

## Recommendations on Existing Zoning Code Problems

### Updated November 15, 2007

The following table identifies problems with the existing El Dorado County Zoning Code and recommendations for the updated zoning code.

<b>0. Text Problems w/Code Reference</b>	<b>Examples or Comments</b>	<b>Recommendation(s)</b>
<p><b>1.</b> Text is difficult to Navigate</p>	<p>Should have header/footer referencing section of code.</p> <p>Index lacking</p> <p>Info on web in PDF format cannot be easily searched</p> <p>Chapters and sections do not follow a logical order. It is necessary to use Table of Contents to find sections.</p> <p>RE-10 is Section 17.70 but RE-5 is 17.28.</p>	<p>Add headers and footers referencing code section.</p> <p>Add Index to address common queries and all words in glossary (using word processing software).</p> <p>Ensure that ZO digital information can be electronically searched by word or phrase</p> <p>Reformat Code based on recommendations from consultants, staff, logical progression, and APA journal.</p> <p>Consolidate zones into same section.</p>
<p><b>2.</b> Often language is archaic and misleading. Grammar and punctuation is not consistent, nor compliant with current common usage.</p>	<p>Commas often out of place, confusing whether one particular use is permitted or whether the subsequent list is permitted.</p> <p>Certain terms, fees, and procedures are cited, but have been superseded.</p> <p>Uses allowed by right in residential districts are the same; however, the code language is slightly different in each zone.</p>	<p>Establish new format to identify uses permitted in each zone. Use table format.</p> <p>Update definitions in new glossary. Leave fees out of code, but reference an adopted fee schedule.</p> <p>In conjunction with Zone Ordinance, determine ZO amendment procedures that clarify how superseded items will be removed. That is, internal Dept procedures that will supplement process-related text in the ZO and ensure the latest code text is on-line and available to public.</p> <p>Use new format to clarify uses in each zone, and be certain that superseded terms and conditions are removed from ZO when any new ordinance is approved by Board</p>
<p><b>3.</b> Code has not been interpreted consistently over time.</p>	<p>Various provisions are unclear. Planning has relied on a large series of changing, documented and undocumented) interpretations for over 20 years. The documented interpretations, and many of the</p>	<p>Documented interpretations will be reviewed and incorporated into the Code, as applicable.</p> <p>Log of zoning code problems will be started in order to track future problems and recommend solutions. Regular (annual?) code updates may be set up.</p>

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	<p>undocumented interpretations, are contained within this table.</p>	<p>List of ZO Adopted Ordinances to be included within Code and referenced in text (i.e. – Ordinance 4589, Section 2, 2001)</p>
<p><b>4.</b> Code includes different formats to identify permitted uses.</p>	<p>In the majority of the code, each zone lists uses allowed by right, by SUP, and occasionally prohibited uses. These are often linked to other zones by reference resulting in a complicated review process requiring a review of many other districts to determine the uses allowed in one zone.</p> <p>The Meyers Community Plan (17.58) utilizes a table format that identifies the uses allowed and the permits required, for all uses in all the zones. This format is shorter, clearer, and easier to use. It also is easier to amend and show relationships between uses allowed in the zones. Allows the depiction of gradual increases in intensities between districts. Allows users to search for zones that permit specific uses. (Example: What zone(s) allow auto sales?)</p> <p>Example of a use allowed in all single family districts, but not listed in any district: 2<sup>nd</sup> residential units are described in section 17.15. (Same for Temporary Mobile Home Provisions in 17.52.)</p>	<p>Reformat of code and use of tables to identify uses and permit types would improve clarity.</p> <p>The Meyers Community Plan uses such tables.</p> <p>These tables would include provisions for 2<sup>nd</sup> units (17.15) and other uses that are scattered in the code (primarily in the Miscellaneous Chapter 17.14).</p> <p>Optional: New separate sub-section to consolidate standard conditions for all “Assemblage of people for educational or entertainment purposes in a building or open area not otherwise approved for assemblage under this ordinance and including, but not limited to...” see the Tulare County ZO, Section 16 page 9). Whether the event involves concerts, weekly trainings, periodic wedding events etc in non-commercial area, it would all be addressed in one location in ZO because no matter the reason for congregation of more than a specified number of people such as 10 for multiple events (church, wedding venue, library, community center) the impacts related to noise, access, parking, are all similar. Like wineries and 2<sup>nd</sup> homes, this type of use should be addressed in one section. If a facility intends to include assemblages of people, they would spell out the intended use in an operational statement and on their site plan, with parking, restrooms, etc to meet their needs and mitigate neighborhood concerns.</p>
<p><b>5.</b> Improved intent and purpose sections so that County can make rational decisions when looking at use permits or new land uses in a</p>	<p>Currently no intent or purpose section for:  R1, R1A, R2, RM, RT, C, CP, I, AE, AP, MP, RF</p> <p>No easy method to compare similar districts. Uses by right, uses requiring SUP, and development standards are listed on separate pages of the code.</p>	<p>Add intent and purpose sections. Included relationship of residential, agricultural, and commercial intensities anticipated. This will provide distinctions between, for example, bed and breakfast lodging and employee housing which is less regulated by local land use agencies. Same with Travel Trailer/RV and Park Model Use as permanent residences (with rotating tenants) in campgrounds.</p>

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zone district.		
<p><b>6.</b> Change from “pyramid format;” hard to identify what uses are allowed by right or by use permit.</p>	<p>Permitted uses in one zone refer to another zone, that refers to another, and another...For example: Uses permitted by right in RT: “Any use allowed by right in RM.” RM refers to R2, R2 refers to R1. Industrial allows by right anything allowed by right or SUP in C zones. Requires staff to review up to six zone districts to explain what uses are allowed by right and by use permit in various zones.</p>	<p>Revised code format to a table or matrix format for permitted uses in each zone district that works in concert with the purpose and intent of each zone.</p> <p>Consider the “all inclusive” provisions, similar to existing Industrial where no matter what the use is that is permitted by right, if it creates noise, odor, or negatively affect neighbors that it is a violation of the intent of the Zone.</p>
<p><b>7.</b> References to definitions and important regulations from other County Code sections/Government Code.</p>	<p>Examples: References to chapter 15 (mobile home); References to chapter 6 (animals; kennel permits); ABC (winery); etc.</p> <p>Citations of GC and PRC sections in TPZ; PUC in AA;</p>	<p>Review code references and update definitions in glossary for consistency. Option: Keep list of needed cross references, and create a table for inclusion in ZO appendix.</p> <p>Appendix can contain brief summary of relevant aspect of referenced code.</p>
<p><b>8.</b> Definitions need to be improved.</p>	<p>No specific definitions for most commercial uses, but due to recent ordinance amendments, very specific definitions for wireless facilities, winery, and ranch marketing uses are in the code.</p> <p>Definition of accessory building is too loose. Large, dwelling type structures can be built under this definition and used for non-accessory and non-incidental uses</p>	<p>Update all definitions. Use professionally accepted guidelines for definitions such as those recommended by the APA (APA PAS report 421). Suggest tracking and indicating the source of each definition in order to track changes during County review and approval process.</p> <p>Regulations should not be part of the definition. Regulations should be in the body of the ordinance.</p> <p>Definitions to be consolidated in “Article 7.”</p>
<p><b>9.</b> General: Ordinance is old, amended an average of twice a year; contains archaic language from earliest zoning code.</p>	<p>Examples: 17.06.080/17.06.140 (described later)</p> <p>Original zoning code adopted in 1949, with significant update in 1969 and many amendments in early 1970’s. Current format and labeling system adopted in mid 1980’s but carried forth previous</p>	<p>Reformat and update code. Coordinate with County Counsel to see what historical versions County needs to keep in event of legal action and questions by landowners who believe they have been down zoned or otherwise economically damaged.</p>

