

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

ORDINANCE NO. 4623

**AN ORDINANCE AMENDING TITLE 9 OF THE ORDINANCE CODE OF THE COUNTY OF
SAN JOAQUIN RELATING TO VARIOUS SECTIONS OF THE DEVELOPMENT TITLE**

The Board of Supervisors of the County of San Joaquin ordains as follows:

Section 1. Table 9-200.020-1: Uses in Residential Zones, Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-200.020-1: USES IN RESIDENTIAL ZONES							
P = Permitted Use (Building Permit may be required); T=Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP Special Purpose Plan required; L# = Numbered limitation at end of table. “-” = Not permitted							
Use Types	R-R	R-VL	R-L	R-M	R-MH	R-H	Additional Regulations
Non-Residential							
Farm Services	-	-	-	-	-	-	
Renewable Energy	See subclassification below						
<i>Biomass Conversion</i>	-	-	-	-	-	-	
<i>Small-Scale Solar Energy Systems</i>	P/Z	P/Z	P/Z	P/Z	P/Z	P/Z	9-409.430, Solar Energy Systems 9-409.470, Wind Energy Systems
<i>Small-Scale Wind Energy System</i>	A	A	A	A	A	A	
<i>Utility-Scale Solar Energy System</i>	CA	CA	CA	CA	CA	CA	
<i>Utility-Scale Wind Energy System</i>	CA	CA	CA	CA	CA	CA	
Signs, Off-Premises	-	-	-	-	-	-	9-408.130 Off-Premises Signs
Transient Lodging	See subclassification below						
<i>Bed and Breakfast</i>	A	A	A	A	A	A	9-409.100, Bed and Breakfast Lodging
<i>Hotel and Motel</i>	-	-	-	-	A	A	
<i>Recreational Vehicle Park</i>	-	-	-	-	-	-	
<i>Short-term Rental</i>	Z	Z	Z	Z	Z	Z	9-409.030, Accessory Short-term Rentals
Notes: L1 Allowed on the ground floor of a residential building with an Administrative Use Permit. L2 An Administrative Use Permit is required if more than 2,500 square feet.							

Section 2. Table 9-200.020-2 – Accessory Uses and Structures in Residential Zones, Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-200.020-2 - ACCESSORY USES AND STRUCTURES IN RESIDENTIAL ZONES							
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table. "-" = Not permitted							
Accessory Use or Structure	R-R	R-VL	R-L	R-M	R-MH	R-H	Additional Regulations (Section)
Accessory Dwelling Unit	P	P	P	P	P	P	9-409.020, Accessory Dwelling Units; Second Unit Dwellings & Junior Accessory Dwelling Units
Accessory Short-Term Rentals	Z	Z	Z	Z	Z	Z	9-409.030, Accessory Short-Term Rentals
Horse Raising	P	P	-	-	-	-	Only as accessory to a residence See 9-900.020 Definitions
Stable, Private	P	P	P	-	-	-	

Section 3. Section 9-200.020, Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-200.020 LAND USE REGULATIONS

Table 9-200.020-1 prescribes the land use regulations for the Residential zones. Use types are defined in Chapter 9-901, Updated Use Type Classifications; key terms used in the classifications are defined in Chapter 9-900, Terms and Definitions. In cases where a specific land use is not defined, the Zoning Administrator shall assign the land use a classification that is substantially similar in character. Use classifications and sub classifications not listed in the table or not found to be substantially similar to the uses listed in the table are prohibited. Numbered limitations for a specific use in an individual zone ("L1, L2, etc.") refer to limitations listed at the end of the table. The right-hand column in the table includes specific section references for other regulations in this Title, in Chapter 9-409, Standards for Specific Uses and Activities, and in other chapters. Zoning Compliance Review and permitting procedures are in the 800 Series.

(a) **Expansion of Uses and Structures.** Uses or structures that require discretionary review may be expanded with a Zoning Compliance Review, provided the following conditions are met:

- (1) The proposed expansion or construction of a structure involves less than a 25 percent increase in the approved floor area as shown on the most recent land use permit or Zoning Compliance Review on file, but no more than 10,000 square feet;
- (2) The proposed expansion involves less than a 25 percent increase in the developed area of the site; and
- (3) The proposed expansion will not have a substantial, adverse effect on adjacent property and on the traffic-carrying capacity of local streets.

- (4) The expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency.

Where conditions in Subsections (1), ~~(2), and (3)~~ through 4 of this Section are not met, the level of review for the expansion shall be the same as the level of review required in Table 9-202.020-1 for a new use.

- (b) **Change in Use.** Any change in an existing use to a new use that requires a land use permit shall be permitted without a land use permit, provided the Zoning Administrator finds that the proposed use:

- (1) will have no greater impact than the existing use; and
(2) occupies the same floor area as the existing use.

The Zoning Administrator reserves the right to require a Zoning Compliance Review in lieu of the land use permit or to allow a minor expansion, as needed.

- ~~(b)(c)~~ **Accessory Uses and Structures.** Accessory uses and structures permitted, not permitted, and conditionally permitted are set forth in Table 9-200.020-2. Accessory uses and structures not specifically listed in Table 9-200.020-2 are allowed with a Zoning Compliance Review if the primary use is permitted; they require an Administrative Use Permit if the primary use requires either an Administrative Use Permit or a Conditional Use Permit. All accessory uses are subject to the requirements of Section 9-409.040, Accessory Uses.

- ~~(c)(d)~~ **Temporary Uses and Structures.** Permitted, not permitted, and conditionally permitted temporary uses and structures are set forth in Table 9-200.020-3 and Section 9-409.450, Temporary Uses. Temporary uses or structures not specifically listed in Table 9-200.020-3 may be allowed, subject to approval of a Temporary Use Permit pursuant to Section 9-804.080, Temporary Use Permits.

- ~~(d)(e)~~ **Additional Use Regulations.** The following additional regulations shall apply to those uses or use types specified below:

- (1) **Development in General Plan-Designated Open Space/Conservation Areas.** See Section 9-706.050, Open Space/Resource Conservation Areas.
- (2) **Protection of the Delta Primary Zone.** See Section 9-706.060. Protection of the Delta Primary Zone.
- (3) **Trucks in Residential Zones.** No ~~non-passenger truck or van, or semi-trucks, truck tractors, and/or semi-trailers~~ shall be parked or stored on private property in any area zoned for residential use. Non-passenger trucks or vans that do not exceed the gross vehicle weight rating for vehicles parked in residential zones may be permitted as accessory to properties and containing a primary dwelling unit.

- (4) **Change in Use.** Any change in an existing use to a new use that requires either an Administrative Use Permit or a Conditional Use Permit shall be permitted without a Use Permit, provided the Zoning Administrator finds that the proposed use:-

(A) will have no greater impact in the zone than the existing use; and

(B) occupies the same floor area as the existing use.

The Zoning Administrator reserves the right to require a Zoning Compliance Review in lieu of the Use Permit or to allow a minor expansion, as needed.

Section 4. Table 9-200.030-1: Development Standards – Residential Zones, Series 200, Title 9 of the San Joaquin County Code is hereby amended to read as follows:

TABLE 9-200.030-1: DEVELOPMENT STANDARDS – RESIDENTIAL ZONES							
District	R-R	R-VL	R-L	R-M	R-MH	R-H	#
Lot and Density Standards							
Maximum Density (units/net acre)	1.25	2.5	7.5	12.5	18.75	50	
Minimum Lot Size (sq. ft.)	1 acre	17,500	5,000	5,000	3,000	3,000	
Minimum Lot Width (ft.) ⁵	150	100	50	50	40	40	①
Corner Lots	150	100	60	60	50	50	②
Minimum Lot Depth (ft.)	65	65	65	65	60	60	③
Building Form and Location							
Maximum Height (ft.)							
Dwellings	40	40	40	40	40	40	④
Accessory Dwelling Unit	22 ⁴ 40	22 ⁴ 40	22 ⁴ 40	22 ⁴ 40	22 ⁴ 40	22 ⁴ 40	
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Building Form and Location							
Buildings Accessory to Dwellings	22 ²	22 ²	22 ²	22 ²	22 ²	22 ²	⑤

TABLE 9-200.030-1: DEVELOPMENT STANDARDS – RESIDENTIAL ZONES

<p>Primary Street</p> <p>KEY --- Property Line ■ Buildable Area --- Setback Line</p>							
District	R-R	R-VL	R-L	R-M	R-MH	R-H	#
Other Buildings not Accessory to a Dwelling	40	40	40	40	40	40	
Minimum Setbacks (ft.)							
Front & Street Side – Regular;	30 ¹	30 ¹	20 ¹	20 ¹	15 ¹	15 ¹	
Right-of-Way less than 50'	40 ³	40 ³	30 ³	30 ³	25 ³	25 ³	6, 7
Interior Side –							
Main Structure;	15 ¹	15 ¹	5 ¹	5 ¹	5 ¹	5 ¹	
Accessory Structures	15	10	5	5	5	5	8
Rear –							
Main Structure;							
Accessory Structures	30 ¹	30 ¹	10 ¹	10 ¹	10 ¹	10 ¹	9, 10
Notes: ¹ See Section 9-400.050-400.030 Exceptions to Height Limits. ² If an accessory building includes habitable space on the second floor, the maximum height is may be increased up to 40 feet. Additions to existing accessory buildings with nonconforming setbacks that include an Accessory Dwelling Unit must meet the minimum Accessory Dwelling Unit setbacks. For an Accessory Dwelling Units, standards, see Section 9-409.020. ³ Increased setback required. ⁴ When more than 50 percent of the floor area of an accessory dwelling unit is located above a garage, the maximum height of the entire combined structure is 25 feet. ⁵ Minimum lot widths for yards shall be measured at the minimum front setback.							

Section 5. Section 9-200.030(b)(2), Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

- (2) **Reduction of Required Yards, Major or Minor Subdivisions.** For Major or Minor Subdivision applications, the minimum dimensions for one or more required yards

may be reduced or waived for individual lots, provided the following conditions are met:

- (A) The maximum General Plan density is not exceeded;
- ~~(B) The minimum exterior wall separation of buildings, including those on adjacent lots, is not less than 10 feet, except where buildings on adjacent lots have a shared common wall or abut each other in a zero lot line project;~~
- ~~(C)(B)~~ The street side yard is not less than 10 feet in width;
- ~~(D)(C)~~ The sum of the dimensions of the side yards shall be equal to or greater than the sum of the dimensions of the side yards required by Table 9-200.030-1; and
- ~~(E)(D)~~ The sum of the dimensions of the front and rear yards shall be equal to or greater than the respective sum of the dimensions of the front and rear yards required by Table 9-200.030-1.

