from property lines.
4. No sign which faces and is located directly across the street from property situated in an R-1 or RM District, shall be directly illuminated or flashing.
5. No red, green or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.



- D. **General Provisions and Exceptions:** All uses shall be subject to the general provisions and exceptions prescribed in Article 1.
- E. **Exterior Lighting:** Exterior lighting should be designed to be compatible with the architectural and landscape design of the project, so as not to cause a nuisance.
1. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
 2. An appropriate hierarchy of lighting fixtures/structures and intensity should be considered when designing the lighting for the various elements of a project (i.e., building and site entrances, walkways, parking areas, or other areas of the site).
 3. The use of exterior lighting to accent a building's architecture is encouraged. All lighting fixtures **should shall** be properly shielded to eliminate light and glare from impacting adjacent properties, and passing vehicles or pedestrians. If neon tubing is used to illuminate portions of a building it **should shall** be concealed from view through the use of parapets, cornices or ledges. Small portions of exposed neon tubing may be used to add a special effect to a building's architecture but this must be integrated into the overall design of the project.
 4. To achieve the desired lighting level for parking and pedestrian areas, the use of several short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.
- F. **Resource Conservation:** All property owners and residents in Kings County are highly encouraged to participate in resource conservation efforts to help preserve and conserve dwindling natural resources. All new development within the County may be subject to the following requirements, as applicable, as part of their development proposals.
1. **Water Meters:** All new development within the Armona, Home Garden, Kettleman City, and Stratford Community Service District areas shall be required to install water meters to encourage water conservation.
 2. **Stormwater Drainage:** All new development within the communities of Armona, Home Garden Stratford, Kettleman City, and Stratford shall integrate onsite stormwater drainage features such as small catch basins, rain gardens, and landscape depression basins into their site plans to increase the stormwater detention throughout the community.
 3. **Drought Tolerant Landscaping:** All new residential and commercial development in the communities of Armona, Home Garden and Stratford shall integrate drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use within the community.



- E. The off-sale of alcohol as incidental sales in conjunction with the sale of gift baskets, balloons and flowers is exempt from the requirement of a conditional use permit and may be permitted through a Site Plan Review approved by the Zoning Administrator.
- F. A Conditional Use Permit is generally required for any new use shown in any zoning district that involves the sale of alcoholic beverages for on-premises (On sale) consumption as follows:
 - 1. Any establishments that require or obtain an ABC license number except 41, 47, and 75.
 - 2. New commercial uses **permitted, as allowed within each respective zoning district land use table**, that include the incidental sales of alcoholic beverages **in the CN, CT, and CR zoning district and** are located within 300 feet of any school site and/or R1, RM, or RR zoning district.
- G. A Conditional Use Permit for the incidental sales of alcoholic beverages is not required for:
 - 1. Restaurants and other similar “on-sale” establishments that require or obtain a special ABC license number 41, 47, or 75 to sell or serve beer, wine, and/or distilled spirits in conjunction with the business. Such uses may be permitted through a Site Plan Review approved by the Zoning Administrator.
 - 2. Existing uses, **as allowed within each respective zoning district land use table, in the CN, CT or CR zoning district** that include the incidental sales of alcoholic beverages that were established prior to August 24, 2000.

Sec. 1106. Emergency Shelters: Emergency shelters for homeless individuals and families when permitted, shall comply with the regulations of the zoning district in which they are located and shall also comply with the following additional regulations:

- A. The maximum number of beds or persons to be served nightly shall be limited to the rated capacity and maximum occupancy of the structure(s) as established by the fire marshal.
- B. Off street parking shall be provided for the shelter based on the demonstrated need and as required by Article 13, Section 1302.
- C. Each emergency shelter shall have a client intake area/waiting room located inside the emergency shelter.
- D. Each emergency shelter shall be staffed with on-site management. At a minimum, at least one staff member shall be present on-site at all times that the shelter is occupied by homeless individuals.
- E. Security for the shelter shall be provided during all hours the shelter is in operation.
- F. The length of stay is intended to be limited to a six month period of time for each individual. Lengths of stay may be extended, if approved by shelter management, based on availability of beds.
- G. No individual or household may be denied emergency shelter because of inability to pay.

Sec. 1107. Temporary Land Use Permits: Due to the temporary nature and short duration of certain land uses, the issuance of a formal land use permit such as a Site Plan Review is impractical. A Temporary Use Permit (TUP) allows short-term activities that might not meet the normal development or use standards of the applicable land use zoning district, but may otherwise be acceptable because of their temporary nature. Except as specified in Subsection A (Temporary uses Exempt from Permits), the establishment and operation of a temporary land use shall require the approval of an TUP:

- A. **Temporary Land Uses Exempt from Permits:** The following Temporary Uses are permitted without the approval of an administrative permit:
 - 1. Garage/yard sales in residential zoning districts are allowed up to four times per calendar year for no more than three days per event.

2. Public emergency facilities established for the purposes of health and public safety during a declared emergency.
3. Car washes for the purpose of fundraising when sponsored by a religious, educational, fraternal, or service organization directly engaged in civic or charitable efforts. Car washes shall be limited to two days each month for each sponsoring organization.
4. Public events and activities when conducted on public property as approved by the Board of Supervisors or its designees.
5. Temporary construction yards that are located on-site, less than one acre in size, and established in conjunction with and approved project. The construction yard shall be immediately removed within 10 days of completion of the project or expiration of the building permit.

B. Temporary Uses Requiring Permits or Registration: The following temporary uses are permitted subject to the issuance of a TUP or a temporary registration of the use:

1. **Subdivision Sales Offices:** Temporary subdivision sales offices, when proposed pursuant to Article 5, Section 505, Table 5-1, shall be located within the subdivision, or on an adjacent site which is not part of another residential development project or subdivision, where the sales of the lots or homes will take place as follows.
 - a. Temporary subdivision sales offices may be allowed for a period not to exceed two years from the date of recordation of the subdivision map.
 - b. Temporary subdivision sales offices may be approved prior to recordation of the subdivision map however, if the map is not recorded within 90 days of the issuance of the Certificate of Occupancy the temporary subdivision sales office shall be removed.
 - c. Temporary subdivision sales offices shall be removed prior to the expiration of two years from the date the subdivision map is recorded, unless an extension of time for not more than 12 months is granted by the Zoning Administrator.
 - d. Upon expiration of time limits and extension periods cited above, subdivision sales offices shall be removed at the expense of the owner of the site. Note: For temporary sub-division signs, see Sections 1404.C.3 and 1404.D.10.
2. **Festivals, Outdoor Concerts, Circuses** and similar events involving large assemblages of people, for up to two weeks per year or no more than four weekends per year, subject to the applicable requirements contained below.
 - a. When an application is submitted for an outdoor festival, carnival or circus, additional information shall be provided by the applicant as follows:
 - (1) The identification of the owner, area and shape of the premises on which it is planned to conduct the outdoor event, including any land to be used for parking or other uses incidental to the outdoor festival, carnival or circus.
 - (2) The date or dates and the hours during which the festival, carnival or circus, is to be conducted.
 - (3) An estimate of the maximum number of customers, spectators, participants and other persons expected to attend the outdoor festival, carnival or circus, for each day it is conducted, together with detailed information supporting such estimate.
 - (4) A detailed explanation of the applicant's program and plans to supply security protection, water supply and facilities, food supply and facilities, sanitation facilities, medical and first aid facilities and services, vehicle parking space, vehicle access and on-site traffic control.
 - (5) The number of loudspeakers and sound equipment to be used, their locations, and the intensity of the sound, in decibels, at the boundaries of the premises.



- (6) ~~The names and addresses of all persons who will act as If security guards will be provided during the outdoor festival, carnival or circus.~~
- (7) ~~If it is proposed or expected that spectators or participants will remain overnight, the arrangements for illuminating the premises and for camping or similar facilities. If overnight camping will be allowed.~~
- (8) Provisions for clean-up of the premises and removal of rubbish after the event has concluded.
- ~~(9) A written consent to the entry at any time in the course of his or her duties of any peace officer, employee of the Community Development Agency, County Engineer, Fire Marshal, Sheriff, County Health Officer, or any other county officer or employee in the performance of his or her duties.~~
- ~~9 (10) The location of all toilets, medical, drinking and other facilities shall be shown on the required site plan.~~
- ~~(11) The agreements or contracts which show what doctors, first aid attendants and ambulances will be available at the outdoor festival, carnival or circus.~~
- ~~(101) An agreement signed by the applicant that, within 72 hours after the conclusion of the outdoor festival, carnival or circus, he/she will clean up the premises and remove all trash and debris therefrom. Such agreement shall be secured by a performance bond, letter of credit, cash deposit or deposit of a negotiable instrument acceptable to the County Director of Finance in a total amount of not less than \$5,000.00.~~
- ~~(112) An agreement signed by the applicant and by the owner of the subject premises that they will reimburse all owners and occupants of property adjoining the subject premises for all damages of any kind to such owners or occupants or to their property caused by the applicant, owner of the subject premises, or by any person attending the outdoor festival, carnival or circus, which damage would not have occurred had the outdoor festival, carnival or circus not been held, and a performance bond, letter of credit, cash deposit, deposit of a negotiable instrument acceptable to the County Director of Finance, or a Provide a policy of Commercial General Liability insurance in the amount of not less than \$1,000,000.00.~~
- ~~(13) The security instruments required by subparagraph (12) above shall be assigned to the County of Kings for its own benefit and for the benefit of all persons to whom the applicant or owner may become liable because of the agreement required by said paragraph (12) or arising from the holding of the outdoor festival, carnival or circus.~~

(Ordinance No. 668-2-16, §2, 1/26/16)

- ~~(14) An applicant for of an outdoor festival, carnival or circus who deposits with the tax collector and assigns to the county savings and loan certificates or shares in lieu of, or in addition to, the undertaking or policy of insurance required by subparagraph (12) above, also, at the same time shall file with the tax collector an agreement in writing in which he agrees that the county may satisfy either in whole or in part, from such certificates or shares, any final judgment or any judgment upon which execution may issue, the payment of which is, or would have been guaranteed by the undertaking required by this Section.~~

(Ordinance No. 668-2-16, §3, 1/26/16)

3. **Recreational Vehicles Occupied as Temporary Dwellings Supplemental to an Existing Residence:** There may be times when relatives or guests of the resident or property owner visit for short period of times where they desire to use a travel trailer or recreational vehicle as a temporary dwelling unit. Such temporary use may be permitted subject to the following requirements:



ensure that the approval would be in compliance with the findings required by Section 1107.B above for the particular temporary use.

G. Certain Public Events in Public Rights-of-Way: Notwithstanding anything to the contrary stated herein, a temporary event held in any right-of-way in any subdivision, which right-of-way is open to the public and has been accepted on behalf of the public but not into the County maintained system pursuant to Streets and Highways Code section 941, shall require a temporary land use permit. If the event is a farmer’s market, festival, outdoor concert, circus, or similar event open to the general public, the temporary use permit shall be applied for and issued as otherwise provided for in this Section, except that both the Zoning Administrator and the Public Works Director or his or her designee shall be required to make the findings stated in Subdivision E.3 of this Section. If the event is a block party or similar event intended primarily for the benefit of residents of the subdivision, then the application for the temporary use permit shall be made directly to the Public Works Director or his or her designee on a form approved by the Public Works Director for that purpose, and the permit shall be issued without notice or hearing if the Public Works Director or his or her designee makes the findings stated in Subdivision E.3 of this Section. An application for a temporary use permit under this Subdivision G shall be made at least ten (10) calendar days before the event in question.

Sec. 1108. Mobile Home Reviews: A Mobile Home Review (MHR) is a Site Plan Review process that is used specifically to permit the installation of a mobile home on a parcel within the unincorporated areas of the County. The submission and processing procedures and requirements located in Article 16 for Site Plan Reviews shall apply.

A. As noted in the land use regulations for each zoning district, certain instances exist where mobile homes are proposed to be installed on a parcel where the mobile home installation must be processed through the submission of a Site Plan Review process referred to in this Development Code as a MHR.

1. The purpose of a MHR is to ensure that:
 - (a) The mobile home meets the established criteria for installation on a parcel, either as a permanent or temporary residential use; and
 - (b) That the installation of the mobile home meets the required setbacks and other development requirements.
2. Even though the administrative process for a MHR is the same or, in most cases, very similar to a Site Plan Review the fee for the permit issued is lower than the fee for other Site Plan Reviews.

B. A mobile home may be installed on a parcel through the MHR process as:

1. A farm employee dwelling incidental to a permitted or conditional farming operation.
2. A second dwelling unit incidental to a primary dwelling unit.
3. A temporary dwelling unit for persons 62 years of age or older who are immediate family members of the occupant(s) of the primary single-family dwelling unit on the parcel.
4. Temporary second dwelling unit for an infirm parent, grandparent, child, grandchild, or sibling of any age for the maximum period of time necessary to care for the infirm person.
5. A watchman’s or caretaker’s quarters incidental to a commercial or industrial use.