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	terminology.	
<b>10.</b> 17.04 PD procedures are confusing.	<p>What is needed for a development plan? Is a preliminary development plan required to rezone to PD? What force and effect does it have?</p> <p>PD section is not in a logical order in the Code; should be in the land use permit section (currently 17.22). Is the PD a zone, permit or a process?</p>	<p>Clarify process for development plan including when PD overlay is being added without a project..</p> <p>Relocate PD process section to a “Planning Permit Processing Chapter” (Proposed Article 5). Have a separate section for PD zone standards such as open space provisions, density bonus rules, and mixed use options. Utilize PD ordinance provisions, as updated in the Public Comment Draft Zoning Ord.</p>
<b>11.</b> Definitions in 17.06. such as dwelling unit, accessory building, and guest house (listed separately below).	<p>Accessory buildings may contain bathrooms, wet bar, and other rooms that may appear to be a dwelling unit. Structures appear to be 2<sup>nd</sup> residential units, or primary dwellings, but have uses that are called out as “shop,” “recreation room,” or “pool house.” County impact fees, building codes, and zoning regulations often conflict. Regulations on accessory buildings are difficult to interpret and challenging to advise the public.</p>	<p>Identify clear definitions for accessory buildings and provisions for bathrooms and wetbars; prohibition of kitchens, use as rental or lodging, and whether the owner must reside on-site.</p> <p>Provide process for unique structures that may include a kitchen, but do not have bedrooms, etc. such as an “outdoor” kitchen, or a pool-house with a small kitchen/indoor BBQ.</p> <p>Coordinate the combined issues related to accessory structures and accessory uses with second unit issue with other departments regarding definitions, fees, and procedures. Use table to clarify similar and different residential types.</p>
<b>12.</b> 17.06 Guest House	<p>Definition of guest house is not located in 17.06 with the majority of definitions. It is located in a few of the residential zones, and often clarified as being 400 square feet and no kitchen, but not consistently.</p>	<p>Define guest house as 400 square feet, without kitchen for consistency. Or consider removal of guest house. What purpose does it serve? Include this in discussion of Item 11, above.</p> <p>Look into consistency in Tahoe basin: TRPA allows 640 sq. ft. accessory building vs. 400 sq. ft. guest house (where 2<sup>nd</sup> unit not allowed in TRPA lots of less than an acre.)</p>
<b>13.</b> 17.06 Building Coverage	<p>Needs definition to support “coverage” in development standards. Does it include pools? Walkways? Decks? Need to add new issue, distinguish from Impervious Lot Coverage which is, in part, a storm drainage/water quality issue.</p>	<p>Clarify coverage to include all structures as measured from the floor area, not eaves, and not to include pavement, etc. Note: TRPA/Tahoe would be regulated under separate provisions.</p>
<b>14.</b> 17.06 Building Height	<p>Building height definitions have two measurement criteria for two</p>	<p>Attempt to simplify height calculation provisions.</p>

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	<p>purposes. One is for maximum height; one is in relation to side yard setbacks. This is a very confusing section and difficult to apply to sloped parcels, especially for buildings complicated roof lines.</p>	<p>Remove side yard setback provisions regarding height for lots with 30 foot setbacks. Consider removing for others.</p> <p>Describe in more detail averaging options for height limitations.</p>
<p><b>15.</b> 17.06 Arena (horse)/ riding stables.</p>	<p>Could use new definition of arena to distinguish from agricultural structures that require setbacks from property lines. Arenas may not need building permits but need some clarification in zoning.</p>	<p>Add new definition or specific use regulation. Consider differentiation between private, public, and commercial riding stable/arena. Related to animal structures and stables. Consider potential impacts on neighbors and possibly increase setbacks unless there is no night lighting or sound system.</p>
<p><b>16.</b> 17.06 Animal Structure (stable, barn, feed lot)</p>	<p>No definitions in definition section, but used throughout code, seemingly interchangeably.</p>	<p>Add definitions and separate use section to clarify structures, uses, and development standards if applicable. See comment above.</p>
<p><b>17.</b> 17.06 Vacation Rental</p>	<p>Needs definition and cross reference to Chapter 5.56.060.</p> <p>Cross reference TRPA plan area statements: allowed uses.</p> <p>May need to refine the definition in conjunction with “family,” “dwelling unit,” or “single family dwelling” to clarify any differences between 30 day lease and day-to-day or week-to-week rental.</p>	<p>Add new definition; cross ref. to Chapter 5; evaluate provisions for West Slope; consider impact on housing availability, costs, economic impact and minimizing any impacts on neighbors. May be reviewed as a separate task after bulk of Zoning Code is updated. See comments on issues No. 11 and 12, above.</p> <p>Follow direction of any workshop on Vacation Rentals.</p>
<p><b>18.</b> 17.06 Vacation Rental ordinance</p>	<p>Board directed staff to develop a County wide vacation rental ordinance. Existing ordinance only affects Tahoe Basin and none has been developed for the west slope.</p> <p>Include Tax Collector’s Office on vacation rental ordinance; consistency between Tahoe Basin and west slope preferred.</p>	<p>Update ordinance, within context of other lodging types. Check whether Williamson Act lands can be used in this way.</p>
<p><b>19.</b> 17.06 General Definitions</p>	<p>All definitions need to be reviewed. Regulations should not be identified within definition. All definitions should be consolidated in one location, such as proposed Article 7.</p> <p>General Plan definitions do not</p>	<p>Update all definitions (see No. 11, above). Use professionally accepted guidelines for definitions such as those recommended by the APA (APA PAS report 421). Indicate source of each definition in order to track changes during update process.</p> <p>Update definitions to better coordinate with GP</p>

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	<p>match zoning definitions.</p> <p>Interim Guidelines have established newer definitions.</p> <p>Certain terms have no definition resulting in use of standard English dictionary definition that is not always the intended definition.</p>	<p>definitions, as viable.</p> <p>Cross reference definitions to the “Specific Use Regulations” if applicable.</p> <p>Start list of terms with unintended definitions and add appropriate definitions to ZO.</p>
<b>20.</b> 17.06.070 Districts – Designated	Needs to be revised to match revised zones	Update or remove obsolete provisions.
<b>21.</b> 17.06.080 Combining Zone “B Districts” and 17.06.140 “Index map...”	Archaic reference to a “B District” and Sectional District maps that needs to be removed or amended.	Remove irrelevant references.
<b>22.</b> 17.06.100 Boundary Determination	With GIS mapping, this provision on interpretation of Zone district boundaries should be amended.	Update provisions to address GIS mapping accuracy and potential drafting errors.
<b>23.</b> 17.06.130 Lake Tahoe drainage basin districts	Requires the prefix “T” in addition to zone districts for Tahoe. Requires the repeat of all zone districts in code. Should instead conform to the rest of the code by creation of a “-TB” or “-T” overlay zone.	Create –T overlay zone with the unique development standards in Tahoe such as: 4’ cantilever in front yard, No side yard increases for height, Lot size minimums, Minimum dwelling size standards.
<b>24.</b> 17.06.150 Agricultural Buffer Requirements	<p>Long standing interpretation on how to measure agricultural setbacks and buffer requirements for parcels that connect at a lot corner should be codified.</p> <p>Interim standards for agricultural setbacks needs to be formatted into the new zoning code, replacing this section</p>	<p>Integrate new Interim Standards into zoning ordinance.</p> <p>Identify Agricultural Zoning districts that result in Agricultural Setbacks</p>
<b>25.</b> 17.06.160 Family day care homes – permitted use	<p>Section is intended to describe lawful pre-emption by state regulations, but is hard to find and requires cross reference with other code provisions for clear understanding of what is allowed.</p> <p>Allows 14: see 1596.78</p>	Update code to cross reference with State Regulations concerning number of clients, and related local land use authority.

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<p><b>26.</b> 17.10 Amendments</p>	<p>No specific findings identified for a map or text rezone.</p>	<p>Add findings. S.B. Co. has three basic findings (ref. Sec. 35.325.5; pg. 514, Jan. 2005) Note: CA Planning and Zoning law considers rezones to be a legislative act which does not require findings like a SUP or Variance. However, findings are allowed. Consider using somewhat same findings as for SUP and Variance.</p>
<p><b>27.</b> 17.12 Enforcement provisions are old and need to be updated for current issues and trends.</p>	<p>17.12 uses archaic language and other provisions of the code could use clarity in code enforcement, penalty, and fine provisions to encourage compliance.</p> <p>Errors in issuance of permits should be described: procedure for permit revocation. What if discretionary conditions are not met? When and how do we conclude an administrative “estoppel” threshold? What other recourses can be included in Zone Ordinance enforcement section?</p>	<p>Incorporate previous comments from Code Enforcement on draft versions. Revisit Code Enforcement with each revised section. Discuss policy of code enforcement with PC and BOS and incorporate provisions in code. Consider naming anything out of compliance with ZO as a Nuisance, so Code Enforcement staff will not need to prove that a nuisance exists when landowner has too many animals on property, uses an RV as a permanent residence, excessive litter (solid waste) on property and other violations.</p>
<p><b>28.</b> 17.14 Miscellaneous - Very unorganized and hard to find information</p>	<p>Section contains some General Standards (lighting, setback exceptions), some specific standards (stables, motorcycle leasing), preemptions (utilities, water treatment), some procedural topics (design review/winery/wireless).</p>	<p>Reorganize code: Split provisions into Article 3 “development standards” and Article 4 “specific land uses.”</p>
<p><b>29.</b> 17.14 Front setback reduction for slope (17.14.020 and .030) unclear on implementation.</p>	<p>Dept. policy has been to require surveyor (or civil eng.) verification that topography qualifies for setback reduction.</p> <p>Could it be used for accessory structures like a pump house, or propane tank?</p> <p>Unclear whether .030 section could result in reduced side and rear yard setbacks, not just front, since the word “front” is never used.</p>	<p>Clarify setback exceptions and consolidate in one section. Expand provision to allow some accessory structures to utilize setback reduction. Allow side yard reductions but not rear yard reduction.</p>
<p><b>30.</b> 17.14 Setback (averaging)</p>	<p>Currently evaluated on a case by case basis. Unsure how many homes needed to qualify for</p>	<p>Clarify setback exceptions and consolidate in one section. See comment above.</p>