Section 6. Section 9-200.030(e), Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

(e) **Additional Development Standards – R-L, R-M, R-MH, and R-H Zones.**

- (1) **Transitional Standards.** Where an R-M, R-MH, or R-H zone abuts an R-L or R-VL zone and a structure greater than two stories is proposed, the following standards apply:
 - (A) The building setback from the R-M, R-MH, and R-H zone boundary shall be 10 feet for side yards and 20 feet for rear yards.
 - (B) A landscaped planting area, a minimum of five feet in width, shall be provided along all R-L or R-VL zone boundaries. A tree screen shall be planted in this area with trees planted at a maximum interval of 15 feet.
- ~~(2) **Accessory Building Height.** If a peak roof is used, the height limit may be increased to 22 feet.~~
- ~~(3)(2)~~ **Upper Story Stepback.** Upper stories of a street facing building with three or more stories shall be stepped back a minimum of 10 feet from the story below. Exceptions may be granted by the Zoning Administrator, provided that an entry courtyard with a minimum depth of 25 feet, landscaping, and seating amenities are provided on the ground level at grade; or other comparable public amenities are provided.

- (4)(3) **Parking Setback.** Parking for Multi-Unit Residential may be located within the required front setback if the parking area is well screened with a wall, hedge, and/or landscaping.
- (5)(4) **Usable Open Space.** Private and common open space for outdoor living shall be provided in accordance with the following attributes.
- (A) Private open space shall consist of balconies, decks, patios, fenced yards, and other similar areas directly accessible from a residential unit. Private open space located on the ground level (e.g., yards, decks, and patios) shall have no horizontal dimension less than 10 feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.
 - (B) Common open space shall consist of courtyard entries, landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements available to all residents. Common open space shall have no horizontal dimension less than 15 feet.
 - (C) All private and common open space shall be designed to be usable, with a surface provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. The slope of these areas shall not exceed 10 percent.

Section 7. Section 9-201.020, Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-201.020 LAND USE REGULATIONS

Table 9-201.020-1 prescribes the land use regulations for the Commercial zones. Use types are defined in Chapter 9-901, Updated Use Type Classifications; key terms used in the classifications are defined in Chapter 9-900, Terms and Definitions. In cases where a specific land use is not defined, the Zoning Administrator shall assign the land use a classification that is substantially similar in character. Use classifications and sub-classifications not listed in the table or not found to be substantially similar to the uses listed in the table are prohibited. Numbered limitations for a specific use in an individual zone ("L1, L2, etc.") refer to limitations listed at the end of the table. The right-hand column in the table includes specific section references for other regulations in this Title, in Chapter 9-409, Standards for Specific Uses and Activities.

- (a) **Expansion of Uses and Structures.** Uses or structures that require discretionary review may be expanded with a Zoning Compliance Review, provided the following conditions are met:

- (1) The proposed expansion or construction of a structure involves less than a 25 percent increase in the existing, approved floor area, as shown on the most recent land use permit or Zoning Compliance Review on file, but no more than 10,000 square feet;
- (2) The proposed expansion involves less than a 25 percent increase in the developed area of the site; and
- (3) The proposed expansion will not have a substantial, adverse effect on the environment.
- (4) The expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency.

Where conditions in Subsections (a)(1), ~~(a)(2)~~, and ~~(a)(3)~~ through (a)(4) of this Section are not met, the level of review for the expansion shall be the same as the level of review required in Table 9-202.020-1 for a new use.

(b) **Change in Use.** Any change in an existing use to a new use that requires a land use permit shall be permitted without a land use permit, provided the Zoning Administrator finds that the proposed use:

- (A) will have no greater impact than the existing use; and
- (B) occupies the same floor area as the existing use.

The Zoning Administrator reserves the right to require a Zoning Compliance Review in lieu of the land use permit or to allow a minor expansion, as needed.

~~(b)~~(c) **Accessory Uses and Structures.** Accessory uses and structures permitted, not permitted, and conditionally permitted are set forth in Table 9-201.020-2 and Section 9-409.040, Accessory Uses. Accessory uses and structures not specifically listed in Table 9-201.020-2 are allowed with a Zoning Compliance Review if the primary use is permitted or with an Administrative Use Permit if the primary use requires an Administrative Use Permit or a Conditional Use Permit. All accessory uses are subject to Section 9-409.040, Accessory Uses.

~~(c)~~(d) **Temporary Uses and Structures.** Temporary uses and structures permitted, not permitted, and conditionally permitted with a Temporary Use Permit are set forth in Table 9-201.020-3 and Section 9-409.450, Temporary Uses. Temporary uses and structures not specifically listed in Table 9-201.020-3 may be allowed by the Zoning Administrator, subject to the requirements of Section 9-804.080, Temporary Use Permits.

~~(d)~~e **Additional Use Regulations.** In addition to the provisions of Sections 9-201.020 (a) through 9-201.020(b), the following regulations shall apply to Commercial zones:

~~(1)~~ **Change in Use.** Any change in an existing use to a new use that requires either an Administrative Use Permit or a Conditional Use Permit shall be permitted without a Use Permit, provided the Zoning Administrator finds that the proposed use:-

~~(A)~~ will have no greater impact in the zone than the existing use; and

~~(B)~~ occupies the same floor area as the existing use.

The Zoning Administrator reserves the right to require a Zoning Compliance Review in lieu of the Use Permit or to allow a minor expansion, as needed.

~~(2)~~(1) **Development in General Plan-Designated Open Space/Conservation Areas.** See Section 9-706.050, Open Space/Resource Conservation Areas.

~~(3)~~(2) **Large Projects.** Unless a Conditional Use Permit is required in Table 9-201.020-1, an Administrative Use Permit is required for construction of more than 20,000 square feet of ground floor space for any permitted commercial use ~~or if full public services are not available.~~

~~(4)~~(3) **Outdoor Sales.** See Section 9-409.340.

~~(5)~~(4) **Protection of the Delta Primary Zone.** See Section 9-706.060. Protection of the Delta Primary Zone.

~~(6)~~(5) **Residential Development.** In all Commercial zones, Multi-Unit Residential is allowed above the ground level with an ~~Administrative Use Permit~~Zoning Compliance Review. Such residential uses shall meet General Plan density requirements for High Density Residential unless additional density is allowed pursuant to Chapter 9-401, Affordable Housing Density Bonus.

Section 8. Table 9-201.020-1, Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-201.020-1: USES IN COMMERCIAL ZONES										
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table. "-" = Not permitted										
Use Types	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X	Additional Regulations
Residential										
Residential Housing	See subclassifications below									

TABLE 9-201.020-1: USES IN COMMERCIAL ZONES

P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table. “-” = Not permitted

Use Types	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X	Additional Regulations
Types										
Single-Unit Dwelling	-	-	-	-	-	-	-	-	-	9-201.020(e)(5) Residential Development
Bungalow Court	-	-	-	-	-	-	-	-	-	
Duplex	-	-	-	-	-	-	-	-	-	
Multi-Unit Residential	-Z	-Z	-Z	-Z	-Z	-Z	-Z	-Z	-Z	
Non-Residential										
Farm Services	-	-	-	-	-	-	-	-	-	
Renewable Energy	See subclassification below									
Biomass Conversion	-	-	-	-	-	-	-	-	-	
Small-Scale Solar Energy Systems	-P/Z	P/Z	P/Z	-P/Z	P/Z	P/Z	P/Z	P/Z	P/Z	9-409.430, Solar Energy Systems 9-409.470, Wind Energy Systems
Small-Scale Wind Energy System	-	P	P	-	P	P	P	P	P	
Utility-Scale Solar Energy System	-	-	-	-	-	-	-	-	-	
Utility-Scale Wind Energy System	-	-	-	-	-	-	-	-	-	
Signs, Off-Premises	-	-	A	-	A	A	A	-	-	9-408.130 Off-Premises Signs
Transient Lodging	See subclassification below									
Bed and Breakfast	-	-	-	-	-	-	-	-	-	
Hotel and Motel	-	-	A	-	A	A	A	C	-	
Recreational Vehicle Park	-	-	-	-	-	A	-	C	-	
Short-term Rental	-	-	-	-	-	-	-	-	-	

Notes:

L1 Only small-scale uses with up to 3,000 square feet of space allowed with approval of an Administrative Use Permit. A larger facility may be allowed with a Conditional Use Permit.

L2. Only allowed on arterial streets, occupying 1,000 square feet or less.

L3 An Administrative Use Permit is required if outdoor seating is provided; otherwise, no land use permit is required.

L4 An Administrative Use Permit is required instead when applied for as part of a Cannabis Business Park already approved with a Special Purpose Plan.

Section 9. Section 9-202.020, Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-202.020 LAND USE REGULATIONS

Table 9-202.020-1 prescribes the land use regulations for the Industrial zones. Use types are defined in Chapter 9-901, Use Classifications; key terms used in the classifications are defined in Chapter 9-900, Terms and Definitions. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity a classification that is substantially similar in character. Use classifications and sub classifications not listed in the table or not found to be substantially similar to the uses listed in the table are prohibited. Numbered limitations for a specific use in an individual zone ("L1, L2, etc.") refer to limitations listed at the end of the table. The right-hand column in the table includes specific section references for other regulations in this Title, in Chapter 9-409, Standards for Specific Uses and Activities.

(a) **Expansion of Uses and Structures.** Uses or structures that require discretionary review may be expanded with a Zoning Compliance Review, provided the following conditions are met:

- (1) The proposed expansion or construction of a structure involves less than a 25 percent increase in the existing, approved floor area as shown on the most recent land use permit or Zoning Compliance Review on file, but no more than 10,000 square feet;
- (2) The proposed expansion involves less than a 25 percent increase in the developed area of the site; and
- (3) The proposed expansion will not have a substantial, adverse effect on the environment.
- (4) The expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency.

Where conditions in Subsections (a)(1), ~~(a)(2)~~, and ~~(a)(3)~~ through (a)(4) of this Section are not met, the level of review for the expansion shall be the same as the level of review required in Table 9-202.020-1 for a new use.

(b) **Change in Use.** Any change in an existing use to a new use that requires a land use permit shall be permitted without a land use permit, provided the Zoning Administrator finds that the proposed use:

- (A) will have no greater impact than the existing use; and

(B) occupies the same floor area as the existing use.

The Zoning Administrator reserves the right to require a Zoning Compliance Review in lieu of the land use permit or to allow a minor expansion, as needed.

~~(b)~~(c) **Accessory Uses and Structures.** Accessory uses and structures permitted, not permitted, and conditionally permitted are set forth in Table 9-202.020-2. Accessory uses and structures not specifically listed in Table 9-202.020-2 are allowed with a Zoning Compliance Review if the primary use is permitted or with an Administrative Use Permit if the primary use requires either an Administrative Use Permit or a Conditional Use Permit. All accessory uses are subject to the requirements of Section 9-409.040, Accessory Uses.