C. In certain situations, a mobile home may be temporarily stored without being issued a building permit for installation in the Agricultural (A) zoning districts provided that the following findings are made by the Zoning Administrator before issuing a Mobile Home Review.

1. Only one mobile home may be temporarily stored on a property at any one time, and the MHR shall apply to only one specific mobile home (the permit is not transferable to another mobile home);



- 3) The project will connect to existing utility infrastructure without building new power lines.
 - 4) The project will not result in any additional easements on agricultural land, other than access easements or easements within the public Right-of-Way.
- c. Agricultural mitigation shall be proposed for every acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance converted for a commercial solar facility. The agricultural mitigation shall preserve at a ratio of 1:1 an equal amount of agricultural acreage of equal or greater quality in a manner acceptable to the County for the life of the project. Agricultural mitigation on land designated “Medium-High” or higher priority land shall preserve an equivalent amount of agricultural acreage at a ratio of 2:1.
 - d. The project shall include a reclamation plan and financial assurance acceptable to the County that ensures the return of the land to a farmable state after completion of the project life, and retains surface water rights.
 - e. The project shall include a pest management plan and weed abatement plan to protect adjacent farmland from nuisances and disruption.
 - f. The project shall space internal access driveways per Kings County Fire Department standards.
 - g. The project shall include a solid waste management plan for site maintenance and disposal of trash and debris.
 - h. The project site shall not be located on *Williamson Act* or Farmland Security Zone contracted land, unless it meets the principles of compatibility under Government Code Section 51238.1(a). Otherwise, the contract shall be proposed for cancellation. ~~or is eligible to be cancelled and shall converts to a solar easement.~~

(Ord. No. 668-1-16, §14, 1/12/16)

C. Non-commercial Small Wind Energy Systems:

1. Small wind energy systems shall be designed and appropriately sized to serve the needs of the use on the site and reduce onsite consumption of utility power. On parcels one acre or more in size systems shall have a rated capacity of not more than 50 kilowatts per customer site.
2. Wind energy systems are subject to the requirements of Sections 65893-65899 of the Government Code and Section 25744 of the Public Resources Code.
3. Maximum tower and system height shall not exceed the maximum height established in the zoning district in which they are permitted. Any system application shall include evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system. In no case shall the system height exceed any limits established by applicable Federal Aviation Administration requirements.

D. Commercial Wind Electrical Generating Facilities:

1. The project site shall not be located on *Williamson Act* or Farmland Security Zone contracted land, unless it meets the principles of compatibility under Government Code Section 51238.1(a). Otherwise the contract is proposed for cancellation.
2. Wind energy systems are subject to the requirements of Sections 65893-65899 of the Government Code and Section 25744 of the Public Resources Code.
3. Wind energy systems that commercially produce power for sale comply with all local, regional, state, and federal regulations.
4. Maximum tower and system height shall not exceed the maximum height established in the zoning district in which they are permitted. Any system application shall include evidence that the proposed height does not exceed the height



recommended by the manufacturer or distributor of the system. In no case shall the system height exceed any limits established by applicable Federal Aviation Administration requirements.

Sec. 1113. Surface Mining and Reclamation: Unless specifically exempted by the Surface Mining and Reclamation Act (SMARA), state regulations, or county ordinance any person who proposes to engage in surface mining operations shall, before the commencement of the operation, obtain county approval of a Conditional Use Permit, Reclamation Plan, and financial assurances for reclamation in compliance with Chapter 17 of the *Kings County Code of Ordinances*. An exemption from these approval requirements shall not automatically exempt a project or activity from the application of other County regulations, ordinances, or policies (e.g., the application of CEQA; the requirements of Conditional Use Permits or other permits; the payment of development impact fees; the imposition of other dedications and exactions as may be allowed under the law. Also see Section 1156 of this Development Code.

Sec. 1114. Hazardous Waste Management Facility: Hazardous Waste Management Facilities if permitted in a zoning district shall obtain a conditional use permit and shall comply with the following standards before the commencement of the operation:

- A. All requirements of Article 8.7, "Procedures for the Approval of New Facilities" (commencing with Section 25199) of Chapter 6.5 of Division 20 of the *Health and Safety Code* as the requirements pertain to local land use decisions are carried out.
- B. The proposed facility shall be consistent with the "Siting Criteria for Hazardous Waste Management Facilities" in the "*Kings County Hazardous Waste Management Plan*", as approved by the California Department of Health Services and adopted by the Kings County Board of Supervisors as parts of the Safety and Land Use Elements of the *2035 Kings County General Plan*.

Sec. 1115. Commercial Recycling Facilities: This Section provides locational and operational standards for the establishment of various types and sizes of commercial recycling facilities not including processing facilities. Recycling facilities shall comply with the following standards:

- A. **Reverse Vending Machines.** Reverse vending machines are self-contained devices that accept used beverage containers or other material and return money to the user. Reverse vending machines shall comply with the following standards:
 - 1. **Accessory Use Only.** The machines shall be installed only as an accessory use in compliance with the applicable provisions of this Development Code, and shall not require additional parking.
 - 2. **Location Requirements.** If located outside of a structure, the machines shall not occupy required parking spaces, and shall be constructed of durable waterproof and rustproof materials.
 - 3. **Maximum Size.** When located outdoors, the area occupied by the machines shall not exceed 50 square feet, including any protective enclosure, nor eight feet in height.
 - 4. **Signs.** Signs shall not exceed a maximum area of four square feet for each machine, including operating instructions.
 - 5. **Hours of Operation.** The machines shall have operating hours which are consistent with the operating hours of the primary use.
 - 6. **Lighting.** The machines shall be illuminated when needed to ensure comfortable and safe operation.
- B. **Small Recycling Facilities.** Small collection facilities for recyclable materials and California Redemption Value (CRV) containers shall comply with the following standards:
 - 1. **Location Requirements.** Small collection facilities shall:
 - a. Not be located within 50 feet of any parcel zoned or occupied for residential use; and



Sec. 1117. Large Family Day Care Homes: Large family day care homes may be established in certain zoning districts through the Site Plan Review process as allowed in this Development Code to care for nine to 14 children in compliance with the following standards:

- A. **Residency.** The operator of a large Family Day Care Home shall be a full-time resident of the dwelling in which the facility is located.
- B. The operator shall obtain written consent of the property owner when the Large Family Day Care Home is operated on property that is leased or rented.
- C. For facilities providing child care for more than 12 children and up to 14 children, the following requirements apply:
 - 1. At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.
 - 2. No more than three infants are cared for during any time when more than 12 children are being cared for.
 - 3. The operator notifies a parent that the facility is caring for two additional school age children and that there may be up to 13 or 14 children in the home at one time.
- D. For safety reasons, any vehicle entrance gates to the site shall be setback at least twenty (20) feet from the property line to allow vehicles to pull completely off the road while the gate is being locked or unlocked.
- E. **Parking:** Parking shall be as required in Section 1302, Table 13-1 of the Development Code.
- F. **Hours of Operation:** Large Family Day Care Homes shall operate only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday. No outdoor play is allowed prior to 9:00 a.m.
- G. **Play Area:** The play area shall not be located in any required front or side yard. ~~and the play area shall be fenced with either a wood or masonry fence designed to secure the outdoor play areas. Chain link metal fencing and barbed wire is prohibited.~~
- H. The operator shall be required to obtain any other licenses or permits required by any other federal, state, county, or city agency necessary to operate the facility prior to allowing children on the site.

Note: Not less than 10 days prior to the date on which the decision will be made on the SPR application for the Large Family Day Care Home, the Zoning Administrator shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100 foot radius of the exterior boundaries of the proposed large family day care home.

Sec. 1118. Pawn Shops:

A. Purpose: The purpose of regulating pawn shop establishments through the Site Plan Review process is to ensure security and compatibility with surrounding uses and properties and to avoid any impacts associated with such uses. The following standards shall apply to pawn shop establishments:

- 1. **Location.** In permitted commercial zoning districts, such establishments shall be located:
 - a. No closer than 500 feet from any use involving the off-sale of alcoholic beverages
 - b. No closer than 500 feet from a residence.
 - c. No closer than 600 feet from churches, hospitals, child care center, non-profit youth facility, public park or playground, and schools.

- c. For the purposes of this Subsection, the extent of damage to any structure shall be determined by the Building Official.

B. Nonconforming Residential Structures in a Commercial or Industrial Zoning District.

1. For the purposes of reconstruction, previously approved single or multifamily residential structures shall not be considered nonconforming due to:
 - a. An amendment to this **zoning Development Code** which changes the zoning to Commercial or Industrial zoning, or
 - b. The taking or dedication of additional street right-of-way which changes the standards of coverage, front yard setbacks, side yard setbacks, rear yard setbacks or distances between structures prescribed by this Development Code for the district in which the structure is located.
2. If a single or multifamily residential structure in a Commercial or Industrial zoning district is destroyed by fire or other calamity, or by act of God or by the public enemy to a greater extent than 50%, or shall be required by law to be demolished, the structure may be reconstructed provided that:
 - a. The structure was legally established in the appropriate zoning district in compliance with the Zoning Ordinance or Development Code in place at the time of construction.
 - b. The single-family residence was legally occupied by the owner of the property at the time of the demolition. A single-family residence used as a rental unit shall not be reconstructed in the Commercial or Industrial zoning district.
 - c. The number and size of the off-street parking spaces located on the property before the disaster shall not be diminished.
3. The property owner has nine months from the date of destruction to apply for building permits for any new single or multifamily residential structure and three months from the date of issuance of the building permit to begin construction. If the permit is not secured within the time limit specified, the use shall be considered discontinued and abandoned.

Sec. 1205. Nonconforming Uses:

A. Nonconforming Uses

1. A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this Development Code but which, under this Development Code, does not conform to the use regulations for the district in which it is located.
2. This Section is intended to limit the number, extent, and duration of nonconforming uses and to encourage their gradual elimination by prohibiting their enlargement and their re-establishment after abandonment and by prohibiting the alteration of the structure they occupy and their restoration after destruction.

B. Continuation and Maintenance:

1. A use lawfully occupying a structure or a site on the effective date of this Development Code or of amendments thereto which does not conform with the use regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued, as provided in this Section.
2. **Alterations and Additions to Nonconforming Uses:** No nonconforming use, except that of a nonconforming residential use, shall be enlarged or extended.



F. Each land use shall be provided with the minimum number of off-street automobile parking spaces as shown in Table 13-1 below or as prescribed by the Planning Commission in a Conditional Use Permit.

Table 13-1 REQUIRED ON-SITE PARKING SPACES	
<i>Land Use Classification</i>	<i>Number of Required Automobile Parking Spaces</i>
Residential Uses	
Single-family dwellings.	1 space for each dwelling unit.
Second Accessory dwelling unit.	1 space in addition to the space required for first residence <u>unless attached to the existing residence</u>
Multifamily dwellings.	1 ½ spaces for each dwelling unit; One additional guest parking space shall be provided for every three units.
Fraternity houses, sorority houses.	1 space for each 2 beds.
Lodging houses and rooming houses.	1 space for each 2 beds plus 1 guest parking space for every 3 beds.
Emergency Shelters, Community Care Facilities.	1 space for each 4 beds or as specified by CUP.
Supportive and Transitional Housing.	2 spaces for each unit.
Hotels and Motels.	1 space per guest room, plus 2 spaces adjacent to registration office.
Single Room Occupancy (SRO) hotel.	1 space per unit.
Small Family Day Care Home.	None beyond what is required for the residential use.
Large Family Day Care Home.	1 per non-resident employee. 1 passenger loading space, on or off the site. (Required spaces are in addition to those required for the primary residential use).
Commercial Uses	
Banks and financial institutions.	1 space for each 300 sq. ft. of floor area.
Business offices.	1 space for each 300 sq. ft. of floor area.
Food and beverage retail sales.	1 space for each 250 sq. ft. of floor area.
Retail sales.	1 space for each 300 sq. ft. of floor area in the MU District; 1 space for each 250 sq. ft. of floor area in the CN, CT, CS, CH and CR Districts.
Bulky merchandise retail sales (Furniture, appliances, etc.).	1 space for each 500 sq. ft. of floor area.
Commercial Service Establishments.	1 space for each 500 sq. ft. of floor area.
Personal service establishment (Beauty shop, tattoo parlor, etc.)	1 space for each 250 sq. ft. of floor area.
Maintenance and repair shops.	1 space for each 500 sq. ft. of floor area plus 1 space for each fleet vehicle.
Automobile/vehicle sales and leasing.	1 space for each 500 sq. ft. of floor area.
Automobile/vehicle repair.	2 spaces per service bay.
Automobile/vehicle washing.	Minimum 1 space for automatic facilities, minimum 3 spaces for other facilities.
Large vehicle and equipment sales service and rental.	1 space for each 500 sq. ft. of floor area.
Service station/fueling station.	2 spaces per service bay, if service bays are included on site. 1 per 250 Sq. Ft of any convenience store on site.
Open commercial use conducted primarily outside of buildings.	1 space for each 3 employees of the maximum working shift, plus the number of additional spaces prescribed by the Zoning Administrator or Planning Commission.
Nursery and garden centers.	1 space per 250 sq. ft. of floor area, plus 1 space per 500 sq. ft. of outside display or greenhouse area.
Convenience stores.	1 space per 250 sq. ft. of floor area.
Liquor stores.	1 space per 250 sq. ft. of floor area or as specified by CUP.
Riding stable and riding academies.	As specified by CUP.
Manufacturing plants.	1 space for each 1½ employees of the maximum working shift.
Industrial Uses	
Open industrial use conducted primarily outside of buildings.	1 space for each 3 employees of the maximum working shift, plus the number of additional spaces prescribed by the Zoning Administrator or Planning