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<p>along developed roads needs implementation provisions (17.14.040)</p>	<p>averaging. Same side of street or both? Does it matter if existing encroaching homes are legal, illegal, or just nonconforming? Do garages equate to living space?</p>	<p>Note: garages, porches and other “unheated areas” are not generally considered living space by tax assessor or real estate industry. Coordinate with Building Official and Assessor office on this one.</p> <p>Consider special provisions for Tahoe area since this is where this provision is usually applicable too.</p>
<p><b>31. 17.14</b> Encroachments into required yards unclear and complex.</p>	<p>Section 17.14.050(A) terminology of “uncovered and unenclosed” conflicts with later listing of canopies, eaves and bay windows that by definition are covered or enclosed.</p> <p>Propane tanks may need more flexibility in Tahoe and snow country they need to be protected from snow buildup. Underground tanks are being used in areas since they cannot meet setbacks and remain accessible for deliveries. However, oversized propane tanks may need additional review (those over the normal 249/499 gallon).</p> <p>Pump/well house could be allowed, with limited size and height</p> <p>Deck setbacks need clarification.</p> <p>Pop outs?</p> <p>Chimney exemption is usually allowed even in 5 foot side yard easements.</p> <p>Pool, spas, and waterfall features, if over 30 inches tall are treated as structures. Pool equipment less than 30 inches is allowed in setback.</p> <p>Patio covers: is overhanging portion allowed in setback, but not any structural supports?</p>	<p>Clarify setback exceptions and consolidate in one section.</p> <p>Provide options as zoning update progresses.</p>

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	<p>Solid cover structures vs. open cover/trellis type (50 percent open); do same setback rules apply? What about freestanding trellis type structures?</p> <p>Clarify whether pool setback is five feet to waterline or outside of pool gunnite/structure</p>	
<p><b>32.</b> 17.14.060 Stable provisions unclear whether they supersede zone setbacks, definition of stable, whether other farm animals than horses are to be included in the one-acre minimum.</p>	<p>“Stable shall be located at least 30 feet from any building used for residential purposes.” (Accessory building? – Pool room? Game room? Garage? Guest house?) No horse (cow, pig, sheep?) shall be kept on a building site of less than one acre in any district.” (Some districts do not allow horses: R20,000)</p>	<p>Clarify setback exceptions and consolidate animal related standards in one section, and consolidate living area types (second units, etc) in another section.</p> <p>Revise provision or allow process for exceptions (minor use permit; etc.). Suggest public notice to neighbors even on minor exceptions due to community volatility of this issue.</p> <p>Clarify Zones that allow agricultural activities, structures, and under what provisions.</p>
<p><b>33.</b> 17.14.090 Interior Lot lines: unclear of its purpose in context with the rest of the code.</p>	<p>Seems to be an archaic code section. Zone districts allow zero lot lines, what does this provision mean?</p>	<p>Update or remove provision.</p>
<p><b>34.</b> 17.14.095 Mineral Resource development</p>	<p>Measure A initiative from 11/20/84. Still valid?</p>	<p>Update or remove provision.</p> <p>May need to leave alone. SMARA regulations may over-ride local authority.</p>
<p><b>35.</b> 17.14.100 Waste Water Treatment Plans</p>	<p>Not current with Environmental Health rules. May be obsolete or require amendment.</p>	<p>Update or remove provision.</p>
<p><b>36.</b> 17.14.110: Parcel size exception provisions</p>	<p>Unclear on remaining parcel size provision or govt. parcel sale procedures. COC required for remaining parcel or to disburse the govt. property?</p>	<p>Clarify with Subdivision Map Act and County Land Division Ordinance. Add information on Hillside Design standards for subdivisions on slopes that require larger parcel sizes.</p>
<p><b>37.</b> 17.14.120 Parcel size exceptions “Ten percent rule”</p>	<p>Zoning provision to allow reduced parcel size during a subdivision or parcel map applies to some zones, not others, and has obscure findings linked to 1979 tax roll.</p>	<p>Suggest simplification and expand to allow all parcels within “10%” be allow to subdivide; not just parcels from prior to 1979 or fractional division. Provide options during zoning update process.</p>

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<p><b>38.</b> 17.14.130 Architectural supervision</p>	<p>Procedural section that requires design review to Planning Commission for projects facing a state highway, but is unclear and easy to argue “facing” vs. adjacent, intervening road or railroad, etc.</p>	<p>Clarify requirement that adjacent is what triggers PC review. . Although some nearby commercial areas are adjacent, they cannot be seen from the highway while others are not adjacent but are clearly visible.</p>
<p><b>39.</b> 17.14.140 Zoning Permit</p>	<p>Archaic portion of code. To be amended or removed.</p>	<p>Clarify, amend or remove.</p>
<p><b>40.</b> 17.14.150 Height limit and exceptions</p>	<p>General Provision allows SUP for height exceptions for towers, flagpoles and chimneys. Out of place in code. Not easy to find.</p>	<p>Relocate provision. Note: New state law re: telecommunication towers went into effect Jan 1, 2007 that allows collocation as a use by right for adjacent towers. Need to incorporate into ZO.</p>
<p><b>41.</b> 17.14.155 Fence regulations</p>	<p>Complicated fencing provisions that change based on zoning, yards, location on corner lot, without clear provision for administration (no permits needed for fences) or enforcement. Requires notarized approval from neighbor for some fence provisions. Should have additional hearing process if neighbor declines.  Related to gate issue previously listed.  Related fences in right of way previously listed.  Fence height calculations with retaining walls should apply only if retaining wall faces adjacent property.  Planning Interpretations regulate retaining wall location and height, but not currently codified.</p>	<p>Try to clarify provisions. Consider removing neighbor consent provision, or modify to allow neighbor appeal of County decision to allow the construction of a 7-10 ft fence, and only under specific circumstances, such as when the fence actually impacts the neighboring property.  Retaining wall setbacks should be considered in the grading ordinance, since it has a site grade function in addition to a zone ordinance function as a fence, wall or landscape feature. Note: Walls over 4-feet must be designed by a licensed civil engineer. New Planning Director interpretation treats retaining walls like fences, including 50% reduction in front yard setback due to slope.  Clarify that gates are not allowed over roads without approved use permit. Gates on driveways (onsite gate for property owner) are allowed, but may need some standards such as minimum width and minimum setback from roads (30 foot standard from Fire Safe regulations).  Along with gates, clarify that no barrier (rocks, bollards, wood, speed bumps) are allowed in roads.</p>
<p><b>42.</b> 17.14.155 Fences in right of ways.</p>	<p>Field fencing, decorative fencing, sound walls are all existing or being constructed in road right-of-ways. Difficult to enforce. Dept. policy to only enforce if pedestrian or traffic problem or safety issue.</p>	<p>Consider standards for fences in right of ways and permit provision if necessary. Perhaps require that fences on corners be no more than 40” in height and/or more than 50% open. Consider including DOT in review for sight distance around corners, including vegetation that blocks sight distance.</p>
<p><b>43.</b> 17.14.155 Gates</p>	<p>Need to define permit process for gates. Current interpretation requires a SUP for a gate across a</p>	<p>Provide clear permit process for gates. Include clear direction on exempt gates and prohibited gates. Add standard condition that gated communities</p>

