

## Chapter 17.08 - GENERAL PROVISIONS AND EXCEPTIONS

### Sections:

#### 17.08.010 - Additional uses permitted.

The following uses, in addition to those hereinafter mentioned, shall be permitted:

- A. The operation of necessary service facilities and equipment in connection with schools, colleges, and other institutions when located on the site of the principal use;
- B. Recreation, refreshment and service buildings in public parks, playgrounds and golf courses;
- C. Airports may be permitted in any district upon the securing of use permits in each case;
- D. Light agriculture use as defined herein on sites of two acres or more shall be permitted in all C-1, C-2, C-3, M-1 and M-2 districts;
- E. Existing dwellings, mobile homes or recreational vehicles may be used as a temporary dwelling during the construction of a conventional home or the establishment of a mobile home in all districts for up to one year, with two six-month extensions available if construction is not completed within the year. Said dwelling, mobile home or recreational vehicle shall be removed or converted to a nonresidential use within sixty days of final approved inspection of the dwelling by the department of building and safety or the exhaustion of the maximum two-year temporary occupancy, whichever comes first, or be in violation of this section;
- F. The commercial excavation of natural materials, and accessory uses in conjunction with extraction activities including, but not limited to: crushing, screening, asphaltic concrete and concrete batching may be permitted in any district upon the securing of a use permit in each case except within the designated floodways as established by the state of California Reclamation Board on the Sacramento River, and the main and south forks of Cottonwood Creek. Except for excavation projects allowed by use permits which were approved prior to the effective date of the ordinance codified in this chapter, commercial excavation is prohibited in the aforementioned designated floodway areas.
- G. 1. Except as provided in subsections G.2. and G.3. of this section, locations of underground utility installations and aboveground utility installations including radio transmission apparatuses used solely for the purpose of Amateur Radio and/or Ham Radio if so licensed, and small television reception apparatuses (antenna/dish) that are stand-alone or fixed to an approved residential structure may be permitted within any district or as allowed pursuant to Tehama County Code Section's 17.71.030 if it meets all local/state/federal codes, whereas electrical substations and generating plants that are not located in accordance with the State of

California Public Utilities Commission rules and regulations within rights-of-way, easements, franchises or ownerships of public utilities shall require a Use Permit as provided in Chapter 17.70.

2. Notwithstanding subsection G.1. of this section, pipelines, electric, telephone lines either underground or aboveground, or rail lines shall not be subject to a use permit requirement when located in accordance with the state of California Public Utilities Commission rules and regulations within rights-of-way, easements, franchises or ownerships of the public utilities. This subsection shall not apply to a High Voltage Electrical Facility.
3. Notwithstanding subsection G.1. of this section or any other provision of this Title, a High Voltage Electrical Facility may be permitted in any district only upon the securing of a use permit issued by the Board of Supervisors pursuant to Section 17.70.015.

H. Pot-Bellied Pigs. As an accessory use to a detached single-family dwelling in an RE; Residential Estates Zoning District and an R-1; One-Family Residential Zoning District. No more than five Vietnamese pot-bellied pigs (*sus scrofa*) may be kept or harbored as a pet. In combination with dogs, no more than five animals may be kept, provided:

1. The animal is regularly housed indoors, and when outdoors, is restrained by leash or within a durable fenced enclosed area;
2. Pot-bellied pigs over the age of four months shall be neutered or spayed. Exemption for neutering or spaying will be considered by the county of Tehama animal control department when presented with evidence authored by a veterinarian stating that the procedure would be detrimental to the health of the animal;
3. The owner has obtained a license issued by the county of Tehama animal control department for the pot-bellied pig, which shall be issued only after proof of neutering or spaying has been provided. The licensure fee shall be equivalent to the dog licensure fee; and
4. Tusks shall be regularly trimmed so as not to exceed one inch in length outside the outer lip.

I. Bed and breakfast establishments shall be considered a permitted use in all zoning districts allowing dwelling units by right, except the AG-1, AG-2, AG-3, AG-4 and NR zoning districts. Bed and breakfast establishments are defined as a single-family structure in which there is a full time, permanent resident family and guest bedrooms and table board for not more than four paying guests. Meals shall be prepared each day in a kitchen appropriately permitted by the Tehama County Department of Environmental Health. Bed and breakfasts shall meet the following requirements:

- 1.