Table 13-1 **REQUIRED ON-SITE PARKING SPACES**

<i>Land Use Classification</i>	<i>Number of Required Automobile Parking Spaces</i>
Utility Uses	
Electric distribution, transmission & gas regulator substations, public utility pumping stations, reservoirs, water or gas storage tank farms, sewage treatment plants, solar farms, etc.	1 space for each 3 employees of the maximum working shift, plus 1 space for each 3 company vehicles using the site or as specified by CUP. Where such facility is unmanned, no spaces need be provided.
Public Uses	
City, county, special district, state and federal administrative offices.	1 space per 200 <u>300</u> sq. ft. of floor area or as specified by CUP.
Public buildings and grounds other than administrative offices and educational uses.	1 space per 200 <u>300</u> sq. ft. of floor area or as specified by CUP.
Miscellaneous Uses	
	For a use not specified in the above parking space schedule, the same number of off-street parking spaces shall be provided, as determined by the Zoning Administrator or Planning Commission, as are required for the most similar specified use.
Additional Parking Spaces	
Accessible parking spaces and access aisles.	Accessible parking spaces shall be required in compliance with the California Building Code as shown in Table 13-2 below. Additional parking spaces for the physically handicapped, may be required by the Zoning Administrator or Planning Commission where usage indicates a greater need for such parking spaces.

(Ord. No. 668-1-16, §15, 1/12/16)

- G. **Accessible Parking Spaces:** The number of required accessible parking spaces as shown below in Table 13-2 for public accommodation and commercial buildings is established by the California Building Code. If only one space is provided, then the accessible space will be in addition to the standard space.

Total Number of Parking Spaces in Lot or Garage	Minimum Required Number of Accessible Parking Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 and over	20 plus 1 for each 100, or fraction over 1,001

(Ord No. 668-1-16, §16, 1/12/16)

- H. **Designated Parking Spaces:** Designated spaces for low-emitting, fuel efficient and carpool/vanpool vehicles may be required by the California Building Code based on the total number of spaces available. Refer to the California Building Code to determine the number of spaces required for new, rehabilitated and expanded projects.
- I. **Density Bonus Projects:** Refer to Article 22 for information concerning parking requirements for projects involving the granting of a density bonus.



2. Gardens should be harvested on a regular basis.
3. Gardens should be designed and maintained so that water and fertilizer will not drain onto adjacent property or the public right-of-way.
4. The use of herbicides and weed killers is discouraged.

Sec. 1504. Landscaping Regulations: In addition to the standards contained in this Development Code, all development in Kings County shall comply with the State of California Model Water Efficient Landscape Ordinance prepared by the Department of Water Resources (DWR), when required by the California Water Conservation in Landscaping Act (Government Code Section 65591 et seq.). If conflicts occur between the Model Water Efficient Landscape Ordinance and this Development Code, the more restrictive shall prevail.

A. The specific purpose and objectives of these landscaping regulations are to:

1. Enhance the appearance of all development by requiring the design, installation, and proper maintenance of landscaping on all new and newly renovated public and private sites where applicable.
2. Aid in energy conservation by providing shade from the sun and shelter from the wind.
3. Minimize or eliminate conflicts between potentially incompatible but otherwise permitted land uses on adjoining lots through visual screening.
4. Encourage conservation and efficient use of water resources through the use of native and drought-tolerant plants, and water conserving irrigation practices.
5. Ensure compliance with the State of California Model Water Efficient Landscape Ordinance for all new and newly renovated landscaping projects where required.

~~B. As of January 1, 2010, the following landscape projects are subject to the California Department of Water Resources (DWR) Model Water Efficient Landscape Ordinance:~~

- ~~1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review.~~
- ~~2. New construction and rehabilitated landscapes which are developer installed in single family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review.~~
- ~~3. New construction landscapes which are homeowner provided and/or homeowner hired in single and multifamily residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building or landscape permit, plan check or design review.~~
- ~~4. All existing landscapes that were installed before January 1, 2010 and are over one acre in size.~~
- ~~5. All landscapes where water waste results from inefficient landscape irrigation; where runoff is leaving the target landscape due to low head drainage, overspray, or other similar conditions; or where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots or structures.~~
- ~~6. New and rehabilitated cemeteries subject to the limitations in the Model Water Efficient Landscape Ordinance.~~

~~B.~~ Exemptions to Landscaping regulations:

1. Registered local, state or federal historical sites;



2. Ecological restoration projects that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system; or
4. Plant collections as part of botanical gardens and arboretums open to the public.

D. C. All landscaping plans required by the Model Water Efficient Landscape Ordinance shall be submitted to the Kings County Building Official.

E. D. The State of California Model Water Efficient Landscape Ordinance and associated forms are available on the Kings County Website: www.countyofkings.com/departments/community-development-agency which provides a link to the State of California web site.

F. E. General Landscaping Requirements and Recommendations: All new and rehabilitated landscaping projects shall provide and maintain landscaping with water conservation and sustainable usage in mind.