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	road. No special permits for gates on driveways. No gates on County roads or roads with an IOD. Subdivisions can be approved with gates.	need to have a way for emergency vehicles to easily access gate in event of fire or medical emergency.
<b>44.</b> 17.14.160 Recycling collection facilities	Needs clarification of what zones this is permitted. (Allowed in Industrial?– not listed.)	Clarify where and how permitted. Distinguish between transfer station and other solid waste facilities which are defined by and must be licensed by state solid waste board.
<b>45.</b> 17.14.170 Outdoor lighting: requires light plan and standards	Text and exhibits inconsistent “property line” vs. “Zone Boundary”  Porch lights made illegal.  Minor lighting complaints resulting.  Commercial lighting brightness not addressed.  Sign brightness not addressed.	Improve definitions, clarify intent, and regulatory provisions. PC workshop on lighting held in 2005.  Standards, such as pole height, lumens, volts, etc. could be integrated to clarify permitted lights and contents of lighting plans required with non-residential development.  Revisions to sign ordinance and lighting ordinance will address sign and commercial brightness.
<b>46.</b> 17.14.180 Ranch Marketing	Updates to Ranch Marketing ordinance needs to be integrated into new code.  General concerns have been raised when new agricultural zoning is established, that traffic and noise impacts from certain events, or a large volume of events, would be detrimental to neighbors.  Some historical ranch marketing facilities have evolved into facilities that are more like full time restaurants, grocery stores, and special events facilities. In some cases causing impacts to neighboring parcels, but also generating a fairness issue in relation with other ranch marketing facilities.	Possible updated ordinance would address certain parking, noise, and traffic impacts adjacent to residential uses.  Should consider potential for General Plan Amendment and Rezone for some existing facilities that are more like Commercial establishments.  Consider a new baseline for these uses so they cannot continue to evolve into even bigger operations if there could be increased impacts to neighbors.  Consider development standards for setbacks, parking, and noise events, such as standards setbacks, buffer requirements, and/or hours of operation.  Work with Agricultural Dept. and Apple Hill growers for additional recommendations on provisions for Ranch Marketing.
<b>47.</b> 17.14.190 Wineries	Requires 20 acres for winery in one section, and then allows a winery on 10 acres through site plan review.	Unlimited special events have generated regular concern from neighbors of rezone applications to agricultural zones. Simple regulation of maximum capacity and maximum number of events could

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	<p>Allows unlimited Special events under 250 persons.</p> <p>Is amplified music allowed?</p> <p>Updates to Winery ordinance needs to be integrated into new code.</p> <p>Rezoning to Agricultural Zones becoming controversial due to 200 foot agricultural setback and potential for ranch marketing and winery uses allowed by right.</p> <p>Winery, tasting, sales may be allowed when grapes are planted.</p> <p>Splitting an AE parcel was complicated because of potential traffic from each parcel's potential for winery/ranch marketing and accessory uses. Significant road improvement conditions were contemplated.</p>	<p>resolve the "unlimited" issue.</p> <p>The AP zone, requiring a SUP for a winery and tasting facility, was created in 2003 due to concerns of a winery on private road in an RE-10 zone rural subdivision (in Fair Play Ag District).</p> <p>Related issue to the 200 foot agricultural buffer setback. New Ag zones are being established, but provisions could be added to remove or reduce the setback on a case by case basis. The BOS has already initiated this action on a couple of cases (one TPZ near Pollock, one AE zone at Mt. Aukum/Omo Ranch Road, also others).</p> <p>Review possibility of establishing a provision that would allow improvements to roads for potential future winery/accessory uses after a map or rezone is completed. This may be related to special setback provisions and allowances for exceptions to be established when new zoning is established.</p> <p>Clarifications to some definitions: regarding food services, need for commercial kitchen.</p>
<p><b>48. 17.14.200</b>  <b>Communication</b>  <b>Facilities</b></p>	<p>Does not seem to encourage co-locations; new tower proposals are the norm, although they are usually mono-pine. Move mono-pine towers of a certain size to an administrative or ZA permit?</p> <p>Review recent legislation (SB1627) signed Sept. 29, 2006, effective January 1, 2007. May pre-empt some co-location permit review.</p> <p>Amateur radio station regulation needs to be consistent with law 65850.3.</p> <p>Could be interpreted to apply to residential TV/satellite/internet antennae and dishes.</p> <p>Setbacks to property lines are</p>	<p>Monopine (as well as other types of standard "stealth" towers or camouflaged with certain development standards) could be approved by the ZA based on applicants providing maps of nearby towers and coverage (existing and proposed) that demonstrates need for any additional towers.</p> <p>Setbacks should equal height of tower or minimum zone standards, which ever is more strict. SUP could allow variations based on specific criteria, such as development potential on the adjacent lot, reduce setback adjacent to TPZ or agricultural zoned land, or for co-locations.</p> <p>New state law re: telecommunication towers went into effect Jan 1, 2007 that allows collocation as a use by right for same <b>and adjacent</b> towers. Need to incorporate into ZO, possibly with local limitations.</p> <p>Note: The industry is changing due to increased consumer desire for wireless operations, even in</p>

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	<p>currently set at the minimum setbacks in the zone district. Setback equivalent to height of tower may be more logical.</p> <p>IT Department may have suggestions for ordinance. (Contact Tom Straling.)</p>	<p>residential areas. This will likely mean more, but shorter, towers in residential areas.</p> <p>Note: Received recent inquiries for systems to use hundreds of small receiver/transmitters both in public right-of-ways and on private property to provide wireless coverage for entire areas. These may be addressed separately, such as in a franchise agreement and/or a single use permit for multiple sites.</p>
<p><b>49. 17.15</b>  <b>Second Residential Units</b></p>	<p>Maximum size and measurements subject to Planning interpretations. Need to be clearer in code. 2<sup>nd</sup> unit ordinance handout includes one-page of development standards.</p> <p>What size garage can be attached? Right now, no limit.</p> <p>Related to accessory structure definitions. Many accessory buildings being developed, and designed without (or required to remove) kitchen facilities to get around 2<sup>nd</sup> unit provisions (and fees). Suggest limitation on wet bar standards (see TRPA regulations) or full bath vs. half-bath provisions to limit abuse of the accessory building allowances.</p> <p>Public and staff have a difficult time understanding this section.</p> <p>2<sup>nd</sup> unit first? Conversion of large unit to 2<sup>nd</sup> unit? 2<sup>nd</sup> unit and a guest house? Permanent or temporary foundation?</p> <p>Is a Notice of Restriction required?</p> <p>Difficult to enforce provision that property owner must live in one unit and not rent both. Is there a real purpose for that provision?</p>	<p>Codify development standards for “measurement rules” etc.</p> <p>Historically allowed 2<sup>nd</sup> unit in WAC, but only on same parcel as primary dwelling. Not necessarily consistent with WAC without SUP.</p> <p>Discuss options regarding the limitation on the size of living space, but unlimited garage size:</p> <p>Limit the entire structure to 1600 square feet: 1200 sq. ft. living, 400 sq. ft. garage.</p> <p>Another option to simply increase the size (such as to 1500 or 1600 sq. ft.) but don’t differentiate between living space, storage, garage, etc.</p> <p>Keep status quo: no limit to garage size, only limitation is 1200 square feet of living space.</p>

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	<p>Clarify if 2<sup>nd</sup> unit is allowed in a Williamson Act Contract.</p>	
<p><b>50. 17.16 Signs</b></p>	<p>Sign number and size allowed unclear. Other sign provisions are within individual zone district's "permissible uses" and "development standards" sections.</p> <p>Provide illustration of how to measure sign size (sign face vs. overall sign size) and limitations on unnecessary additions (beyond architectural features – such as giant chicken, giant donut, giant tire, etc.) or oversized areas used to attract attention or posting of unauthorized billboards, banners, posters, etc.</p> <p>Message Center provisions or prohibition need to be created. (LED standards. Consistent with CALTRANS standards?)</p> <p>Off-site signs not clearly regulated except by SUP.</p> <p>What constitutes official exempt signs: Kiwanis/Lions/community service emblems? How is an official exempt sign determined?</p> <p>Preemptions for sale of property; directions to property on property owned by another, with consent (not in right-of-way) Civil Code §713</p> <p>"Entry monument signs" need clarification as to setback, definition.</p> <p>Use of temporary signs, balloons, banners, pennants as signs. Need definitions of signs allowed, allowed by TUP/SUP.</p>	<p>PC workshop held 1/11/07.</p> <p>Clarify sign size criteria; add definitions and diagrams of signs.</p> <p>Coordinate with County Counsel re: "content neutral" First Amendment aspects of sign ordinances.</p>

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	<p>Signage permitted at bus stops by interpretation.</p> <p>Flag poles and advertising flags should be covered (size, height, and location)</p>	
<p><b>51. 17.18</b>  <b>Parking and loading and Landscape standards</b></p>	<p>Landscape standards are in the Parking ordinance, at the end; hard to find and only are required in conjunction with parking.</p> <p>Loading standards need flexibility.</p> <p>Shared parking provisions needed.</p> <p>Clarification of use types and parking ratios need updating.</p> <p>Driveway standards need to dovetail with Design and Improvement Standards Manual.</p> <p>Compliance with current (and changing) ADA requirements.</p> <p>Tandem parking (Review restriction or remove for SFD?)</p> <p>Bus stop/turnout standards needed.</p> <p>Landscape buffer between two or more adjacent parcels designed as a single project interpreted to not need the minimum 5 foot landscape buffer.</p> <p>Landscape medians should be required to provide shade and break up large rows of parking stalls.</p> <p>Parking stall depth dimensions call out 18 feet and 19 feet: inconsistent.</p> <p>Need subdivision model home parking requirement (and landscape</p>	<p>PC workshop on 1/11/07.</p> <p>Include irrigation and water conservation aspects of landscape standards.</p> <p>Include grading and drainage aspects of landscape design, such as use of planted buffers to filter pollutants and allow irrigation water to seep into ground.</p> <p>Are compact car spaces to be encouraged, included, or reduced?</p> <p>Are solar panels on top of parking structures to provide shade and also generate power to be encouraged?</p> <p>Develop an appendix for landscape design standards.</p>