~~(c)~~(d) **Temporary Uses and Structures.** Temporary uses and structures permitted, not permitted, and conditionally permitted with a Temporary Use Permit are set forth in Table 9-202.020-3 and Section 9-409.450, Temporary Uses. Temporary uses and structures not specifically listed in Table 9-202.020-3 may be allowed by the Zoning Administrator, subject to the requirements of Section 9-804.080, Temporary Use Permits.

~~(d)~~(e) **Additional Use Regulations.**

(1) **Permits Required.** Unless a Conditional Use Permit is required in Table 9-201.020-1, an Administrative Use Permit is required for construction of more than 10,000 square feet of floor area for any permitted commercial use.

~~(2) **Change in Use.** Any change in an existing use to a new use that requires either an Administrative Use Permit or a Conditional Use Permit shall be permitted without a Use Permit, provided the Zoning Administrator finds that the proposed use:-~~

~~(A) will have no greater impact in the zone than the existing use; and~~

~~(B) occupies the same floor area as the existing use.~~

~~The Zoning Administrator reserves the right to require a Zoning Compliance Review in lieu of the Use Permit or to allow a minor expansion, as needed.~~

~~(3)~~(2) **Development in General Plan-Designated Open Space/Conservation Areas.** See Section 9-706.050, Open Space/Resource Conservation Areas.

~~(4)~~(3) **Outdoor Sales.** See Section 9-409.340.

~~(5)~~(4) **Outdoor Storage.** Outdoor storage of heavy equipment used for agricultural activities on-site is permitted in the I-W and I-G Zones.

~~(6)~~(5) **Protection of the Delta Primary Zone.** See Section 9-706.060. Protection of the Delta Primary Zone.

Section 10. Table 9-202.020-1, Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-202.020-1: USES IN INDUSTRIAL ZONES						
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table. “-” = Not permitted						
Use Types	I-W	I-P	I-L	I-G	I-T	Additional Regulations
Residential						
Non-Residential						
Farm Services	-	-	-	-	-	
Renewable Energy	See subclassification below					
Biomass Conversion	-	-	-	C	-	
Small-Scale Solar Energy	AP/Z	AP/Z	AP/Z	AP/Z	AP/Z	9-409.430, Solar Energy Systems 9-409.470, Wind Energy Systems
Small-Scale Wind Energy	A	-	A	A	-	
Utility-Scale Solar Energy	A	-	A	A	-	
Utility-Scale Wind Energy	A	-	A	A	-	
Sign, Off-Premises	A	A	A	A	A	9-408.130 Off-Premises Signs
Transient Lodging	See subclassifications below					
Bed and Breakfast	-	-	-	-	-	
Hotel and Motel	-	-	-	-	-	
Recreational Vehicle Park	-	-	-	-	-	
Short-term Rental	-	-	-	-	-	
Notes: L1 Only allowed as an accessory or secondary use in a mixed-use development, occupying less than 10 percent of the total floor area. L2 Only allowed in conjunction with the Fuel Sales – Automotive or Trucks use types.						

Section 11. Section 9-203.020, Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-200.010 LAND USE REGULATIONS

Table 9-203.020-1 prescribes the land use regulations for the Agricultural zones. Use types are defined in Chapter 9-901, Use Classifications; key terms used in the classifications are defined in

Chapter 9-900, Terms and Definitions. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity a classification that is substantially similar in character. Use classifications and sub classifications not listed in the table or not found to be substantially similar to the uses listed in the table are prohibited. The right-hand column in the table includes specific section references for other regulations in this Title, in Chapter 9-409, Standards for Specific Uses and Activities.

(a) **Expansion of Uses and Structures.** Uses or structures that require discretionary re-view may be expanded with a Zoning Compliance Review, provided the follow-ing conditions are met:

- (1) The proposed expansion or construction of a structure involves less than a 25 percent increase in the approved floor area, as shown on the most recent land use permit or Zoning Compliance Review on file. but no more than 10,000 square feet;
- (2) The proposed expansion involves less than a 25 percent increase in the developed area of the site;
- (3) The proposed expansion will not have a substantial, adverse effect; and
- (4) The expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency.

~~Expansion of uses that involve maximum number of animals shall be reviewed on a case by case basis.~~ Where conditions in Subsections (1) through (4) of this Section are not met, the level of review for the expansion shall be the same as the review required in Table 9-203.020-1 for a new use.

(b) **Change in Use.** Any change in an existing use to a new use that requires land use permit shall be permitted without a land use permit, provided the Zoning Administrator finds that the proposed use:

- (A) will have no greater impact than the existing use; and
- (B) occupies the same floor area as the existing use.

The Zoning Administrator reserves the right to require a Zoning Compliance Review in lieu of the Use Permit or to allow a minor expansion, as needed.

~~(b)~~(c) **Accessory Uses and Structures.** Accessory uses and structures permitted, not permitted, and conditionally permitted are set forth in Table 9-203.2 Accessory uses and structures not specifically listed in Table 9-203.2 are allowed with a Zon-ing Compliance

Review if the primary use is permitted or with an Administrative Use Permit if the primary use requires an Administrative Use Permit or a Conditional Use Permit. All accessory uses are subject to Section 9-409.040, Accessory Uses.

(1) **Continuation of an Accessory Use.** A Revision of Approved Actions to allow the continuation of an accessory use to an existing excavation subject to a Quarry Excavation Permit when the Quarry Excavation Permit is about to lapse shall be subject to the following minimum requirements:

(A) **Application for Revision of Approved Actions.** When the Quarry Excavation Permit is about to lapse solely because the mineral resource at an existing excavation subject to a Quarry Excavation Permit is nearly exhausted or has been exhausted, the Permittee may apply to the Community Development Department for a Revision of Approved Actions for the purpose of allowing the continuation of an accessory use if all of the following criteria are satisfied:

- (i) The lapsing of the Quarry Excavation Permit is due to lack of production at the permitted area resulting solely from the exhaustion of the mineral resource being excavated;
- (ii) The Applicant desires the Revision of Approved Actions to continue an authorized accessory use under the lapsing Quarry Excavation Permit;
- (iii) The continuation of the accessory use does not preclude replacement and modification from time to time of obsolete, inefficient, and/or nonfunctional equipment and modernization, including, but not limited to, an increase in hourly production, provided the annual production is not increased;
- (iv) Reclamation of the excavation site subject to the Quarry Excavation Permit, less the area occupied by the accessory use, shall be completed or shall be initiated prior to or simultaneously with the approval of the application for Revision of Approved Actions and shall be completed within two (2) years of the commencement of the reclamation process;
- (v) The area occupied by the accessory use shall be reclaimed within the time period required by the Revision of Approved Actions, and if there is no such time period requirement in the Revision of Ap-

proved Actions, the reclamation process shall be completed within two (2) years of the expiration of the Revision of Approved Actions or within two (2) years of the time that the accessory use ceases to be operated or utilized, whichever comes first;

- (vi) The term of the Revision of Approved Actions allowing continuation of the accessory use shall be determined by an amortization schedule based upon the projected useful life of the accessory use. The term of the Revision of Approved Actions shall not exceed thirty (30) years from the date the Revision of Approved Actions is approved;
- (vii) The continuation of the accessory use will not significantly affect the condition of the site; and
- (viii) The continuation of the accessory use complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of the Community Development Department.

(B) **Review.** If a Revision of Approved Actions is approved pursuant to Subsection (1)(A) of this Section, the site and the accessory use shall continue to be subject to any and all reviews required by the Surface Mining and Reclamation Act. Additionally, should the Revision of Approved Actions require, the Director of the Community Development Department shall review the Revision of Approved Actions, the site, and the accessory use annually or in accordance with any time period specified in the Revision of Approved Actions to determine if the criteria, as set forth in Subsection (1)(A), are being met.

(2) **Owner-Operator Truck Parking as an Accessory Use.** Truck parking as an accessory use in an Agricultural zone is permitted with an Administrative Use Permit subject to the following conditions:

- (A) The proposed site for the truck parking is at least three acres in size for one truck and one or two trailers or at least five acres for two trucks and up to four trailers.
- (B) The site fronts on a County-maintained road with a minimum 20-foot width of pavement.

- (C) The owner-operator of the truck(s) must live on the site.
- (D) A minimum 10-foot wide setback shall be maintained between the project site and adjacent properties. If a residence is located on an adjacent parcel within 100 feet of the project site, the setback distance shall be increased to 20 feet.
- (E) All truck parking spaces and major circulation drive lanes shall be surfaced and permanently maintained with all-weather surfacing.
- (F) Only one accessory structure may be permitted for maintenance and repair of the permitted trucks and trailers.

~~(c)~~(d) **Temporary Uses and Structures.** Temporary uses and structures permitted, not permitted, and allowed with a Temporary Use Permit are set forth in Table 9-203.020-3 and Section 9-409.450, Temporary Uses. Accessory uses and structures not specifically listed in Table 9-203.020-3 may be allowed by the Zoning Administrator, subject to the requirements of Section 9-804.080, Temporary Use Permits.

~~(d)~~(e) **Additional Use Regulations.** In addition to the provisions of Sections 9-203.020(a) through 9-203.020(c), the following Special Use Regulations shall apply to the uses or use types specified below:

~~(1)~~ **Change in Use.** ~~Any change in an existing use to a new use that requires either an Administrative Use Permit or a Conditional Use Permit shall be permitted without a Use Permit, provided the Zoning Administrator finds that the proposed use:~~

- ~~(A) will have no greater impact in the zone than the existing use; and~~
- ~~(B) occupies the same floor area as the existing use.~~

~~The Zoning Administrator reserves the right to require a Zoning Compliance Review in lieu of the Use Permit or to allow a minor expansion, as needed.~~

~~(2)~~(1) **Commercial Cannabis Uses.** The following special use regulations shall apply:

- (A) **Cultivation-Locational Criteria.** Parcels located in the General Agriculture (AG) Zone shall be located no more than 2,000 feet from a major intersection or arterial road as measured from the closest edge of the parcel to the closest edge of the major intersection or arterial road. A parcel may be located more than 2,000 feet from a major intersection or arterial road if the following are found to be true:

- (i) There is sufficient ease of access from the proposed parcel to an arterial road;
 - (ii) There is sufficient access for emergency vehicles; and
 - (iii) The Cultivator License applicant demonstrates that the premises can be secured to the satisfaction of the County.
 - (B) **Distribution.** For any operation allowed pursuant to a Distributor License in the AG Zone, a Distributor License and Cultivator License shall be required pursuant to Title 4 for the same lot.
 - (C) **Manufacturing.** For any operation allowed pursuant to a Manufacturer License in the AG Zone, a Manufacturer License and Cultivator License shall be required pursuant to Title 4 for the same lot.
- ~~(3)~~(2) **Development in General Plan-Designated Open Space/Conservation Areas.** See Section 9-706.050, Open Space/Resource Conservation Areas.
- ~~(4)~~(3) **Equipment Sales, Repair, and Storage – Leisure, Storage.** The following special use regulations shall apply to projects in the AG, AL, and AU zones:
- (A) Cannot be located on land designated as prime farmland or under a Williamson Act contract.
 - (B) The site fronts a public maintained highway or highway frontage road with a minimum 20-foot width of pavement, or within 500 feet of an approved Recreation facility site along a road with a minimum 20-foot width of pavement.
 - (C) Only one accessory structure may be permitted.
 - (D) A minimum 10-foot wide setback shall be maintained between the project site and adjacent properties. If a conforming residence is located on an adjacent parcel within 100 feet of the project site, the setback distance shall be increased to 20 feet.
- ~~(5)~~ **Warehouse, Storage and Distribution – Personal and Construction Services – Outdoor Storage.** The following special use regulations shall apply:
- ~~(A) The site fronts a public maintained highway or highway frontage road with a minimum 20 foot width of pavement.~~

~~(B)~~(4) **Expansion of Existing Uses in the Agricultural Urban Reserve Zones.** Existing uses in the Agricultural Urban Reserve (AU) Zone that are consistent with the General Plan may be expanded or changed to other uses that are consistent with the General Plan. If the use is inconsistent with the General Plan, the expansion requires an Administrative Use Permit.