1. Refer to the Land Use Regulations in each applicable zoning district article in this Development Code to determine the requirement(s) for landscaping.
2. New development projects in all unincorporated areas of the county shall incorporate Low-Impact Development (LID) principles to minimize long-term stormwater runoff. Such principles include:
 - a. The use of permeable paving, such as pavers, porous concrete, or pathway comprised of decomposed granite that is effective in stormwater infiltration to prevent excess runoff (See Section 1506.A).
 - b. The use of bioswales to redirect storm water into planter strips rather than capturing runoff in pipes and diverting it to a remote location.
 - c. The use of low water conserving drought tolerant and native landscaping as well as water efficient irrigation such as drip irrigation systems to water trees, shrub beds, and areas of ground cover to minimize evaporation losses and runoff.
 - d. The predominant use (75 percent of landscaped area) of native plants and drought tolerant landscaping wherever possible including Xeriscaping.
 - e. The use of gray water for landscaping, agriculture, recreation and open space areas is highly encouraged.
3. Landscaped areas should be pre-planned and installed as an integral part of the overall project and not simply located in “left over” areas of the site without regard for water usage and plant choices.
4. Landscaping should be used to help define outdoor spaces, soften a structure’s appearance, and to screen parking, loading, storage, and equipment areas.
5. The use of on-site pedestrian amenities (e.g., benches, shelters, drinking fountains, lighting, and trash receptacles) is encouraged. These elements should be provided in conjunction with on-site open spaces and be integrated into the site plan as primary features.
6. New urban development should provide and maintain shade trees and other landscaping along streets and within parking areas to reduce radiant heating and increase carbon emission sequestration.
7. New trees should be planted so as to avoid blocking solar access to existing solar panels as the trees mature. See Section 1112.B for additional guidance concerning protection of solar access.
8. In the unincorporated areas of the county during the months of April and October, all daily landscape watering should take place between the hours of 6 p.m. and 10 a.m. to reduce water evaporation and the allowable length of watering times for each watering zone should not exceed 12 minutes, or 8 between the months of November and March.



9. In County areas within the primary sphere of a city or an area served by a Community Service District, watering restrictions shall be as set by the City or Community Service District.
10. In an effort to reduce water consumption throughout the county, synthetic lawns may be substituted for grass at the property owner's discretion.
11. All new residential and commercial development in the communities of Armona, Home Garden and Stratford shall integrate drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use within the community.

G. E. Maintenance of Landscaped Areas: A landscaped area provided in compliance with the regulations prescribed in this Development Code or as a condition or requirement of a use permit or variance shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be replaced as needed to screen or ornament the site.

1. Landscaped areas should be watered with an automatic irrigation system, weeded, pruned, fertilized, sprayed, or otherwise maintained to assure compliance with regulations requiring landscaped areas.
2. Xeriscaping is an acceptable form of landscaping provided that bare dirt within the landscaped area is covered with some sort of material that limits or prevents blowing dust and remains free of weeds and debris.
3. Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures is prohibited.

Sec. 1505. Water Conservation: Water conservation practices are intended to promote the sustainable use of water and help ensure future water needs can be met. Reducing water consumption protects natural eco-systems and water aquifers from critical damage. Reduced water usage also provides financial benefits for system users, and reduces the energy costs and usage associated with moving and treating water. All applicable projects permitted under this Development Code shall comply with the California Department of Water Resources (DWR) Model Water Efficient Landscape Ordinance and the landscape regulations found in Sec. 1504, above. Other areas of importance when considering water conservation include:

- A. **Car Washing:** Washing of vehicles is permitted at any time on the immediate premises of a commercial car wash facility or private residential property where a hand-held hose equipped with a positive shut-off nozzle for quick rinses is used.
- B. **Gray-water Use:** The use of gray water is allowable as an alternative water source in any zoning district for non-potable water applications under the provisions of Chapter 16 of the California Plumbing Code. Anyone desiring to install a gray water system in their project or on their property should contact the Building Official to obtain additional information and to determine the need for a building permit.

C. Water Features/Pools:

1. Recirculating water systems should be used for water features to prevent wasting water and to reduce costs.
2. When available, recycled water should be used as a source for decorative water features.
3. Swimming pools should only be drained and refilled a maximum of one (1) time in a calendar year.
4. Pool and spa covers are highly recommended to prevent evaporation and heat loss.

Sec. 1506. Water Runoff and Drainage: New development and rehabilitated landscapes and hardscapes can reduce storm water and excess water runoff by implementing the following recommended practices as part of landscape and hardscape design. Reducing runoff and enhancing onsite water capture increases percolation into the groundwater table, reduces water contamination, and reduces the overall amount of energy required to treat water. The following standards shall apply within the unincorporated areas of the County and within the primary sphere of influence of cities within the County.



Administrator, or Planning Commission or Board of Supervisors became effective unless:

1. By requirements or conditions of the site plan a greater or lesser time period is specified, or
 2. Prior to the expiration of 12 months, either,
 - a. A building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the site plan approval, or
 - b. Commencement of the activity if a building permit is not required.
 3. In the case of new bovine dairies, or new dairy calf and heifer raising facilities, or in the case of existing dairies or the expansion of bovine dairies, or dairy calf and heifer raising facilities, an initial three year period may be granted if requested by the applicant at the time of application due to the length of time necessary for the applicant to obtain required permits from the Regional Water Quality Control Board and the San Joaquin Valley Air Pollution Control District.
- B. A site plan may be extended for additional periods of time by the Zoning Administrator, provided that prior to the expiration of the time period granted an application for the extension of the site plan is filed with the Zoning Administrator. The Zoning Administrator must make all of the **same** findings as though the extension were a new application, based on the standards, requirements and conditions in place as of the date the extension is requested. The Zoning Administrator may grant, grant with additional requirements or conditions, or deny an application for extension of a site plan.
- C. A site plan that is extended for an additional period of time may be appealed in the same manner as the original site plan approval in compliance with Section 1605 above. A request for extension of a site plan that is denied by the Zoning Administrator may also be appealed in compliance with Section 1605 above.

Sec. 1609. Change of Use and Change of Occupancy Requires New Zoning Permit:

- A. If the change in operation within a structure or at a site constitutes a change of occupancy classification under the California Building Code, a new Site Plan Review/Conditional Use Permit shall be required regardless of the period of time which has passed since the previous permitted use has ceased operation.
- B. A change in operation within a structure or at a site for the purposes of determining whether a new Site Plan Review or Conditional Use Permit is required shall be through a change of use/compliance inspection processed through the Building Division of the Community Development Agency. Each time that a use changes which has been previously permitted through a Conditional Use Permit or through a Site Plan Review, a change of use/compliance inspection shall be required to document the change in the permitted use, to determine whether or not a change of occupancy classification will occur and/or if a new zoning permit is required for the new use.
- C. If the Community Development Agency determines that all of the conditions or requirements of the current zoning permit were not complied with or requirements contained in this Development Code have changed significantly, the Zoning Administrator, at his/her determination, may require a new zoning permit regardless of change of occupancy classification.