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	<p>requirement – 17.28.020(J))</p> <p>Need standard for trash enclosures: number, location, access, fence/wall/landscape screening.</p>	
<p><b>52.</b> 17.18  Parking standards are primarily in 17.18, but also in the development standards of some zones</p>	<p>17.04.100 (PD) and 17.34 (I); PD parking conflicts with apartment parking, confounding certain condominium conversion projects.</p> <p>Loading zone for smaller buildings sometimes unnecessary.</p> <p>Consider oversize vehicle parking (delivery truck, vehicle towing trailers or boats, RV’s) based on use, size of lot, proximity to recreational areas.</p>	<p>Update. Provide options and flexibility. Consider workshop on Parking results when updating parking section.</p>
<p><b>53.</b> 17.19  Missouri Flat Planning Cost Reimbursement</p>	<p>Unusual provision to be codified, in awkward location in code. No zoning issues, this is a fee program.</p>	<p>Consider removal to separate all fees from ZO or include in an appendix.</p>
<p><b>54.</b> 17.20  Nonconforming uses</p>	<p>Expansion, rebuild, and expiration of nonconforming uses and structures needs clarification</p> <p>Interpretations currently allow residential structure or use in C or I zones to be rebuilt, but meet setbacks, parking requirements; clarification of “value” and “termination.” Exceptions are often allowed to build within “the footprint.”</p> <p>Should be clear for “burn down letters” and should include provisions for residential expansion in commercial districts.</p> <p>In general, one of the most difficult sections to understand and may have legal implications on its application.</p> <p>Comply with 65852.25 for non</p>	<p>Update provisions; discuss policy options.</p> <p>Consult with legal counsel and or consultants.</p>

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	conforming multi-family housing.	
<p><b>55. 17.22 Land use permit procedures</b></p>	<p>Minor Use Permit “discretionary” but ministerial for CEQA purposes is a conflict.</p> <p>Administrative Relief/Waiver provision never used. Requires neighbor sign off, but does not provide a reasonable hearing process (requires variance instead).</p> <p>Permit application time limits would be useful: suggest a one year period to make an application complete; or one year for project action, or application expires. Allow 6 month extensions by Director (maximum of one or two).</p> <p>Site Plan Review is used for a multitude of permit processes including building permits.</p> <p>Special Use Permit Procedures need to be fully reviewed. Possibly use 3 levels of review and approval: 1) Admin SUPs such as second units; 2) Zone Admin SUPs such as arena for personal use and very minor commercial use; 3) PC for most intensive SUPs.</p>	<p>Update provisions. Clarify required findings.</p> <p>Prepare standardized admin relief/ waiver/ variance and appeal processes, to extent possible.</p> <p>Permit time limits, extensions need to clarify time limits for multi-phased projects, when time lines start, end, and get extended.</p> <p>Recognize that site plan review application requirements (and maybe or maybe not site plan review/approval procedures) should be standardized for this multitude of processes so that all County requirements are met. For example, building permit site plans, also called plot plans, should probably now include riparian setbacks, topo to identify 30% slopes and ridgelines, access and other easements, etc.</p> <p>Operational aspects of an SUP construction and use not clearly described in application. This would help reviewers distinguish between small churches and mega-churches. Each approved SUP to have an associated #1) site plan; #2) text clearly describing operation that can be used for assessing impacts in IS/ND; and 3) resolution of approval that requires changes to #1 and #2 requires review and possibly a revised application.</p>
<p><b>56. 17.23 Temporary use Permits</b></p>	<p>TUP section appears to contradict other zoning limitations and does not cross reference other county code provisions (for example: 5.32 music concerts).</p> <p>Itinerant businesses need clarification.</p> <p>Needs a purpose and intent section</p> <p>Construction trailers need clarification.</p>	<p>Clear up conflicts.</p> <p>Provide options for certain itinerant businesses.</p> <p>Update.</p>

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	<p>Time limits are provided for some uses that are not listed as allowed in any zone.</p> <p>Bond amounts appear unnecessary and burdensome.</p> <p>Model Homes in subdivisions: timing for model homes construction in relation to subdivision improvements.</p> <p>Only provision for signs is grand opening. Should have additional provisions and guidelines for other temporary signage.</p> <p>“Similar Temporary Uses” as determined by Director, needs clarification as to purpose, intent, and limitations.</p> <p>Should allow temporary cell tower on wheels (COW).</p> <p>Could we allow by TUP car/boat show on R&amp;D?</p>	
<p><b>57.</b> 17.25 Flood damage prevention ordinance</p>	<p>Need to bring ordinance up to current FEMA regulations.</p> <p>Substantial Improvement documentation is modeled on FEMA standards, but could be codified or more formally reviewed and implemented.</p>	<p>Update. Check with FEMA on current regulations.</p>
<p><b>58.</b> 17.26 “U” Unclassified District</p>	<p>This district is archaic and needs to be replaced by standard zone districts. Development standards rarely match the General Plan designation.</p>	<p>Suggest removal of U District – replace with closest applicable zone.</p>
<p><b>59.</b> 17.28 (all) Residential and Home Occupation</p>	<p>Same provisions for home occupations are constant through the code. However, use of employees, traffic, commercial vehicles, noise, and other issues continue to be contentious.</p>	<p>Review PC workshops. Consider options for employees and accessory buildings. Suggest alternatives that may lend themselves to economic development, yet are compatible with and minimize impacts to a neighborhood.</p>

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	<p>Additional permit process may be needed, as well as restricting certain occupations to certain zones. Difficult to administer or modify under current zoning code format.</p> <p>Special Use Permit requirements need clarification. Maybe allow administrative permit for use of small accessory building or garage.</p> <p>Common complaints of late night use of log trucks, tow trucks, and other heavy, noisy vehicles for some home occupations.</p> <p>Storage of material or heavy equipment common complaint.</p> <p>Many existing home businesses, that utilize employees, detached buildings, create occasional noise, have operated for years without complaint, or impact on neighbors, but are illegal. Suggest development standards: setbacks, hours of operation: 7 a.m. to 7 p.m.</p> <p>Economic element of General Plan includes policies to encourage home occupations based on establishing standards in the Zoning Ordinance.</p>	<p>A minor use permit process should be created that is a relatively short and inexpensive process for uses that are clearly not a problem.</p> <p>Some development standards would likely help minimize impacts, and define limits of the use so that once the business grows to a certain level, it must be relocated to a more appropriate zone. Use should be monitored in conjunction with annual business permit; may involve amortization of use.</p> <p>Home Occupation contractor's storage yards should also be addressed in ZO (either by right or by SUP). Specific standards should identify when it is appropriate and inappropriate in various zones. For example, large rural parcels can accommodate some storage, but smaller urban parcels cannot. No on-street storage of vehicles, No storage of materials above height of fence or otherwise visible by others.</p> <p>Clarify limitation on commercial vehicles by homeowner and potential employees. Consider limitation of vehicles in certain zones. (Example: no more than 5 cars parked outdoors in R1, without a use permit. OR: limit where cars can be parked in R1 zone: the driveway or designated parking areas only, not in designated yards (front/side/rear). This can be limited to Home Occupations (by right or by SUP) or expanded to certain zones.</p>
<p><b>60.</b> 17.28 Residential and Guest House (also under definition section 17.06)</p>	<p>Guest houses are sometimes allowed, sometimes limited to 400 square feet, sometimes it is stated that it cannot have a kitchen.</p> <p>Is guest house allowed in R1, RT, R2, and RM?</p>	<p>Clarify definition, regulation, and zone districts. Consider codification of interpretation by Planning Deputy Director, Larry Appel memo dated 1/29/07</p> <p>Note: SB County has some specific standards that appeared useful.</p>
<p><b>61.</b> 17.28.210 (H) RE-5 setback adjacent to PA</p>	<p>Odd provision in development standards for additional setback from PA zone land. Difficult to find in code and may be inconsistent with 17.06 Agricultural Buffer setbacks.</p>	<p>Remove provision officially.</p>