~~(6)~~(5) **Explosives Handling.** A Conditional Use Permit may be approved for Explosives Handling provided the standards of Section 9-409.210, Explosives Handling, are met and the following findings are made in addition to the required findings in Section 9-804.050, Required Findings:

(A) The nature of the materials processed and the operational characteristics of the use require a location outside of an urban area as designated on the General Plan;~~and~~

~~(7)~~(6) **Industrial Hemp Production.** The following standards shall apply to the cultivation of industrial hemp for commercial and research purposes in the zones where this use type is allowed; see Table 9-203.020-1.

(A) A person cultivating industrial hemp shall design and construct improvements on the parcel to be used for cultivation in a manner that minimizes impacts, which may include, but are not limited to odor and pollen drift to surrounding areas.

(B) The minimum size parcel upon which a person cultivating industrial hemp for commercial purposes may cultivate is 20 acres (five acres in the AL Zone).

(C) Outdoor industrial hemp cultivation in the County shall meet the following setback requirements:

(i) 100 feet from the lot line, unless the hemp cultivation area is adjacent to a hemp cultivation area that is under the legal control of the same owner;

(ii) 1,000 feet from any lot containing a sensitive receptor;

(iii) 200 feet from any residential dwelling unit on an adjacent lot; and

(iv) 200 feet from the lot line of any residentially-zoned land.

(D) In the AG and AI Zones, indoor cultivation of industrial hemp is limited to the cultivation of hemp transplants, or seed production in a structure

dedicated solely to the cultivation of nursery stock. All other indoor cultivation of industrial hemp is prohibited.

- (E) In the AL Zone, indoor cultivation of Industrial Hemp transplants is allowed if:
 - (i) There is a pre-existing wholes nursery sales facility on the site;
 - (ii) There are no flowering hemp plants of any kind; and.
 - (iii) Any mother plant used for the production of hemp transplants that reaches the flowering stage is destroyed in a manner approved by the Agricultural Commissioner.
- (F) In the AG and AI Zones, structures used for indoor cultivation of hemp must meet the following setback requirements:
 - (i) 50 feet from front, side, and rear lot lines unless the adjacent parcel is under the same ownership in which case the standard setback for the AG Zone is required;
 - (ii) 1,000 feet from any parcel containing a sensitive receptor; and
 - (iii) 100 feet from any residential dwelling.
- (G) In the AL Zone, a 30-foot setback from side and rear lot lines must be provided for transplant production unless the adjacent parcel is under the same ownership or control, in which case the standard setbacks for the AL Zone are required.

~~(8)(7)~~ **Outdoor Sales.** See Section 9-409.340.

~~(9)(8)~~ **Outdoor Storage.** Outdoor storage of heavy equipment used for agricultural activities on-site is permitted in the I-W and I-G Zones.

~~(10)(9)~~ **Protection of the Delta Primary Zone.** See Section 9-706.060. Protection of the Delta Primary Zone.

~~(11)(10)~~ **Truck Services in the AI Zone.** Truck Services, Parking and Truck Services, Sales and Repairs may be permitted in the AI zone subject to the following standards:

- (A) Truck Parking may be permitted with a Zoning Compliance Review provided the number of combined truck and trailers is 25 or less and any proposed office space is less than 1,000 square feet in size. For projects

exceeding either of these limits, Administrative Use Permit shall be required.

- (B) Truck Sales may be permitted with a Zoning Compliance Review provided the maximum building space proposed with the facility is 12,500 square feet or less. For projects exceeding this limit, an Administrative Use Permit shall be required.
- (C) When both Truck Parking and Truck Sales and Repair uses are proposed on the same site, the level of review shall be determined by the Zoning Administrator and the Director of Public Works.
- (D) A minimum ten-foot wide setback shall be maintained between the project site and adjacent properties. If a residence is located on an adjacent parcel within 100 feet of the project site property line, the setback distance shall be increased to 20 feet from the property line.
- (E) A minimum six to eight foot tall screen shall be installed along the property line adjacent to truck or trailer parking. Screening may consist of a masonry wall or any solid fencing approved by the Zoning Administrator.
- (F) All maneuvering areas shall be surfaced with all-weather material, as defined and approved by the San Joaquin County Fire Chief's Association. Storage areas for trucks and trailers may be surfaced with gravel or a higher classification surfacing material.
- (G) The first 20 feet of any project driveway shall be surfaced with asphalt concrete or Portland cement concrete to ensure public roadways will be free from debris.
- (H) Traffic Impact Mitigation Fees and Regional Transportation Fees shall be required. These fees are due and payable prior to issuance of a grading or building permit and prior to operation.
- (I) Water Supply Facilities Impact Mitigation Fees shall be required if the project is located within an established Area of Benefit. This fee is due and payable prior to issuance of a grading or building permit and prior to operation.
- (J) An encroachment permit shall be required for all work within the County, City, or Caltrans right of way. The driveway approach shall be improved in

accordance with the requirements of the County, City or Caltrans standards prior to operating.

- (K) Storm drainage facilities shall be in accordance with this Title and the County's Improvement Standards.
- (L) If the project site falls within a National Pollutant Discharge Elimination System (NPDES) Phase 1 or Phase 2 regulated area, the project shall comply with the NPDEDS requirements. Calculations shall be submitted and approved by the Department of Public Works – Water Resources Division prior to issuance of a building permit, grading permit, and improvements shall be completed prior to operating.

Section 12. Table 9-203.020-1, Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-203.020-1: USES IN AGRICULTURAL ZONES					
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table. "-" = Not permitted					
Use Types	AG	AI	AL	AU	Additional Regulations
Non-Residential					
Farm Services	A	A	A	A	
Renewable Energy	See subclassification below				
Biomass Conversion	C	C	-	-	
Small-Scale Solar Energy Systems	AP/Z	AP/Z	AP/Z	AP/Z	9-409.430, Solar Energy Systems 9-409.470, Wind Energy Systems
Small-Scale Wind Energy System	A	A	A	A	
Utility-Scale Solar Energy System	C	-	-	-	
Utility-Scale Wind Energy System	C	-	-	-	
Signs, Off-Premises	P	P	P	P	9-408.130 Off-Premises Signs
Transient Lodging	See subclassifications below				
Bed and Breakfast	A	A	A	A	9-409.100, Bed and Breakfast Lodging
Hotel and Motel	-	-	-	-	
Recreational Vehicle Park	C	C	C	C	
Short-Term Rental	=	=	=	=	

Section 13. Table 9-203.020-2, Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-203.020-2: ACCESSORY USES & STRUCTURES IN AGRICULTURAL ZONES

P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table. “-” = Not permitted

	AG	AI	AL	AU	Additional Regulations
Accessory Short-Term Rentals	AZ	PZ	AZ	AZ	9-409.030, Accessory Short-Term Rentals
Owner-Operator Truck Parking	PA	PA	PA	PA	9-200.010(c)(2) Owner-Operator Truck Parking

Section 14. Table 9-203.030, Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-203.030 : DEVELOPMENT STANDARDS – AGRICULTURAL ZONES¹

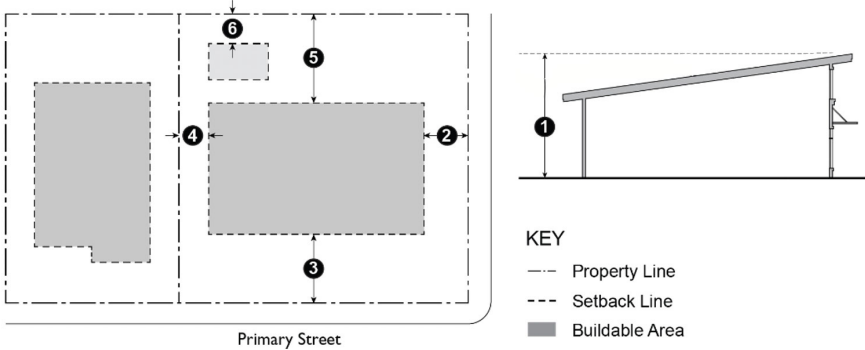
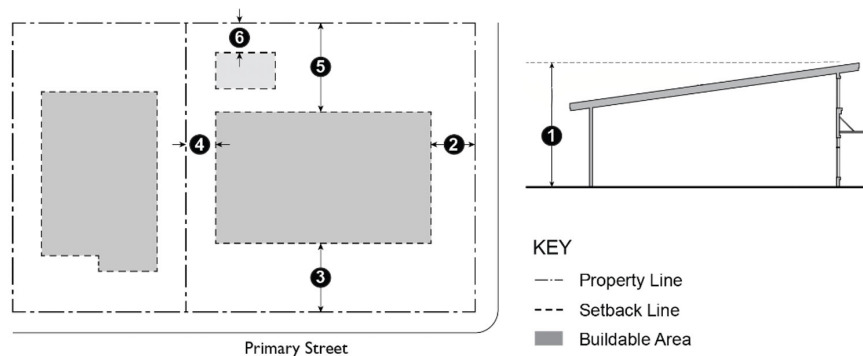
 <p>KEY</p> <ul style="list-style-type: none"> --- Property Line --- Setback Line ■ Buildable Area 					
	AG	AI	AL	AU	
Minimum Setbacks (ft.) ^{6 7 8}					
<i>Front and Street Side –</i>					
<i>Regular;</i>	30;	30;	30;	30;	
<i>Right-of-Way less than 50 ft.</i>	55	25	55	55	2 ; 3
<i>Interior Side – Main Structure;</i>					
<i>Accessory Structures</i>	10	10	10	10	4
<i>Rear –</i>					
<i>Main Structure;</i>	30;	20;	30;	30;	
<i>Accessory Structures;</i>	15;	10;	15;	15;	
<i>Reverse Corner Lots</i>	10	10	10	10	5 ; 6
<i>Interior Side & Rear – Non-residential</i>					
<i>Accessory Structures</i>	5010	10	5010	5010	6

TABLE 9-203.030 : DEVELOPMENT STANDARDS – AGRICULTURAL ZONES¹



Notes:

- ¹ For homesite parcels, the minimum lot width shall be 150 feet.
- ² See Section 9-400.050, Exceptions to Height Limits.
- ³ For parcels containing 20 or more acres, there shall be no maximum height for dwellings, and the minimum setback from all lot lines for dwellings over 40 feet in height shall be a minimum of 50 feet.
- ⁴ When more than 50 percent of the floor area of an accessory dwelling unit is located above an existing or proposed garage, the maximum height of the entire combined structure is 25 feet.
- ⁵ The minimum setback from all property lines for dwellings over ~~35~~40 feet in height with an approved variance or waiver shall be twice the maximum height of the dwelling.
- ⁶ Setbacks for yards shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the General Plan or applicable Specific Plan or Master Plan.
- ⁷ If a setback reduction is applied for and granted, screening may be required pursuant to Section 9-400.040.