Sec. 1610. Discontinued or Abandoned Uses and Zoning Permits: The provisions of this article shall not require a new Site Plan Review or Conditional Use Permit for the change in operation within a structure or at a site for the same or similar activity unless the original activity has discontinued operations and vacated the site or abandoned the use for more than six months.

- A. The Zoning Administrator's interpretation of whether a new use or operation of an activity is the same or a similar use or activity is final unless modified by the Planning Commission or the Board of Supervisors.
- B. Challenges to the Zoning Administrator's interpretation as to whether a new use or operation of an activity is the same or similar as a previous use shall be submitted and processed as Conditional Use Permits.



(c) Compliance with conditions of approval.

13. Mitigation measures, identified in the environmental documentation evaluating the application, determined to be necessary to avoid or lessen significant environmental effects that may result from the construction and operation of the approved use.
14. And such other conditions as will make possible the development of the County in an orderly and efficient manner, in conformance with the intent and purposes set forth in this Development Code.

B. The Commission shall specify minimum setback requirements and district regulations necessary to protect the continued agricultural production of properties surrounding parcels developed subject to Article 4, Section 408 of this Development Code.

Sec. 1709. Action of the Zoning Administrator: Within five days following a decision by the Planning Commission on a Conditional Use Permit application or an application for extension of time for a Conditional Use Permit, or on the revocation of a Conditional Use Permit, the Zoning Administrator shall give written notice by mail of the decision to the applicant and submit to the Clerk of the Board of Supervisors an informational update to be heard at the next available Board of Supervisors meeting.

Sec. 1710. Review by the Board of Supervisors:

- A. Within eight days following the date of a decision by the Planning Commission on a Conditional Use Permit application or on an extension of time for a CUP, or on the revocation of a CUP, the Board, on its own motion, may initiate proceedings to review the decision of the Commission. The Board shall specify the reason(s) for its review and the review shall be limited to the issues and evidence raised before the Commission.
- B. The Clerk of the Board shall give notice of the time and place when the decision of the Planning Commission will be reviewed by the Board of Supervisors. Notice will be given in the same manner as provided in Section 1903 of this Development Code for notice of hearing on appeal, except that where the review is of a decision of the Commission concerning the revocation of a use permit, and in that case, notice shall be required to be given only to the permit holder of the use permit.

Sec. 1711. Appeals: The applicant or any other directly affected person or party may appeal the decision of the Planning Commission in writing, setting forth his or her reason for such appeal:

- A. Appeal to the Board of Supervisors. Within eight days following the date of a decision of the Planning Commission on a use application or an application for extension of a Conditional Use Permit, the applicant or any other directly affected person or party person may appeal the Commission's decision in writing, setting forth his or her reason for such appeal to the Board. The appeal shall state specifically in writing wherein it is claimed that there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record.
 1. The appeal shall be filed with the Community Development Agency which will date stamp the appeal form and then forward the original appeal form to the Clerk of the Board of Supervisors. **The submittal of the appeal form shall include one original, ten hardcopies, and one electronic copy of the appeal form and supporting documentation.**
 2. The appeal shall be accompanied by a fee set by the Board of Supervisors sufficient to cover the cost of processing the appeal and providing notice as prescribed in this article.
 3. The appeal shall be placed on the agenda of **a the Board's first of Supervisors** regular meeting **within 90 days of the appeal being filed with the Community Development Agency, after the Commission's decision which allows noticing requirements to be met.**
 4. The appeal of a decision of the Planning Commission is limited to the issues and evidence submitted to the Commission during the original public comment period and public hearing. Only those issues reviewed by the Commission in their decision may be appealed to the Board. New issues raised, and evidence submitted, after the close of the Commission's public hearing shall not be considered by the Board for an appeal.



Article 25. Definitions

Sections:

Sec. 2501 - Definitions

Sec. 2501. Definitions. This article defines terms and phrases used in this Development Code that are technical or specialized, or which may not reflect common usage. If any of the definitions in this article conflict with others in the *Kings County Code of Ordinances*, these definitions shall control only for the provisions of this Development Code. If a word is not defined in this article or in provisions of the Development Code, the Zoning Administrator shall determine the appropriate definition. Additional definitions which are unique to land subdivisions are contained in Article 23 of this Development Code for ease of use. Note: If the context suggests that a term or phrase used in this Development Code is intended to have a meaning different from the meaning provided in this Article, the construction of the term or phrase that best promotes the objects and achieves the purposes of this Development Code shall control.

Abandoned Use: A business or other use which has discontinued operations and/or vacated the site, or abandoned the use, for more than six months. (NOTE: *Dairies, dairy calf and heifer raising facilities, animal sales and stock feeding yards, or poultry keeping and raising operations located within AG-20, AG-40, AX and AL-10 zoning districts may discontinue operations for a period of time not to exceed two years and reactivate operations at the same herd or flock size and in the same facility without first obtaining a new Conditional Use Permit or Site Plan Review. See Article 4, Section 414.B of this Development Code*).

Access Drive: A private road or way, which provides durable, dustless access from a public road or way to a structure or site. (See *Kings County Improvement Standards*)

Access Lane: An access road to one or more parcels. (See *Kings County Improvement Standards*).

Accessory Dwelling Unit: Means an attached or a 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. In a single-family or multifamily residential zoning district an accessory unit may also include the following:

a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Accessory Kitchen: An additional kitchen either attached or detached to the primary dwelling that is not associated with a second dwelling unit and is used for entertaining, for hobby purposes, or as part of a home occupation.

Accessory Living Quarters: Living or sleeping quarters within an accessory building for the sole use of occupants of the premises or persons employed on the premises. Such quarters shall have no kitchen facilities and shall not be rented. Occasional short term visitors and guests of any permanent occupant of the premises may occasionally occupy accessory living quarters.

Accessory Structure or Building: A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure or use. Physically detached means independent of any type of substantial connection with the primary structure. A substantial connection means having a continuous connecting roof. For the purposes of this Development Code, typical accessory structures include: (@ - Denotes agricultural use only)



Caretaker Quarters: A residence that is accessory to a nonresidential primary use of the site, where needed for security, or 24-hour care or supervision.