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<p><b>62.</b> 17.28 (all) Residential Districts and Real Estate Sales Trailer</p>	<p>Same provisions for a “sales trailer” in a subdivision, including nine requirements, repeated in each zone. Should be consolidated in another format, and just cross referenced in each zone.</p>	<p>Replace with section in Specific Use article, which might include standard conditions for each specific use.</p>
<p><b>63.</b> 17.28 (all) Residential Districts and agricultural structure setbacks</p>	<p>Various residential zones include unique setbacks for agricultural structures, with no clear purpose or delineation (R3A – not mentioned).  Where are stables allowed? What setbacks apply?</p>	<p>Update code with a logical progression of setback standards. Clarify structures and uses in each zone related to agricultural (and similar) structures. Consider odor, vector and noise issues in determining land use setbacks. Manure stockpiling and spreading should also be addressed.</p>
<p><b>64.</b> 17.28 (all) Residential Districts</p>	<p>Current interpretation prohibits slaughtering of livestock; need clarification of “commercial” vs. incidental home use/ cultural event (Mediterranean cultures and lamb; Thanksgiving goose/turkey; provisions for mobile slaughtering services; 4H, accessory agricultural uses).  Needs clarification of public library in R zones (R1) by right or SUP.  School zoning provisions of 65852.9</p>	<p>Clarify. Use table or matrix.  Libraries and other public and quasi-public uses such as community centers, church with recreational facilities, private schools, etc. should be addressed at same time.</p>
<p><b>65.</b> 17.30 (all) Residential Agricultural Districts</p>	<p>Uses allowed by SUP are too wide open: “All other buildings, structures, signs, uses or expansion thereof.”  Appears to be identical to RE-5/RE-10 zones but may actually be more agriculturally driven. Need to define purpose and intent.</p>	<p>Remove wide open uses by SUP. Determine whether zones and properties are more residential or agricultural. Zone may be replaced with RE, AG or other zone.</p>
<p><b>66.</b> 17.32 (all) Commercial Districts</p>	<p>“Uses” need definitions.  What is allowed in a service station? What level of auto repair? When is a gas station allowed?  When is outdoor display allowed? (When is a SUP required?)</p>	<p>Clarify uses in table form. Clarify use regulations in separate chapter.  Make determination of the type of commercial to be allowed and encouraged within each C district.  Mobile food vendors (which are also regulated by EH through an annual permit) should be addressed separately from Commercial section. Suggest that</p>

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	<p>“(New and) used retail” allowed?</p> <p>When and how are dwellings allowed? Explain density development standard.</p> <p>Difficult to compare uses and development standards between districts.</p> <p>CG lists 89 uses; C, CP, CPO do not, but many similar uses are allowed in those districts, making distinction between similar uses difficult.</p> <p>Uses like drive through business, quick lubes, appear to be allowed in all zones. Maybe not CPO. By right/by SUP</p> <p>Need definition of mini-warehousing, where allowed.</p> <p>Need definition of unenclosed vehicle and sales lots and mobile home display and sales lots.</p>	<p>Mobile Food Trailers not be allowed on any property for longer than 1 hour.</p> <p>Need provision and clarification for Outdoor Seating at restaurant. Location, size, fencing, parking. ABC license issues. Noise/safety from roadways, parking areas.</p> <p>Need clarification of permits required for temporary uses: temporary food carts, temporary sales: candy, flowers, crafts; longer term facilities: temporary offices, restrooms (maybe during construction or to facilitate employee hiring, advertising); semi-permanent food carts or coffee stands on wheels or portable.</p> <p>Provisions for mixed use need to be developed. Ratio of commercial to residential, variations to development standards, see other jurisdictions recent mixed use provisions, such as Rancho Cordova.</p>
<p><b>67. 17.34</b> Industrial</p>	<p>Allows any use allowed by right or SUP in C; then allows any use allowed by SUP in A. Does not seem to be logical. Difficult to evaluate uses allowed.</p> <p>Caretaker dwelling provisions should have findings for temporary vs. permanent dwellings.</p>	<p>Clarify uses in table form. Specify use regulations in separate chapter. Remove “pyramid” zoning from ZO.</p>
<p><b>68. 17.35</b> Research and Development</p>	<p>Allowed uses: Churches, schools, Theater, Gyms, laser tag, fire station, wine storage,</p> <p>The R&amp;D zone in EDH includes a –DC overlay, but is superseded in 17.74 by an exception provision; not very obvious.</p> <p>Building coverage/development</p>	<p>Clarify uses in table form. Specify use regulations in separate chapter.</p> <p>Clear out obsolete provisions.</p> <p>Consider removal of –DC overlay and modify DR exception provision.</p> <p>17.35.030(D).4.b should read “Parking Spaces --- Area to be shaded” instead of “Parking Spaces</p>

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	<p>standards associated with urban area is obsolete.</p> <p>Includes distinct landscaping and setback provisions.</p> <p>17.35.030(D)1 appears to mix and match setback requirement terminology: uses setback from “property line” as well as setback from “street right-of-way.” These are the same in the EDH business park where R&amp;D is located, but should be changed to be consistent.</p>	<p>Required Area to be Landscaped.</p> <p>Standards for mini-warehousing uses should be identified: limitation on rollup doors, coverage, outdoor storage, etc.</p>
<p><b>69.</b> 17.36 Agricultural Districts (A zoning, not General Plan Ag Districts)</p>	<p>Uses too similar to Residential districts; unique setbacks from agricultural zoned lands, referencing 1983 ordinance, no longer in effect.</p> <p>Repeated provision of non-compatible uses should be reformatted to remove redundancy and refer to new GP Policy and administrative relief provisions.</p>	<p>Clarify Purpose and Intent sections.</p> <p>Reformat non-conforming portion.</p> <p>Add new Ag zones as directed by GP.</p>
<p><b>70.</b> 17.36.060 AE district</p>	<p>One dwelling within each Preserve is difficult to regulate.</p> <p>Obsolete reference to ZA approval for a mobile home.</p>	<p>Update; clarify dwelling unit provisions, including 2<sup>nd</sup> unit.</p>
<p><b>71.</b> 17.36.31 AP District</p>	<p>District invented as alternative Williamson Act Contract Zoning that does not allow winery or ranch marketing by right;</p>	<p>Update like AE. Consider alternative new zones for use as WAC consistent zones.</p>
<p><b>72.</b> 17.38 AA District</p>	<p>Only established as a district around the Placerville Airport. Actually should be modified to be an overlay zone only, as applied in approach zones, and in Cameron Park zones 1, 2, and 3.</p> <p>Clarification of effect on 2<sup>nd</sup> residential units not cross referenced in 2<sup>nd</sup> unit section.</p> <p>Noise attenuation measures need</p>	<p>Consider removal or conversion to an Overlay Zone. Treat all airport areas the same. What about South Lake Tahoe Airport in addition to Placerville and Cameron Park?</p>

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	clarification.	
<b>73.</b> 17.48 Recreational Facilities District	Requires SUP for most uses. Minimum lot area and density need logical justification.	GP requires an intensive RF zone and a non- intensive RF zone.
<b>74.</b> 17.52 Mobile Homes	Are they allowed in AE or AP Zones?  Setbacks needed for construction yard coach? (no) Temp while building a SFD? (yes) Construction trailer provision appear to conflict between 17.52.020(C) and 17.23.020(A)2  Review dead storage permit process: 15.64.060 Currently allows indefinite “dead storage” of unoccupied mobile homes in residential districts – suggest time limit to remove.  TMA in agricultural zones should go to Ag Commission.  Do we need to tighten up TMA regulations for size, use, and timing? Conditions?  TMA application currently requires Notarized forms for an NOR, etc. Applicants often complain of this requirement; renewal procedure may/may not require another Notarized statement. This requirement should be clarified in the Code.	Clarify provisions in WAC lands.  Clarify development standards.  Review dead storage provisions.  Require TMA to be reviewed by Ag Commission when in or adjacent to Ag Districts or Ag Zones.  Review TMA provisions.  Consider deed restriction instead of notarized documents. County Counsel has reviewed the NOR policies and practices of Planning and has some criticism of our use of NORs. Many are not truly recordable documents. May need additional County Counsel advice on the TMA provisions.
<b>75.</b> 17.54 Tahoe Districts (TR1, etc.)	What would work better: Keep the status quo (practically duplicate zones for Tahoe), or create overlay zone? Development standards are needed since TRPA plan area statements do not have setbacks.	See Tahoe Districts below.
<b>76.</b> Tahoe Districts	Review for conflicts between TRPA Plan Area Statements, Zoning, and	Consider -T overlay zone with development standards to replace all current T(R1, etc.) zones.