Section 15. Section 9-204.020, Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-204.020 LAND USE REGULATIONS

Table 9-204.020-1 prescribes the land use regulations for the P-F, M-X, and AP-X zones. Use types are defined in Chapter 9-901, Updated Use Type Classifications; key terms used in the classifications are defined in Chapter 9-900, Terms and Definitions. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity a classification that is substantially similar in character. Use classifications and sub classifications not listed in the table or not found to be substantially similar to the uses listed in the table are prohibited. The right-hand column in the table includes specific section references for other regulations in this Title, in Chapter 9-409, Standards for Specific Uses and Activities.

- (a) **Expansion of Uses and Structures.** Uses or structures that require discretionary review may be expanded with a Zoning Compliance Review, provided the following conditions are met:

- (1) The proposed expansion or construction of a structure involves less than a 25 percent increase in the approved floor area, as shown on the most recent land use permit or Zoning Compliance Review on file, but no more than 10,000 square feet;
- (2) The proposed expansion involves less than a 25 percent increase in the developed area of the site;
- (3) The proposed expansion will not have a substantial, adverse effect; and
- (4) The expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency.

Where conditions in Subsections (1) through (4) of this Section are not met, the level of review for the expansion shall be the same as the review required in Table 9-203.020-1 for a new use.

- (b) **Change in Use.** Any change in an existing use to a new use that requires a land use permit shall be permitted without a land use permit, provided the Zoning Administrator finds that the proposed use:

- (1) will have no greater impact than the existing use; and
- (2) occupies the same floor area as the existing use.

The Zoning Administrator reserves the right to require a Zoning Compliance Review in lieu of the Use Permit or to allow a minor expansion, as needed.

- ~~(a)~~(c) **Accessory Uses and Structures.** Accessory uses and structures permitted, not permitted, and conditionally permitted are set forth in Table 9-204.020-2 and Section 9-409.040, Accessory Uses. Accessory uses and structures not specifically listed in Table 9-204.020-2 are allowed with a Zoning Compliance Review if the primary use is permitted or with an Administrative Use Permit if the primary use requires an Administrative Use Permit or a Conditional Use Permit. All accessory uses are subject to Section 9-409.040, Accessory Uses.

- ~~(b)~~(d) **Temporary Uses and Structures.** Accessory uses and structures permitted, not permitted, and conditionally permitted with a Temporary Use Permit are set forth in Table 9-204.020-3. Temporary uses and structures not specifically listed in Table 9-204.020-3 may be allowed by the Zoning Administrator, subject to the requirements of Section 9-804.080, Temporary Use Permits.

- ~~(e)~~(e) **Additional Use Regulations.**

(1) **Additional Regulations for PF, M-X and AP-X Zones.**

(A) **Commercial and Industrial Uses.** Unless the permit type is more restrictive, an Administrative Use Permit is required for any commercial or industrial use that:

- (i) Will occupy 10,000 square feet or more in floor area;
- (ii) Has a site area of 10 or more acres; ~~or,~~
- (iii) ~~Is not served by a public wastewater treatment plant, public water system, and a public drainage system.~~

(B) **Use of a Zoning Compliance Review – When Allowed.** A Zoning Compliance Review shall replace the permit type specified in Table 9-204.020-2 for a given use if a Special Purpose Plan was adopted for the site on which the use is to be located and the use is consistent with that Special Purpose Plan.

~~(C) **Change in Use.** Any change in an existing use to a new use that requires either an Administrative Use Permit or a Conditional Use Permit shall be permitted without a Use Permit, provided the Zoning Administrator finds that the proposed use:~~

- ~~(i) will have no greater impact in the zone than the existing use; and~~
- ~~(ii) occupies the same floor area as the existing use.~~

~~The Zoning Administrator reserves the right to require a Zoning Compliance Review in lieu of the Use Permit or to allow a minor expansion, as needed.~~

(2) **Special Use Regulations in the Mixed-Use Zone.**

(A) **Building Use Mix.**

- (i) At least 20 percent of the total square footage in a project shall be devoted to residential uses.
- (ii) In at least one main retail block, at least 75 percent of the ground floor frontage shall be retail, restaurants, personal services, or offices for walk-in clientele.

- (iii) Blocks adjacent to the main retail block(s) shall contain round floor frontages with at least 50 percent of the block devoted to:
 - 1. Retail uses;
 - 2. Commercial recreation and entertainment services, except radio and television studios;
 - 3. Eating and drinking establishments; or
 - 4. Public open space.
 - (iv) No surface parking is allowed on the perimeter of the main retail block. All parking shall be in the interior of the block, underground, or in parking structures.
 - (B) **Public Spaces.** There shall be at least one central public space with at least one linear foot of seating capacity per 30 square feet of public space.
- (3) **Special Use Regulations in the Public Facilities Zone.** In addition to the provisions of Sections 9-204.020(a) through 9-204.020(c), the following Special Use Regulations shall apply in the Public Facilities (P-F) Zone:
 - (A) **Accessory Uses and Structures.** Only accessory residential structures for the owner-operator and/or employees who work on the site shall be permitted.
 - (B) **Stockton Metropolitan Airport.** In addition to the uses permitted in Table 9-204.020-1 for the P-F Zone, additional uses may be permitted with a Special Purpose Plan if the Zoning Administrator finds that the use is an aviation related and consistent with FAA Grant Assurances.
 - (C) **Veterans Supportive Housing.** Veterans Supportive Housing may be permitted in the P-F Zone subject to the following requirements:
 - (i) A Zoning Compliance Review shall be required for projects where the total number of cumulative units for Veterans Supportive Housing is ~~49~~equal to or less than 49.
 - (ii) An Administrative Use Permit shall be required for projects where the total number of units for Veterans Supportive Housing is equal to or greater than 50 ~~or more~~.

- (iii) The housing shall be located on a site that is within one-half mile of a State or Federal Interstate Highway and one-half mile of a County-owned hospital.
- ~~(iv) The development site must have a primary frontage on a Minor Arterial or higher classification roadway.~~
- (iv) The project shall comply with multi-unit residential project landscaping requirements in Chapter 9-402, Landscaping, and parking landscaping requirements in Chapter 9-406, Parking and Loading.
- (vi) Signs shall comply with Chapter 9-408, Signs.
- (vii) Veterans Supportive Housing shall be served by public water, sewer, and storm drainage.
- (viii) If, during the course of construction or any grading activity associated with the construction, subsurface cultural resources are uncovered anywhere within the project site, work shall be immediately halted in the vicinity of the finding, and a qualified cultural resources specialist consulted for an on-site evaluation.
- ~~(vii)~~ If artifacts or evidence of materials such as bone, shell, or nonnative stone are uncovered during construction activities, work shall immediately be halted in the vicinity of the finding, and a qualified archaeologist consulted for an on-site evaluation. This evaluation may entail an archaeological test excavation and/or mitigative data recovery.

Section 16. Table 9-204.020-1, Series 200, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-204.020-1: USES IN AIRPORT, MIXED USE, AND PUBLIC FACILITIES ZONES				
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table. "-" = Not permitted				
Use Types	P-F	M-X	AP-X	Additional Regulations
Non-Residential				
Farm Services	-	-	-	
Renewable Energy	See subclassification below			

TABLE 9-204.020-1: USES IN AIRPORT, MIXED USE, AND PUBLIC FACILITIES ZONES				
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table. "-" = Not permitted				
Use Types	P-F	M-X	AP-X	Additional Regulations
<i>Biomass Conversion</i>	-	-	-	
<i>Small-Scale Solar Energy Systems</i>	AP/Z	AP/Z	SPP	
<i>Small-Scale Wind Energy System</i>	A	A	SPP	9-409.430, Solar Energy Systems 9-409.450, Wind Energy Systems
<i>Utility-Scale Solar Energy System</i>	C	-	-	
<i>Utility-Scale Wind Energy System</i>	-	-	-	
<i>Signs, Off-Premises</i>	-	-	SPP	
<i>Transient Lodging</i>	See subclassification below			
<i>Bed and Breakfast</i>	-	-	-	
<i>Hotel and Motel</i>	-	-	-	
<i>Recreational Vehicle Park</i>	-	-	-	
<i>Short-Term Rental</i>	-	-	-	
<i>Truck Services</i>	See subclassification below			
<i>Parking</i>	-	-	-SPP	
<i>Repairs</i>	-	-	-SPP	
<i>Sales and Rentals</i>	-	-	-	
<i>Stop</i>	-	-	-	
<i>Washing</i>	-	-	-SPP	

Section 17. Section 9-400.040, Series 400, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-400.040 FENCING AND SCREENING

- (a) **General Standards.** All fencing and screening shall comply with the provisions of this Section, unless otherwise specified.
- (1) **Placement.** Fences and screens may be constructed anywhere on a lot.
 - (2) **Height Limits in Required Yards.** Fencing and screening shall not exceed the height limits specified in subsection (b).
 - (3) **Height Limits Outside Required Yards.** The height of fencing and screening outside required yards shall not exceed the height limits for accessory buildings.