Cemetery: Land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

Certificate of Occupancy: A certificate issued by the Building Official prior to the occupancy of a structure to assure that the structure is ready for occupancy with all defects corrected and all construction debris removed, the site graded to final grade, and all required durable, dustless drive approaches, access drives and parking areas are in place.

Change of Occupancy: A change in "Occupancy Category".

Clinic: A clinic is an organized outpatient health facility that provides direct medical, surgical, dental, optometric, podiatric, psychological advice, services, or treatment to patients who remain less than 24 hours, and that may also provide diagnostic or therapeutic services to patients in the home as an incident to care provided at the clinic facility.

Club: An association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. Clubs may operate for-profit, or not-for-profit, or both (e.g., a for-profit club with a non-profit arm), depending on the zoning district in which they are located.

Club, Private Non-Commercial: An association of persons for some nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. Associated club or lodge facilities are intended for the sole and exclusive use of club members, their immediate families, and member's guests by invitation. This provision does not extend to other outside groups, memberships or associations affiliated with any particular member. Private, non-commercial functions carried out by the club shall be under the control and auspices of a member of the club at all times. Facilities are not to be rented for commercial or monetary gain, unless specifically authorized under a valid land use permit.

Cogeneration Facility: Onsite power generation technologies (utilizing fuel sources such as oil, coal, natural gas, wood, or biomass) that simultaneously produce electrical or mechanical energy and useful thermal energy.

College: An educational institution offering advanced instruction in any academic field beyond the secondary level, but not including trade schools or business colleges.

College, Trade: Shall mean the same as "School, Trade".

Co-location: The locating of wireless communications equipment from more than one provider on a single ground-mounted, roof-mounted, or structure-mounted facility, including but not limited to, a building, monopole, lattice tower, or water tank.

Commercial Classifications: Shall be obtained from the latest edition of the Standard Industrial Classification Manual, Executive Office of the President, Bureau of the Budget, on file at the Community Development Agency

Commercial Modular/Coach: A structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is required to be moved under permit.

Commercial Office: Any administrative or clerical office maintained as a business or used by a public agency over which the County has planning authority.

Commercial Service Establishments: Establishments engaged in servicing equipment, materials and products.

Communications Equipment Building: A building that houses electrical and mechanical equipment necessary for the conduct of a public communication business, with or without personnel.

Community Care Facility: Any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and



adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children.

Community Gardens: A private or public facility for the noncommercial cultivation of fruits, flowers, vegetables, or ornamental plants shared and maintained by more than one person or family.

Community Noise Equivalency Level (CNEL): The CNEL is a measure of the cumulative noise exposure level in the community. Refer to the “Noise Element” of *2035 Kings County General Plan* for additional information.

Community Service District (CSD): A unit of local government organized pursuant to the Community Services District Law, found at Government Code section 61000, *et seq.*

Conditional Use: A use that, because of special requirements or characteristics, is not allowed in a particular zoning district as a right, and for which a Conditional Use Permit is required.

Consultant: An individual or firm with expertise in a field, hired by an Applicant or Owner, who provides professional advice or services such as surveying, engineering, or the preparation of environmental studies and documents.

Contractor Storage Yard: Storage yards, together with any incidental buildings and structures, operated by, or on behalf of, a contractor for storage of large equipment, vehicles, scrap metal for the repair or maintenance of the contractor’s equipment, or other materials commonly used in the individual contractor’s type of business.

Convalescent Home: Shall mean the same as "Rest Home".

Convenience Store: A retail establishment that provides a limited volume and variety of commonly consumed goods, typically has long open hours, and is conveniently situated.

Council: The City Council of any incorporated city in the County of Kings.

Dairy: The general term for an agricultural enterprise principally engaged in the production of milk.

Dairy Facility: That portion of a dairy which includes the corrals, barns, feed storage, milk barn, lagoons and other manure handling facilities, but not including associated crop land or dwellings.

Day Care: A facility, including a residence that provides day care for more than 14 individuals.

Day Care, In Home Family Day Care: Pursuant to Health and Safety Code Section 1596.78, and as modified below, in home day care means a home that regularly provides care, protection, and supervision for fourteen 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:** A home that provides family day care for nine to 14 children, inclusive, including children under the age of 10 years who reside at the home.
- b. **Small Family Day Care Home:** 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.

Density Bonus: An increase in the maximum number of residential dwelling units that are allowed on a site, granted to a developer in exchange for one or more concessions that constitute a specified public benefit.

Developer: Any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities that seeks County permits and approvals for development.

Development: Any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures, and/or the establishment of a new land use. “New Development” is any construction, or alteration of an existing structure or land use, after the effective date of this Development Code.



Salvage Yard: A site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards and the like; excepting a site on which uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this section.

Secondhand Store: A retail or wholesale business in which the largest portion of merchandise is pre-owned. This classification does not include pawnshops and the sale of secondhand motor vehicle parts or accessories.

School, Elementary, Junior High or High: Public and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State of California Board of Education.

School, Private: An institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non governmental organization.

School, Trade: Schools offering instruction primarily in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools and similar commercial establishments operated by non-governmental organizations.

~~**Second Dwelling Unit:** Means an attached or a 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. In a single family or multifamily residential zoning district a second unit may also include the following:~~

- ~~a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.~~
- ~~b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.~~

Service Station: An establishment which provides for the fueling and servicing of electric, hybrid and motor vehicles and operations incidental thereto, including:

- a. Retail sale of oil, tires, batteries and new accessories;
- b. Automobile washing, including mechanical car wash or steam cleaning;
- c. Incidental waxing and polishing;
- d. Tire changing and repairing, but not including recapping;
- e. Battery service, charging and replacement, but not including repair or rebuilding;
- f. Radiator cleaning and flushing, but not including repair or steam cleaning;
- g. Installation of minor accessories;
- h. Lubrication of motor vehicles;
- i. Brake adjustment, replacement of brake cylinders, brake fluid lines and brake shoes;
- j. The testing, adjustment and replacement of motor parts and accessories, not involving engine overhaul; and
- k. SMOG testing and reporting.

Setback: The minimum required distance that a building, structure, parking area or other development feature must be separated from the property /lot line, or other structure or development feature. Setbacks are established to ensure the provision of open areas around structures for visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; and space for privacy, landscaping, and recreation.