The structure and facilities used shall be approved for such use by the Tehama County Department of Environmental Health and shall at a minimum comply with the following standards:

- a. The residence shall be serviced by an approved community sewage disposal system, or have an individual system satisfying current code requirements.
  - b. Water supply shall be by an approved community system, or from an individual well having quality and quantity satisfying current code requirements.
2. The structure and facilities used shall be approved by all fire protection agencies necessary to comply with applicable provisions the Tehama County Code and state law.
3. A sign of not more than four square feet shall be posted and clearly visible from the nearest road. The sign shall require the street address and may contain the name of the owner or the establishment. Signs exceeding four square feet shall require planning commission approval.
4. At a minimum, an 8½ × 11-inch written notice must be placed in each rental unit, which contains the following information:
  - a. Instructions in case of fire or other emergency, including the name and phone number of the property owner or rental manager.
  - b. Quiet hours are between ten p.m. and eight a.m., and shall be strictly enforced.
  - c. Water and energy conservation measures.
  - d. Proper use of wood burning stoves and fireplaces.
  - e. Parking and snow removal requirements if necessary. No parking on roadway is permitted during snow removal periods declared by the public works director.
  - f. An identification of the character or area in which the unit is located (i.e. rural, agricultural, residential).
  - g. A statement relative to respect for adjacent property owner's rights and trespassing concerns.
  - h. Proper trash disposal, and bear preventive/control measures if applicable.
5. At the time the registration certificate is approved, the structure must be found in conformance with current building code requirements by the chief building inspector relative to the basic health, safety and welfare of the occupants.
6. The following on-site parking standards shall apply:
  - a. Bed and breakfast establishments shall have two parking spaces for the residence plus at least one space for each bedroom available for rent.
  - b. Parking provided shall be maintained so that it is accessible, usable, and utilized at all times during the year, when it is occupied.
- 7.

The applicant shall apply to the Tehama County Planning Department for site plan review and approval. The planning department shall forward the application to the Tehama County Department of Building and Safety, Tehama County Department of Environmental Health, and Tehama County Fire Chief for review.

8. Following review and determination by the director of planning that the foregoing requirements have been met, the director shall issue a bed and breakfast occupancy registration certificate to the applicant.
9. Permitted bed and breakfast establishments that have received a registration certificate under this section are specifically excluded from the definition of "hotel" as described in this Title.

(Ord. 1837 §1, 2005; Ord. 1753 §2, 2001; Ord. 1720 §2(part), 2000; Ord. 1683 §2(part), 1997; Ord. 1644 §2, 1995; Ord. 1435 §2, 1988; Ord. 1228 §2(Ch. 46, Art. 1), 1983)

(Ord. No. 1953, § 2, 3, 11-23-2010; Ord. No. 1972, §§ 10, 11, 10-23-2012; Ord. No. 2113, § 2, 11-16-2021)

#### 17.08.011 - Transitional and supportive housing.

Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(Ord. No. 1951, § 27, 10-19-2010)

#### 17.08.012 - Employee and farmworker housing.

- A. Any employee housing providing accommodations for six or fewer employees shall be deemed a one-family dwelling for purposes of this title. No use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone.
- B. Notwithstanding any other provision of this title, any agricultural employee housing consisting of no more than thirty-six beds in a group quarters or twelve units or spaces designed for use by a single-family or household shall be deemed light agriculture. The occupancy of such employee housing may include agricultural employees who do not work on the property where the employee housing is located. No conditional use permit, zoning variance, or other zoning clearance shall be required of such employee housing that is not required of any other light agricultural activity in the same zone.

(Ord. No. 1951, § 36, 10-19-2010)

#### 17.08.013 - Residential care facilities.

Any of the following residential care facilities shall be deemed a one-family dwelling for purposes of this title, whether or not unrelated persons are living together:

- A. An "intermediate care facility/developmentally disabled habilitative" which serves six or fewer persons;
- B. An "intermediate care facility/developmentally disabled—nursing" which serves six or fewer persons;
- C. A "congregate living health facility," as defined in Health and Safety Code section 1250, subdivision (i); or
- D. A "residential facility," as defined in Health and Safety Code section 1502, subdivision (a)(1), as hereafter amended, that serves six or fewer persons.

No conditional use permit, zoning variance, or other zoning clearance shall be required of such a residential care facility which is not required of a one-family dwelling in the same zone. Such residential care facilities shall be subject to the same requirements, standards, and restrictions as other one-family dwellings in the same zone.

(Ord. No. 1951, § 37, 10-19-2010)

#### 17.08.020 - Building site, areas and easements.

- A. A detached garage or accessory building not exceeding one story in height and without living quarters may occupy not more than fifty percent of the area of a required rear yard. In exception to the provisions of this section, a garage or other similar outbuilding not exceeding fifteen feet in height at the ridge may be built against the side and rear line, provided that said garage or similar outbuilding is not less than seventy feet from any street; otherwise said garage or similar outbuilding shall observe a five-foot clear distance for side line and rear line. A detached garage or accessory building shall not be closer than eight feet clear distance to the main building.
- B. Notwithstanding the maximum building coverage requirements of Sections 17.16.060(B) and 17.18.070(B), a maximum building coverage of fifty percent of the lot area shall be allowed in the following enumerated lots within River Lakes Ranch Subdivision also known as Lake California: lots 444 through 452 inclusive, of Tract 1001; lots 44 through 93 inclusive, of Tract 1013; lots 297 through 312 inclusive, of Tract 1004; and lots 241 through 553 inclusive, of Tract 1006.