- (4) **Gates.** Any gate shall meet the applicable fence height and setback requirements. Any gate, other than gates for pedestrian use only, shall be set back or recessed a minimum of 10 feet unless there are at least 16 feet between the property line and the edge of the travelled roadway, in which case the setback requirement is waived. For distances less than 16 feet, a proportionate reduction may be granted upon review and approval by the Zoning Administrator.
 - (5) **Fences Adjacent to "Restricted" or "Nonaccess" Property.** A fence up to eight feet in height may be constructed on the lot line when that line is shown as "restricted" or "nonaccess" on a recorded map. If adjacent to a roadway, intersection and driveway visibility standards may limit the fence height; see Section 9-400.120.
- (b) **Fencing Standards.** Unless otherwise specified, fencing shall be permitted, but not required, and shall comply with the provisions of this Section.
- (1) **Height Limits and Required Setbacks.** Table 9-400.040-B establishes height limits for closed fences, which create a solid barrier, and open fences, which have separations allowing views into the interior of the lot at a ratio of 2:1, open to closed.
 - (2) **Fencing Materials.** Fence materials may include wood, chain link, fence pickets or panels, wire mesh, and other similar materials. The use of barbed wire, razor wire, and electrified fencing, except where allowed by Section 9-400.040(c), is prohibited in and adjacent to Residential zones. Alternative fencing materials may be approved by the Zoning Administrator. If bushes, trees, or other plantings are used as alternative fencing material, they must meet the fencing height and setback requirements.
 - (A) **Prohibited Materials.** Corrugated plastic or iron, steel, aluminum, and asbestos are specifically prohibited. Chain link fencing with slats may be approved at the discretion of the Zoning Administrator in combination with another material.
 - (B) **Required Materials Backing Up To or Abutting a Public Roadway.** In new residential subdivisions, the required material for perimeter fencing abutting or backing up to a public roadway is masonry.
 - (3) **Special Fencing Requirements.**
 - (A) **Playing Courts.** The seven-foot fence height limit may be waived for playing courts if the playing court is in a side or rear yard and open type fencing material is used.
 - (B) **Swimming Pools.** All pools shall be enclosed per the requirements of the California Building Code and this Title and any additional requirements of the Building Code.

(C) **Levees.**

- (i) Any fence next to a levee shall conform to the requirements for Levees in Chapter 9-703, Flood Hazards.
- (ii) The height of any fence or wall located at the toe of a levee may be increased to eight feet subject to the review and approval of the Zoning Administrator.

(4) **Special Fencing Requirements for Agricultural Zones.**

- (A) **Security Fencing.** Security fencing, not to exceed two feet in height, may be erected on top of required or permitted fencing.

(4)(5) **Special Fencing Requirements for Commercial, and Industrial, and Other Non-Residential Zones.**

- (A) **Fencing of Front-Required Yards.** An open fence up to seven feet in height is permitted in the any required front yard, provided it is constructed of open material and does not obstruct vehicular site distance.
- (B) **Security and Electrified Fencing.** Security fencing, not to exceed two feet in height, may be erected on top of required or permitted fencing. Except for fencing abutting a permitted residential use, a Residential zone, or an area shown on the General Plan for residential use, barbed wire security fencing, razor wire, and electrified fencing, not to exceed two feet in height, may be erected on top of required or permitted fencing. See Section 9-400.040(f), below.

(5) **Special Fencing Requirements for Agricultural Zones.**

- (A) **Open Fencing.** An open fence up to seven feet in height is permitted in any required yard. An open fence eight feet in height is permitted in any required side yard or rear yard on parcels 20 acres or greater in size.
- (B) **Security and Electrified Fencing.** Except for fencing abutting a Residential Zone, barbed wire fencing, razor wire, and electrified fencing, not to exceed two feet in height, may be erected on top of required or permitted fencing. See Section 9-400.040(f), below.

- (c) **Electrified Security Fencing.** The Zoning Administrator may permit electrified security fences in Industrial, Commercial, and Agricultural zones subject to the following development standards.

(1) **Uses and Locations.**

- (A) The Zoning Administrator may authorize electrified security fences for any uses in the I-W (Warehouse), I-P (Industrial Park), I-L (Limited Industrial), I-G (General Industrial), AG (General Agricultural), AL (Limited Industrial), AI (Agricultural Industry) and AU (Agriculture Urban Reserve) zones.
- (B) The Zoning Administrator may authorize electrified security fences in the C-C (Community Commercial), C-G (General Commercial), C-RS (Rural Service Commercial), and C-X (Crossroad Commercial) zones only for the following land uses:
 - (i) Auction sales—Indoor, outdoor;
 - (ii) Automotive sales and services—Automotive rentals, automotive repairs (light), automotive repairs (heavy), automotive sales, operable vehicle storage, parking;
 - (iii) Communication services—Towers
 - (iv) Construction service;
 - (v) Equipment sales and repair—Farm machinery sales and leisure;
 - (vi) Marinas;
 - (vii) Nursery sales and landscaping services;
 - (viii) Truck Services;
 - (ix) Utilities; and
 - (x) Warehousing, storage, and distribution.
- (2) **Warning Signs.** The electrified security fence shall be clearly identified by installing prominently placed warning signs that are legible from both sides of the fence. At minimum, the warning signs shall meet the following criteria:
 - (A) The warning signs are placed at each gate and access points, and at intervals along the fence not exceeding 30 feet.
 - (B) The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.
 - (C) The warning signs are marked with a written warning or a commonly recognized symbol for shock.
 - (D) The minimum dimensions for each sign are nine inches by 12 inches.

- (3) **Power.** The primary power voltage for an electrified security fence shall not exceed 12 DC volts maximum. The electrified security fence shall only be electrified when the business it is protecting is closed to the public.
- (4) **Height.** The height of an electrified security fence may exceed the height of the protective barrier, which is subject to the limits of Table 9-400.040-B, by two feet, provided the overall fence height is not more than 10 feet.
- (5) **Setbacks.** Setbacks between the protective barrier and an electrified security fence are required as follows:
- (A) Any opening in the perimeter protective barrier that is less than or equal to three inches shall require a minimum 12-inch setback for the electrified security fence.
- (B) Any opening in the perimeter protective barrier that is greater than three inches but no more than six inches shall require a minimum three-foot setback for the electrified security fence, or an approved mesh or equivalent material, with openings not to exceed three inches, shall be installed on the protective barrier.
- (C) When abutting a Residential zone, a protective barrier consisting of a minimum six-foot high solid wooden fence or block wall shall require a minimum 12-inch setback for the electrified security fence. Any other protective barrier proposed adjacent to a Residential zone is required to have mesh installed, as approved by the Zoning Administrator, as a secondary protective barrier, that is a minimum of six feet in height and is setback 12 inches from the electrified security fence.
- (6) **Knox Box.** Before the electrified security fence is electrified, a Fire Marshall approved Knox Box providing for emergency access to enable the electrification to be turned off shall be installed and the security fence shall be inspected by the Fire Department. The Knox Box shall be fully operational at all times when the electrified security fence is operational. If at any time the Knox Box is not operational, the electrified security fence cannot be activated.
- (7) **Required Permits.** A building permit is required for electrified security fences in any commercial zone and for any electrified security fence exceeding seven feet in height.

~~(c)~~(d) **Screening Standards.**

- (1) **Materials.** Screening shall include the installation and maintenance of one, or a combination, of the following elements:
- (A) Plant materials;

- (B) Fencing;
 - (C) Walls; or
 - (D) Berms.
- (2) **Prohibited Materials.** Corrugated plastic or iron, steel, aluminum, and asbestos are specifically prohibited. Chain link fencing with slats may be approved at the discretion of the Zoning Administrator in combination with another material.
- (3) **Special Screening Requirements.**
- (A) **Screening Adjoining Residential Areas.**
 - (i) If a commercial or industrial development project will abut a Residential zone or a conforming residential use, screening six to eight feet in height shall be erected along the abutting lot line.
 - (ii) If an agricultural development project will abut a Residential zone or a conforming residential use and development is proposed within 50 feet of the abutting property line, screening six feet to eight feet in height shall be erected. Driveways are exempt from this requirement.
 - (B) **Screening of Commercial Storage Area.** All storage materials and related activities, including storage areas for trash, shall be screened so as not to be visible from adjacent properties and public rights-of-way. Screening shall be between six and eight feet in height. Outside storage is not permitted in front yards, street side yards, or in front of main buildings. Exceptions can be approved by the Zoning Administrator.
 - (C) **Screening of Industrial Storage Areas.**
 - (i) All storage materials and related activities, including storage areas for trash, shall be screened so as not to be visible from adjacent properties and public rights-of-way. This screening shall be between six and eight feet in height. Items stored within 100 feet of a public street or a Residential zone shall not be stacked higher than two feet above the adjacent screen. Exceptions can be approved by the Zoning Administrator.
 - (ii) All exterior electrical cage enclosures and storage tanks shall be screened from view from adjacent public streets and Residential zones.
- (4) **Maintenance.** All required screening materials shall be maintained in good condition by the property owner and, whenever necessary, repaired or replaced.

~~(d)~~(e) **Noise Attenuation Walls.** As a Condition of Approval for a discretionary permit, the Review Authority may require walls, fences, berms, and/or landscaping for the purpose of noise attenuation in any zone to meet the standards in Chapter 9-404 when adjacent to a high noise generator, such as a major roadway or railroad. Where noise attenuation walls are required, height and yard restrictions for walls that would otherwise apply may be waived by the Review Authority upon review of a noise study, if necessary, for effective noise reduction.

(e) ~~**Electrified Security Fencing.** The Zoning Administrator may permit electrified security fences in Industrial, Commercial, and Agricultural zones subject to the following development standards:-~~

~~(1) **Uses and Locations.**~~

~~(A) The Zoning Administrator may authorize electrified security fences for any uses in the I-W (Warehouse), I-P (Industrial Park), I-L (Limited Industrial), I-G (General Industrial), AG (General Agricultural), AL (Limited Industrial), and AU (Agriculture Urban Reserve) zones.-~~

~~(B) The Zoning Administrator may authorize electrified security fences in the C-C (Community Commercial), C-G (General Commercial), C-RS (Rural Service Commercial), and C-X (Crossroad Commercial) zones only for the following land uses:-~~

~~(i) Auction sales—Indoor, outdoor;~~

~~(ii) Automotive sales and services—Automotive rentals, automotive repairs (light), automotive repairs (heavy), automotive sales, operable vehicle storage, parking;-~~

~~(iii) Communication services—Towers~~

~~(iv) Construction service;~~

~~(v) Equipment sales and repair—Farm machinery sales and leisure;~~

~~(vi) Marinas;~~

~~(vii) Nursery sales and landscaping services;~~

~~(viii) Truck Services;~~

~~(ix) Utilities; and~~

~~(x) Warehousing, storage, and distribution.-~~

~~(2) **Warning Signs.** The electrified security fence shall be clearly identified by installing prominently placed warning signs that are legible from both sides of the fence. At minimum, the warning signs shall meet the following criteria:-~~

- (A) ~~The warning signs are placed at each gate and access points, and at intervals along the fence not exceeding 30 feet.~~
- (B) ~~The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.~~
- (C) ~~The warning signs are marked with a written warning or a commonly recognized symbol for shock.~~
- (D) ~~The minimum dimensions for each sign are nine inches by 12 inches.~~
- (3) **Power.** ~~The primary power voltage for an electrified security fence shall not exceed 12 DC volts maximum. The electrified security fence shall only be electrified when the business it is protecting is closed to the public.~~
- (4) **Height.** ~~The height of an electrified security fence may exceed the height of the protective barrier, which is subject to the limits of Table 9 400.040 B, by two feet, provided the overall fence height is not more than 10 feet.~~
- (5) **Setbacks.** ~~Setbacks between the protective barrier and an electrified security fence are required as follows:~~
 - (A) ~~Any opening in the perimeter protective barrier that is less than or equal to three inches shall require a minimum 12 inch setback for the electrified security fence.~~
 - (B) ~~Any opening in the perimeter protective barrier that is greater than three inches but no more than six inches shall require a minimum three foot setback for the electrified security fence, or an approved mesh or equivalent material, with openings not to exceed three inches, shall be installed on the protective barrier.~~
 - (C) ~~When abutting a Residential zone, a protective barrier consisting of a minimum six foot high solid wooden fence or block wall shall require a minimum 12 inch setback for the electrified security fence. Any other protective barrier proposed adjacent to a Residential zone is required to have mesh installed, as approved by the Zoning Administrator, as a secondary protective barrier, that is a minimum of six feet in height and is setback 12 inches from the electrified security fence.~~
- (6) **Knox Box.** ~~Before the electrified security fence is electrified, a Fire Marshall approved Knox Box providing for emergency access to enable the electrification to be turned off shall be installed and the security fence shall be inspected by the Fire Department. The Knox Box shall be fully operational at all times when the electrified security fence is operational. If at any time the Knox Box is not operational, the electrified security fence cannot be activated.~~

- (7) **Required Permits.** A building permit is required for electrified security fences in any commercial zone and for any electrified security fence exceeding seven feet in height.