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	<p>existing condition: definitions, development standards and procedures.</p> <p><b>TRPA Code of Ordinances</b></p> <p>Chapter 2, Definitions: See wet bar definition and other definitions of interest. Such as:          Section 18.2.F Living Area Associated with Residential Accessory Structures.</p> <p>Deferral to TRPA Land Coverage standards instead of County zoning development standards that require maximum lot coverage. TRPA land coverage standards include Chapters 20 and 37 of TRPA Code. Codification of Tahoe Basin agricultural setback requirements, versus west slope agricultural setback requirements. Deferral to TRPA Heights Standards instead of County zoning development standards that require a maximum building height (Chapter 22 of TRPA Code.)</p>	<p>Include development standards consistent with TRPA Code of Ordinance.</p> <p>Development standards include:</p> <p>4 ft. cantilever over driveway, into frontyard setback.</p> <p>No side yard setback increase due to building height.</p> <p>Different lot size minimums than west slope.</p> <p>Minimum size of dwelling unit standards varies from west slope.</p> <p>Need to research / report upon TRPA code, in order to determine what EDC code to keep and what to defer to TRPA.</p>
<p><b>77.</b> 17.70. RE-10 (location)</p>	<p>Located in 17.70 (p237) when logically it should follow RE-5 17.28. (p 111). Need to reorganize section location and clarify intent and purpose related to RE-5.</p>	<p>Revise format and RE-10 location.</p>
<p><b>78.</b> 17.70. CN zoning (17.70).</p>	<p>Not used. Need to delete or revise.</p>	<p>Delete.</p>
<p><b>79.</b> Specific uses: Farm animals</p>	<p>Clarify what zones allow farm animals, number of animals allowed, and what constitutes a farm animal vs. domestic pet, vs. exotic animal.</p>	<p>Follow Animal Keeping workshop (not currently scheduled). Not many “farm” animals anymore. Rename “agricultural use of animals” or other...          Note: Homing Pigeon provision in state law: 65852.6</p>
<p><b>80.</b> 17.74 Design Review</p>	<p>Needs clarification of exempt activities.</p> <p>Need to rezone the R&amp;D areas to remove the DC overlay and remove that exception from the code.</p>	<p>Discuss with Planning and PC options and recommendations to streamline and clarify DR process by combining this review with other processes?</p> <p>Delete DC in the EDH business park.</p>

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	<p>Without careful reading of the code, it appears that a design review is required in R&amp;D.</p> <p>Consideration to modify Design Review to limit review to design and architectural styles/guidelines. Streamline process needed.</p>	
<b>81. Administrative relief</b>	<p>Need better provisions for Director to allow administrative relief. Develop substantial conformance findings. Possible public notice, due process, appeals hearing.</p>	<p>Update current administrative relief provisions. Allow flexibility through more appropriate findings.</p>
<b>82. Agricultural Housing</b>	<p>Not clear where prohibited, allowed by SUP, and under what provisions. (Meeting agricultural preserve criteria or not?)</p>	<p>Clarify Zones that would allow the use and potential development standards (under Caretaker, Ag Labor and employee housing).</p>
<b>83. Use of RV as a TMP</b>	<p>Current interpretation is yes – but for one year term with only one one-year extension available.</p>	<p>Include provision in Code. Review options during update process: remove or modify.</p>
<b>84. “Inspection” of inspection exempt barns</b>	<p>No inspections have resulted in problems with location and future conversions.</p> <p>Can they be allowed in non-agricultural zones? As a first structure?</p>	<p>Consider development standards under accessory structure provisions. May need revision to Chapter 15, where provision is located.</p>
<b>85. Accessory buildings</b>	<p>Allowed prior to main dwelling? Current interpretation allows garage constructed prior to main dwelling, as long as lot has issued permit for SFD.</p>	<p>Clarify in accessory structure provisions.</p>
<b>86. BLA (Boundary Line Adjustment)</b>	<p>Current interpretation allows BLA on non-conforming parcel (sizes); but not making the non-conforming situation worse, and/or if the BLA would not result in allowing a future subdivision of one of the parcels.</p> <p>No expiration date.</p> <p>BLA appeal process needs to be codified:</p> <p>No BLA section in current</p>	<p>Provide a BLA section in Zoning Code.</p> <p>May require revisions to Chapter 16 where provision is currently located.</p> <p>Simplify BLA process. Clarify findings associated with substandard parcel sizes (in relation to Zoning as well as General Plan).</p> <p>BOS doesn’t want to hear BLA appeals. Provide in-house appeal process from Deputy Director to DSD Director.</p> <p>BLA approvals should have expiration (1 year, for</p>

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	<p>ordinance. 1999 Draft section allows Zone Boundary “clean up” for parcels with multiple zone districts.</p> <p>IODs for roads need to be addressed.</p>	<p>example).</p> <p>Clarify what General Plan policies are applicable to BLA’s. Primarily those affecting parcel sizes (buffers, setbacks).</p>
<p><b>87. River Use and Campgrounds</b></p>	<p>Current interpretation allows sale of T-shirts and souvenirs as an accessory use. Should be codified.</p> <p>Campgrounds in EDC seem to be intensifying use to year-road and more permanent.</p>	<p>Include in development standards. See comments in #56.</p>
<p><b>88. Boarding Horses</b></p>	<p>Many versions of interpretations have evolved to define what zones allow boarding, what constitutes “commercial” boarding, and what type of training, schooling, shows are permitted. Often conflicts with surrounding residential or agricultural uses. Development standards could be created to minimize impacts such as setbacks or maximum number of animals per acre.</p> <p>Code enforcement has trouble enforcing some cases due to the loose definition of feed lots and the range and intensity of cattle/horse/other activities. RE-5 and RE-10 zones generally have most conflicts since they allow “raising and grazing.</p>	<p>Follow Animal Keeping workshops. Development standards may be needed regarding Animal Raising and Keeping (new topic in admin draft zoning ordinance.)</p> <p>See also #15 Arena.</p> <p>Review Code Enforcement cases with excessive animal populations in RE zones. Review potential well contamination, smell, flies; grandfathering; agricultural activities in RE zones with employees; farming vs. ranching (animals) provisions.</p>
<p><b>89. Easements:</b></p>	<p>What is allowed in easements? Specifically related to retaining walls, pools, pool equipment, landscape features such as waterfalls, underground conduits (water, power). Currently permitted are stackable/gravity walls lower than 36 inches.</p> <p>Different rules for utility easements vs. drainage easements?</p>	<p>Clarify. Possible new interpretation on retaining walls in setback areas being prepared by Development Services.</p>

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	Does an easement have to be abandoned or will permission from easement holder allow certain uses or improvements?	
<b>90. Setbacks:</b>	<p>Determination of front, side, and rear yards requires unique interpretation for corner lots, double frontage lots, triple frontage lots, unique shaped lots, and those with vehicular access restrictions.</p> <p>Measurement of setbacks related to roads, road easements, roads without easements, (not from edge of pavement) need clarification. Currently using interpretation exhibits.</p> <p>Clarify determination of rear yard setbacks on corner lots; fences in front yard setbacks/corner lots; rear fences along streets (where no access is allowed). Also if located in a utility/drainage/other easements.</p> <p>Nonconforming structures?</p>	<p>Carefully clarify setback determinations, exceptions, and provisions primarily based on current application of the rules. However, some additional provisions may be appropriate to consider to allow flexibility where appropriate and minimal or no impact to adjacent properties.</p> <p>In some zones, such as neighborhood commercial where pedestrian use would be encouraged, having setback MAXIMUMS instead of minimums should be encouraged. There maybe other situations where a critical mass of development, and large setbacks should be discouraged in order to cluster development.</p> <p>Alleys – where these are desired by County, need to encourage by limiting the front street size and amount of required pavement.</p> <p>Expansion of non-conforming structures located partially in setback areas. Current interpretation allows no additions within the setback. In the past, some encroachments were allowed that did not encroach “any further” into the setback.</p>
<b>91. Split zoned parcels</b>	Interpretations currently in use to define uses allowed on split zoned lots.	Include provision. (Zoning Ordinance Applicability.) Consider restricting split zoned parcels.
<b>92. Shed setbacks</b>	Portable sheds and small structures do not require permits, but are interpreted to meet setbacks. Not clear in code.	Clarify exactly what setback applies for accessory and/or portable structures. If a 30ft setback is required for a primary structure, why require only 5 ft. for a shed?
<b>93. 17.71 EP fee collection</b>	Interpretation has been used to clarify fee collection procedures. These should be revisited and code section should be modified to reflect necessary provisions.	Codify provisions; Remove from code.  Suggest clarification of need for biological resource studies in Mit 0 and Mit 1 areas.
<b>94. Temporary power poles</b>	Interpretation that no site plan or setbacks required. Often first improvement on rural property, for well or barn or in anticipation of future dwelling construction.	Clarify provisions, and what happens when a “temporary” pole or structure has sides added and/or becomes permanent.