Section 18. Table 9-400.040-B, Series 400, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-400.040-B: HEIGHT LIMITS FOR FENCES		
<i>Zone and Placement</i>	<i>Maximum Height (Feet) Above Finished Grade</i>	<i>Locational Exceptions</i>
Residential Zones		
Front and Street Side Yards	4 feet (open or closed) plus 3- with a Zoning Compliance Review or 7 feet (open only)	Fences proposed with a minimum 10-foot setback may constructed of closed materials up to 7 feet in height.
Interior Side and Rear Yards	7 (open or closed)	
Outside of Required Yards	Not to exceed the maximum height for an accessory building	
Agricultural Zones		
Front and Street Side Yards	4 feet (closed) or 8 feet (open) or 4 feet (closed) plus 4 (open)	Fences proposed with a minimum 10-foot setback may constructed of closed materials up to 7 feet in height.
Interior Side and Rear Yards	5 8 feet (open or closed)	
Outside of Required Yards	Not to exceed the maximum height for an accessory building	
Other Zones		
Front and Street Side Yards	4 feet (closed) or 7 8 feet (open) or 5	Fences proposed with a minimum 10-foot setback may constructed of closed materials up to 8 feet in height.
Interior Side and Rear Yards	7 8 feet (open or closed)	
Outside of Required Yards	Not to exceed the maximum height for an accessory building	
<u>Notes:</u> Where open and closed fencing types are combined (ex; masonry wall with wrought iron) each fencing type must not exceed the maximum height above finished grade contained in the table.		

Section 19. Table 9-406.040, Series 400, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-406.040: ESTIMATED PARKING DEMAND BY USE TYPE		
<i>Use Type</i>	<i>Number of Spaces</i>	<i>Per</i>
Commercial Use Types		
<u>Signs, Off-Premises</u>	<u>TBD¹</u>	
Agricultural Use Types		
<u>Farm Services</u>	<u>2</u>	
Notes: TBD ¹ = To be determined by the Zoning Administrator. ² Outdoor seating which is less than 25 percent of the parking requirement is exempt.		

Section 20. Section 9-406.070, Series 400, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-406.070 — ALTERNATIVE COMPLIANCE WITH PARKING REQUIREMENTS

- (a) **Alternative Parking Plan.** ~~Where an applicant can demonstrate to the satisfaction of the Zoning Administrator that variations in the standards or dimensions otherwise required by this Chapter are warranted for uses with unique needs, such as schools, or in order to achieve the project's design objectives, an alternative parking area design and loading plan may be allowed with approval of an Administrative Use Permit. To grant such a permit, the Zoning Administrator must make the following findings in addition to the findings otherwise required:~~
- (1) ~~That the applicant has demonstrated that the alternative plan is a superior solution and the requested modifications in the design standards of this Chapter are warranted; and~~
 - (2) ~~That the alternative parking arrangement will be in place at all times during operation of the uses to be served by the parking.~~
 - (3) ~~The Zoning Administrator may refer a request for approval of an alternative parking plan to the Planning Commission, which may approve a Conditional Use Permit for such a plan.~~

Section 21. Section 9-408.130, Series 400, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-408.130 OFF-PREMISES SIGNS

Except as otherwise specified in this Section, all new or replacement off-premises outdoor advertising signs ("billboards") within ~~be~~ 660 feet of an Interstate freeway or State highway ~~and all off-premises signs are subject to an Administrative Use Permit and~~ shall comply with the following regulations.

Section 22. Section 9-409.060, Series 400, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-409.060 ALCOHOLIC BEVERAGE SALES

Off-Premises Alcoholic Beverage Sales, must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Applicability.** These standards apply only to alcohol sales for off-site consumption ~~and~~ as considered a primary use on-site, and do not apply to eating and drinking establishments or other uses where alcoholic beverage sales is clearly incidental (25% or less of the retail floor area).
- (b) **Conditional Use Permit Required.** Alcoholic beverage sales shall be allowed only in certain ~~Commercial~~ zones, as established in the 200 Series, Base Zones, with a Conditional Use Permit.
- (c) **Required Findings.** In addition to the findings required for Use Permits in 9-804.050, Conditional Use Permits for alcoholic beverage sales must not be approved unless the following findings can be made in the affirmative by the approving body:
 - (1) The use would not create a public nuisance.
 - (2) The use would not cause or add to crime in the area
 - (3) The use would not be contrary to zoning law
 - (4) The use would not be in a high-crime area or an area that has too many licenses, unless serving a public convenience or necessity.
- (d) **Location.** New sites for alcoholic beverage sales, except sites where alcoholic beverage sales is clearly incidental (25% or less of the retail floor area) must meet the following locational criteria:
 - (1) New businesses must be located 500 feet or more away from any existing, similar businesses in the area; and
 - (2) No more than 4 similar businesses may be located within a 1,000-foot radius.
- (e) **Inspections.** Businesses that engage in retail alcoholic beverage sales may be subject to inspection by County staff at any time if the Sheriff, or his or her designee, finds that criminal or nuisance activities may be occurring on or near the premises.
- (f) **Documents to be Available On-site.** A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license must be kept on the premises and presented to any law enforcement officer or authorized County official upon request.

- (g) **Lighting.** All off-street parking areas and building entries serving an Off-Premises Alcoholic Beverage Sales use must be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkway.
- (h) **Litter.** The site must ~~be~~ always be maintained free of litter and graffiti. The owner or operator must provide for removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. One permanent, non-flammable trash receptacle shall be installed near ~~the~~ each entrance/exit of the building.
- (i) **Security Cameras.** At least two 24-hour time-lapse security cameras are required to be installed and properly maintained on the exterior of the building wherever there is a public entrance.
- (j) **Signs.** The following signs must be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:
 - (1) "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age";
 - (2) "No Loitering or Public Drinking"; and
 - (3) "It is illegal to possess an open container of alcohol in the vicinity of this establishment".
- (k) **Standards and Procedures for Existing Alcoholic Beverage Retail Establishments ("Deemed Approved" Activities).** All alcoholic beverage retail establishments for off-site sales that have been legally existing and operating prior to the adoption of this Section shall be permitted to operate at their present location as a "deemed approved" activity, ~~provided that~~ Such establishments shall not be permitted to operate without a Conditional new land Use Permit if any of the following occur:
 - (1) The establishment changes its type of ~~retail on-sale or off-sale~~ alcoholic beverage license granted by the California Department of Alcoholic Beverage Control resulting in a different use type (i.e., beer and wine to distilled liquor Eating and Drinking Establishment – Bar to Retail – Alcoholic Beverage Sales, Off-Premises);
 - (2) The business operation of the establishment is abandoned, suspended or discontinued (including the case where retail alcoholic beverage license for such operation is suspended) for a period of one year, ~~provided that,~~ This provision shall not apply when the business operation is suspended or discontinued because the building or structure in which the establishment is operating is:
 - (A) Destroyed or damaged due to causes beyond the owner of the establishment's control (i.e., fire, flood, act of God, etc.) and which prevents the establishment from operating; or

- (B) Being remodeled, enlarged or improved which prevents the establishment from operating, provided that building and other appropriate County permits have been obtained ~~within 120 days after the business operation is discontinued~~. In the event that such permits expire or are revoked, then such establishment shall be required to obtain a conditional land use permit in order to continue or reestablish its operation, or as permitted by the Zoning Administrator.

Section 23. Table 9-409.070, Series 400, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-409.070 - ANIMAL STANDARDS			
Use Type, Animal or Use	Parcel Size	Number of Animals Permitted Per Parcel	Enclosure/Distance Separation Requirements
Animal Feeding and Sales			
Feedlot	Less than 5 acres	None	Animals shall not be kept or maintained in enclosures (pens, corrals, barns, and similar structures) that are less than ½ acre in size unless the enclosure is setback 40 feet from rear and side property lines. Staging for movement on and off of the property is excepted from this requirement.
	5 acres and over	As specified by an Administrative Use Permit	
	1 acre or more	12 swine per acre, including not more than 2 of 8 months of age or older; limit of 30 swine per parcel, including not more than 6 of 8 months of age or older	
Animal Raising: Exotic Animals			
Exotic Animals	As allowed for the zone.	As specified by an Administrative Use Permit	Animals shall not be kept or maintained in enclosures (pens, corrals, barns, and similar structures) that are less than ½ acre in size unless the enclosure is setback 40 feet from rear and side property lines. Staging for movement on and off of the property is excepted from this requirement.
Animal Raising: General			
Aviary, apiary, worm farms	Less than 1 acre	None	Animals shall not be kept or maintained closer than 40 feet from any rear or side property lines. Staging for movement on and off of the property is excepted from this requirement.
	1 acre and over	No limit	
Chickens, ducks, geese, turkeys, or similar fowl; rabbits or other animals of similar size at maturity.	Less than 1/3 acre	None	Animals shall not be kept or maintained in enclosures (pens, corrals, barns, and similar structures) closer than 40 feet from rear and side property lines. Staging for movement on and off of the property is excepted from this requirement.
	1/3 acre to less than 1½ acres	Not more than 15 of any combination of animals, of which not more than 1 may be a rooster	
	1½ acres to less than 3 acres	Not more than 25 of any combination of animals, of which not more than 2 may be roosters	
	3 acres and over	Not more than 35 of any combination of animals, of which not more than 3 may be roosters	

TABLE 9-409.070 - ANIMAL STANDARDS			
Use Type, Animal or Use	Parcel Size	Number of Animals Permitted Per Parcel	Enclosure/Distance Separation Requirements
other ruminants; sheep, goats, and similar livestock, except swine.	Less than 5 acres	1 animal for the first acre; 1 additional animal for each 10,000 square feet over 1 acre	Animals shall not be kept or maintained in enclosures (pens, corrals, barns, and similar structures) that are less than ½ acre in size unless the enclosure is setback 40 feet from rear and side property lines. Staging for movement on and off of the property is excepted from this requirement.
	5 acres to less than 10 acres	Up to 4 animals of any combination per acre	
	10 acres and over	No limit	
Swine	1 acre or more	Up to 5 swine	Animals shall not be kept or maintained in enclosures (pens, corrals, barns, and similar structures) that are less than ½ acre in size unless the enclosure is setback 40 feet from rear and side property lines. Staging for movement on and off of the property is excepted from this requirement.
	Less than 1 acre	None	
	1 acre or more	Up to 5 swine	
Animal Raising: Family Food Production/Education			
Chickens, ducks, geese, turkeys, or similar fowl; rabbits or other animals of similar size at maturity.	Less than 1/3 acre	None	Animals shall not be kept or maintained in enclosures (pens, corrals, barns, and similar structures) closer than 40 feet from rear and side property lines. Staging for movement on and off of the property is excepted from this requirement.
	1/3 acre to less than 1½ acres	Not more than 15 of any combination of animals, of which no more than 1 may be a rooster	
	1½ acres to less than 3 acres	Not more than 25 of any combination of animals, of which no more than 2 may be roosters	
	3 acres and over	Not more than 35 of any combination of animals, of which no more than 3 may be roosters	
Cattle, horses (education only), and other ruminants except horses and other equine; sheep, goats, and similar livestock, except swine.	Less than 1 acre	None	Animals shall not be kept or maintained in enclosures (pens, corrals, barns, and similar structures) closer than 40 feet from rear and side property lines. Staging for movement on and off of the property is excepted from this requirement.
	1 acre and over	1 animal plus 1 additional animal for each 10,000 square feet over 1 acre; maximum of 5 animals per parcel	
Swine	Less than 1 acre	None	Animals shall not be kept or maintained in enclosures (pens, corrals, barns, and similar structures) that are less than ½ acre in size unless the enclosure is setback 40 feet from rear and side property lines. Staging for movement on and off of the property is excepted from this requirement.
	1 acre or more	Up to 5 swine	
Animal Raising: Hogs			
Hog farm	Less than 1 acre	None	Animals shall not be kept or maintained in enclosures (pens, corrals, barns, and similar structures) that are less than ½ acre in size unless the enclosure is setback 40 feet from rear and side property lines. Staging for movement on and off of the property is
	1 acre and over	As specified by an Administrative Use Permit	

TABLE 9-409.070 - ANIMAL STANDARDS			
Use Type, Animal or Use	Parcel Size	Number of Animals Permitted Per Parcel	Enclosure/Distance Separation Requirements
			excepted from this requirement.
Animal Raising: Small Animals			
Fish or frog farm	Less than 1 acre	None	The toe of the slope of the pond shall be maintained a distance of 10 feet from the nearest property line or such greater distance as the Director deems necessary.
	1 acre and over	No limit	
Poultry ranch, excluding ostriches and other ratites	Less than 10 acres	None	Animals shall not be kept or maintained a closer than 100 feet from the nearest property line. Staging for movement on and off of the property is excepted from this requirement.
	10 acres and over	No limit	
Poultry ranch, for ostriches and other ratites	Less than 2 acres	None	Animals shall not be kept or maintained in enclosures (pens, corrals, barns, and similar structures) closer than 40 feet from rear and side property lines. Staging for movement on and off of the property is excepted from this requirement.
	2 acres and over	As specified by an Administrative Use Permit	
Animal Specialty Services: Kennels; Kennels, Small Breeding			
Kennels of any size	As allowed by zoning district	As specified by an Administrative Use Permit	Animals shall not be kept or maintained in enclosures (pens, corrals, barns, and similar structures) that are less than ½ acre in size unless the enclosure is setback 40 feet from rear and side property lines. Staging for movement on and off of the property is excepted from this requirement.
Dairies			
Cow or goat dairy	Less than 20 acres	None	Animals shall not be kept or maintained in enclosures (pens, corrals, barns, and similar structures) that are less than ½ acre in size unless the enclosure is setback 40 feet from rear and side property lines. Staging for movement on and off of the property is excepted from this requirement.
	20 acres and over	As specified by an Administrative Use Permit	

Section 24. Section 9-409.270(i), Series 400, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

- (i) **Prohibited Occupations and Activities.** The following are expressly prohibited ~~as for~~ on-site home occupations: ambulance or hearse service; ammunition reloading; any business distributing, transporting, or delivering commercial cannabis or commercial cannabis products; bed and breakfast lodging; ceramics using a kiln of six cubic feet or more in size; ~~health salon~~, gym, dance, or exercise studio; large household appliance repair or reconditioning; ~~mobile oil changing~~; mortician; medical; or dental ~~or veterinary~~ office; private club; shop for repair, storage, or reconditioning of boats, cars, trucks, and

recreational vehicles; restaurants; retail sales except artist's, artisan's, and photographer's original work; ~~truck-towing yard~~; veterinary uses; and welding shop.

Section 25. Section 9-409.270(j)(3), Series 400, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

- (3) **Dog and cat breeding**, provided the number of adult dogs and cats does not exceed four~~three~~.

Section 26. Section 9-409.430(a), Series 400, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

(a) **Small-scale Solar Energy Systems.**

- (1) **Exemptions - Allowed by Right.** Small residential rooftop energy systems, as defined and regulated by Government Code Section 65850.5, and other small energy systems less than 2.5 acres in size are allowed as accessory uses by right; only a building permit is required. See Section 9-400.100,
- (2) **Permit Requirements.** Non-exempt Small-scale Solar Energy Systems, ~~either ground-mounted or structure-mounted, require an Administrative Use Permit if any modification to the development standards of this section is requested; otherwise, only a Zoning Compliance Review, is needed. However, if there are any modifications that substantially increase the physical size or height, then a~~An Administrative Use Permit is required, and a Conditional Use Permit is required to convert a Small-scale Solar Energy System to a Utility-scale Solar Energy System.
- (3) **Maximum Height.** The combined height of a structure and structure-mounted Small-Scale Solar Energy System shall not exceed the height limit of the zone by more than five feet, and the height of a ground-mounted solar array shall not exceed 15 feet.
- (4) **Maximum Lot Coverage.** The maximum lot coverage for solar arrays and any accessory structures shall be 25 percent of the lot or parcel of land or 2.5 acres, whichever is lesser.
- (5) **Farmland Protection.** In Agricultural Zones, an accessory renewable energy system shall be sited to minimize any loss of Prime Agricultural Land. If the system is located on a site under a California Land Conservation Act (Williamson Act) contract, the system must serve an agricultural or compatible use, which may include a Single Unit Dwelling and an Accessory Dwelling Unit.

Section 27. Section 9-601.030, Series 600, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-601.030 COMPLIANCE REQUIRED

It shall be unlawful to maintain or use any residence, place of business, or other building or place where persons reside, congregate, or are employed which is not provided with a means for ~~the disposal of wastewater~~water that complies with the requirements of this Chapter and the standards relating to ~~wastewater disposal~~water wells established by the Director of Environmental Health.

Section 28. Section 9-803.040, Series 800, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-803.040 APPEAL

The Zoning Administrator's determination may not be appealed ~~to the Planning Commission in accordance with Section 9-802.140, Appeals.~~

Section 29. Section 9-815.080, Series 800, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-815.080 VIOLATIONS

It is a violation of this Title and County Ordinance Code Section 1-2000 for a property owner and/or other person in control of a property to maintain or permit a nuisance or a violation of this Title on real property. Any use or condition on real property which is in violation of this Title or in violation of permits approved pursuant to the provisions of this Title shall constitute a violation of this Title and, if not abated, may be subject to the enforcement procedures outlined in this Chapter or Title 1. Violations may include:

- (a) Violating the existing land use
- (b) Operating without a land use
- (c) Operating where land use is prohibited

In addition to violations of this Title (Title 9, County of San Joaquin Development Title), violations may be observed and noticed in relation to other codes.

Section 30. Section 9-900.020, Series 900, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

Accessory Short-Term Rentals. ~~Rentals of one or more bedrooms in a dwelling unit, or the complete dwelling unit, on a daily or weekly basis. A dwelling that is rented for lodging for a period of thirty consecutive days or less, in whole or in part, with or without the presence of the owner or an owner's representative and with no meal service.~~ This use is also known as a "home-share" business.

Animals, Domestic (Household Pets). Small ~~pets~~animals ordinarily permitted in the house such as cats, dogs, chickens, and other birds. This definition excludes large animals, such as horses, goats, swine and similar size animals.

Household Pets. See Animals, Domestic. ~~Domestic animals ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and birds.~~

Short-Term Rentals. See Accessory Short-Term Rentals.

Section 31. Section 9-901.050, Series 900, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

Farm Services. Services provided to farming operations on a fee or contract basis. Typical services include administrative or farm headquarters offices, contract harvesting done primarily by machine, soil preparation, planting crops, and the storage of semi-trucks exclusively used for contract harvesting, farm equipment, and material for said services. This use type excludes uses classified as Equipment Sales, Repair, and Storage – Farm Machinery, Sales or Repair.

Renewable Energy.

Small-Scale Solar Energy System. A device or devices with accessory equipment or structures that converts solar energy into electrical or thermal energy primarily for on-site use. A small-scale solar energy system may be affixed either to the ground or to a structure. Energy generated by a small-scale solar energy system that exceeds the on-site energy demand may be used off-site. This use types excludes ~~small-r~~Residential rooftop Solar eEnergy sSystems, Small, which are classified as ~~Minor Utilities~~an accessory use to a single unit dwelling or duplex dwelling.

Signs, Off-Premises. The Off-Premises Signs use type refers to signs which direct attention to businesses, commodities, services, or entertainment which are conducted, sold, or offered at a location different from that of the sign. Typical uses include billboards.

Transient Lodging.

~~**Short Term Rental.** A dwelling that is rented for lodging for a period of thirty consecutive days or less, in whole or in part, with or without the presence of the owner or an owner's representative and with no meal service.~~

Section 32. This Ordinance shall take effect and be in force thirty (30) days after its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once (1) in the Record, a newspaper of general circulation published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this 2nd of May 2023 to wit:

AYES: CANEPA, PATTI, DING, RICKMAN

NOES: VILLAPUDUA

ABSENT: NONE

ABSTAIN: NONE

Robert Rickman

ROBERT RICKMAN
Chairman, Board of Supervisors
County of San Joaquin
State of California

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin
State of California

By: **Rachél DeBord**