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<p><b>95. Plant nursery</b></p>	<p>Need definition and clarification where allowed. Separate definition for wholesale and retail nursery.</p> <p>Allowed in RE zones? Historically a controversial issue.</p> <p>Green houses can be intensively concentrated and impact adjacent residential uses, create relatively high traffic volume.</p>	<p>Clarify use, locations, and development standards.</p> <p>Maybe allow “contract growing” of plants up to a certain amount as a home occupation.</p>
<p><b>96. Residential Vehicles</b></p>	<p>No regulations on maximum number of vehicles stored on property. Currently unlimited if registered. Parking on lawns, vacant property, backyards, and front yards should be regulated, and possibly prohibited as common in other jurisdictions. Storage inside buildings could be allowed. Tent covers, RV covers may be suitable for some development standards (currently the temporary canvas/plastic/metal structures need to meet setbacks of the zone.)</p>	<p>Consider options based on zone, consistency with vehicle abatement and junkyard provisions.</p> <p>Limit vehicle storage to those registered, licensed, owned and operated by residents of property (i.e. - owner or renter only) in order to minimize situations with storage of six RVs stored on a property rented by six unrelated persons.</p>
<p><b>97. Application Procedure</b></p>	<p>Require proper authorization from property owner for submittal of application.</p> <p>Review for completion within 30 days and notify applicant/owner. Do we need any additional code provisions?</p>	<p>Require copy of action by non-profit Board of Directors authorizing the spending of non-profit funds for permit.</p> <p>Update Code as appropriate. Adhere to state law and yet include options for streamlining.</p>
<p><b>98. Motocross use and other off-road recreational vehicles</b></p>	<p>What limitations should be established for establishing motocross track on property? Limitation in RE zones? By SUP? For home owner use only/but friends and neighbors may use/or is it a potential nuisance?</p>	<p>Review and update code as may be appropriate. This has a lot in common with private arenas that gain popularity with a growing number of “friends” allowed to use a private facility. Consider provisions on this use based upon avoiding nuisance, hours of use, noise, dust, traffic, etc., not on who uses it. Suggest options to PC/BOS. Allow tracks by SUP in I and RF; and/or define use as gathering of six or more people to drive recreational vehicles;</p>
<p><b>99. Define Road and Driveway</b></p>	<p>Setbacks and other development standards vary for “roads” and</p>	<p>Provide definitions and clarify setbacks in separate chapter on setback provisions.</p>

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	<p>“driveways” and many people use the term driveway, when by code definition, it is a “road.” (Front yard setback to be shown on site plans is a common example: no setback from a driveway, but up to a 55 foot setback is required from the center line of a (prescriptive) road.</p>	
<b>100.</b> Define warehouse	Needs clear definition due to parking regulation being relatively light for this use. Many mixed use projects use the term warehouse loosely, possibly resulting in parking problems.	Clearer definition of the minimum standards for warehouse such as minimum size of 2,000 or 10,000 square feet would help. Review glossary and parking provisions for clearer definitions of uses.
<b>101.</b> Define mini-warehouse	When is warehousing really mini-warehousing? Size limits? Number or types of doors? Leasing office? Fences?	Clarify intent in ZO section and definition in glossary.
<b>102.</b> Side yard setbacks and Building Height	These provisions are very complicated and difficult to administer. Professional architects have difficulty understanding the provisions and how staff is interpreting them. ).	Suggest simplification of rules or clarification how to demonstrate compliance with rules (maybe exempt anything beyond 15 feet from the property line – this would clear out most structures on an acre because they need 30 ft setbacks) (maybe simplify by increasing height from 25 feet to 30 feet
<b>103.</b> HOA structures	Provide for HOA owned and operated facilities such as barns, recreation rooms, meeting rooms, in residential zones by SUP, or admin permit, rather than as an accessory use.	Review options for Code. Provide direction if HOA wants to lease or sell; if the HOA no longer want to provide this service; affect on entitlements; or Quimby Act.
<b>104.</b> Common Variance Requests:	County receives about five variance requests every year in the Tahoe Basin for reduced front setbacks due to TRPA coverage requirements. Suggestion is to provide a separate 50 percent administrative setback variance for the –T overlay zone. Develop some performance standards such as any execution of a Hold Harmless/Indemnification statement. Would still have to comply with any subdivision easements, setbacks, or PUE’s.	Suggest option to PC. Cross reference in –T overlay zone and setback exception sections. Include easy way to get review/ signoff from TRPA staff.

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<p><b>105.</b> ABC license; zoning affidavits</p>	<p>Currently all commercial zones allow alcohol sales; staff routinely reviews ABC applications to verify zoning, and signs off.</p>	<p>Consider clarification of process, including any zones that would not permit certain license types, or appropriate development standards. SUP approvals should clarify what level of ABC license is associated with the allowed use. Change from beer and wine to full bar should require additional review/approval.</p>
<p><b>106.</b> SCR process</p>	<p>No formal process is established for a Substantial Conformance review process. This can be used to authorize and document minor modifications to approved plans.</p>	<p>(The SCR process would provide a certain number of plan sets (five) to be submitted with a fee (\$300 or so) to assess minor changes. The SCR could be reviewed and if approved included in the (original) plan file for record and a copy could be provided to the applicant with a County approval stamp.) If approved SCR related to a SUP, recommend the revised document be recorded to ensure clear understanding of entitlement.</p>
<p><b>107.</b> Under-grounding of Overhead Utility Lines. <b>108.</b></p>	<p>No direction in Code on utilities. PUC regs usually require undergrounding of utilities at a 3 acre parcel size or less. County zoning regs may be designed to dovetail with PUC provisions. This may also be suitable for the Subdivision Ordinance instead of Zoning</p>	<p>Consider dovetailing regulations. Not necessary to be in Zoning, probably better in subdivision ordinance or even the updated Design Manual.  Scenic corridor provisions may include standards for undergrounding in those cases.</p>
<p><b>109.</b> Blue Binder Interpretations:</p>	<p>Ensure all past Department interpretations have been adequately addressed.</p>	<p>Cross check interpretations with this list; identify interpretations on file or in use as applicable during the various stages of the Zoning Update process.</p>
<p><b>110.</b> 17.22: Land Use Permits process not clearly defined.</p>	<p>Process, permits, findings for all discretionary actions in a (Land Development Code)/Zoning Ordinance - and the level of review(s) listed under each section and the triggers.</p>	<p>Clarify process and findings for all existing, new, and revised permit processes. Identify hearing body, as appropriate. Put a chart in ZO that shows how each type of land use application is reviewed, noticed and decided and appealed. Add a second chart that shows what land use and other applications can be submitted and/or decided concurrently or consecutively.</p>
<p><b>111.</b> Definitions and development standards unclear.</p>	<p>Definitions for specific terms and rules for density calculations are needed. How to calculate density for example, wetlands or other items that are not clear defined or referenced. All associated setbacks in one place in the definitions area - such as (setbacks, front: setbacks, side; setbacks, rear').</p>	<p>Glossary will contain all specific terms. Rules for density calculations, exceptions, special situations, will be contained in a stand alone section for comprehensive reference. Zone district development standards will be cross referenced with the "Setback Requirements and Exceptions" section.</p>

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<b>112.</b> Hillside Standards	Standards are located in the Design and Improvement Standards Manual and there is no cross reference in Zoning. GP policies require provisions for hillside standards and restrictions for grading on 30% slopes.	Incorporate provisions in Zoning, or provide cross reference to DSIM and/or updated Grading Ordinance. Some provisions such as Hillside Design standards, such as lot size, setbacks need to be added to ZO.
<b>113.</b> Noise Ordinance	Complaints of construction noise, crowing roosters, and amplified music are not clearly resolved in the Code.	Consider noise ordinance to address common issues, allow temporary activities, and provide reasonable hours for construction. Evaluate enforcement procedures such as how Code Compliance staff would use noise meters that result in a printout of decibel reading.
<b>114.</b> Cross reference with Health and Safety Code	EM notes that many uses require compliance with H&S code.  Septic requirements being updated by H&S	Dovetail or cross reference certain uses with H&S code: B&B, bake shop, prepared food stand, special event, and restaurant. Numerous cities require that mobile food vendors be required to park their vehicles only in approved locations, generally by their approved commercial kitchen. This minimizes chance that vendor will use personal kitchen to prepare food for sale.
<b>115.</b> Grading	How do zoning rules apply to grading-only permits?	Clarify, possibly limit, rules for grading only permits. Review the long list of exceptions in the new Grading Ordinance.
<b>116.</b> Subdivision Ordinance Revisions	Staff should review the Subdivision Ordinance for necessary updates. Some provisions may relevant to zoning ordinance text. Some issues that need Subdivision Ordinance updates included:  Procedure for receiving the automatic 3 year extension for a phased subdivision, when a final map is recorded and the off-site improvements exceed the (approximately) \$180,000. Identify what qualifies (do EID Fees qualify?); how to document, and memorialize.	No change to Zoning required at this time, unless ZO conflicts with SO. Monitor update of Subdivision Ordinance and identify any necessary changes to the Zoning Code and dovetail into Zoning Code monitoring program; proposed changes next time Zoning Code is amended.

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