(Ord. 1857 §1, 2006; Ord. 1683 §§1, 2(part), 1997; Ord. 1228 §2(Ch. 46, Art. 2), 1983)

(Ord. No. 2060, § 1, 4-17-2018)

#### 17.08.030 - Yards.

- A. A primary structure shall not occupy any portion of a front, side (including street side) or rear yard as defined by setbacks herein, unless otherwise provided for in this title.
- B. In any case where a setback line for the construction of buildings and/or structures has been established within this title, a structure and/or building addition may not encroach within the line unless the existing structure or property is considered legally non-conforming per section 17.74.010 by the director of planning or their designee. Once the director of planning or their designee has determined that an existing structure or property is legally non-conforming, they may approve a setback adjustment to the proposed structure and/or building thereby allowing the addition.
- C. Garages, carports, and other accessory buildings may be attached to and have a common wall with the main building or, when located as required by this title, may be connected thereto by a breezeway.
- D. Uncovered porches or stairways, fire escapes or landing places may extend into any required front or rear yard a distance not exceeding six feet and into any required side yard a distance not exceeding one-half the width of the side yard required for the lot.
- E. In case a dwelling is to be located so that the front or rear thereof faces any side lot line such dwelling shall be located not less than ten feet from such lot line. The shorter street frontage of a corner lot shall be considered the front of the lot.
- F. In R districts fences in side and rear yards may not exceed six feet in height, and fences and hedges may not exceed three feet within the front yard setback.
- G. In any full block of lots the front yards may be varied so that the required yard depth is not reduced more than five feet, the average of all lots equals the required yard's depth, and corner lot yards are not reduced.

(Ord. 1683 §1, §2(part), 1997; Ord. 1228 §2(Ch. 46, Art. 3), 1983)

(Ord. No. 2060, § 1, 4-17-2018)

#### 17.08.040 - Height exceptions.

- A. Silo's, Spires, chimneys, machinery, penthouses, scenery lofts, cupolas, water tanks, radio transmission apparatuses used solely for the purpose of Amateur Radio and/or Ham Radio if so licensed, television reception apparatuses (antenna/dish) that are stand-alone or fixed to an approved residential structure, and similar architectural and utility structures and necessary mechanical appurtenances may be built and used to a height not more than twenty-five feet above the height limit established for the district in which the structure is located or as allowed pursuant to Tehama County Code Section's 17.71.030; provided, however, that no such architectural or utility structure in excess of the allowable building height shall be used for

sleeping or eating quarters or for any commercial or advertising purposes, except as otherwise specified in the Zoning Code. Structures and communication facilities identified in Chapter 17.71-Communication facilities shall be excluded from any districts height standards provided they comply with the provisions in Chapter 17.71.

B. The above height limitations shall be subject to laws and regulations of the state and federal government.

(Ord. 1720 §2(part), 2000; Ord. 1228 §2(Ch. 46, Art. 4), 1983)

( Ord. No. 2113, § 4, 11-16-2021)

#### 17.08.050 - Accessory dwelling units.

(R-1, RE, AG-1, AG-2, AG-3, AG-4, and NR districts) The purpose of this section is to provide standards for accessory dwelling units (ADU) to be constructed on lots developed or proposed to be developed with single family dwellings. Such accessory dwellings contribute to the supply of needed housing for the community's housing stock. Thus, accessory dwellings units are a residential use which is consistent with the General Plan objectives and zoning regulations, which enhance housing opportunities in the county.

A. One attached or detached ADU may be established on all lots that are occupied with a single family dwelling unit and zoned residential or any lot that has an existing legally established permitted single family dwelling. The construction of any ADU is subject to the following requirements:

1. The unit is not intended for sale separate from the primary residence and may be rented.
2. The lot is zoned R-1, RE, AG-1, AG-2, AG-3, AG-4, or NR.
3. The lot on which the ADU is constructed shall contain an existing owner-occupied single-family residence. The property owner must maintain occupancy of either the main residence or second residence.
4. The ADU is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
5. The increased floor area of an attached ADU shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of one thousand two hundred square feet.
6. The total area of floor space for a detached ADU shall not exceed one thousand two hundred square feet.
7. The ADU shall conform to height, setback, lot coverage, site plan review, fees, charges and other zoning, building and health code requirements generally applicable to residential construction.

8. Adequate sewer and potable water facilities shall be provided as determined by the Tehama County Environmental Health Department.
9. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.
10. Setbacks are not required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines are not required for an accessory dwelling unit that is constructed above a garage.

(Ord. 1688 §2, 1998)

(Ord. No. 1972, §§ 12, 13, 10-23-2012; Ord. No. 2060, § 1, 4-17-2018)

17.08.060 - Reserved.

**Editor's note**— Ord. No. 2060, § 1, adopted April 17, 2018, repealed § 17.08.060, which pertained to interim prohibition on subdivision of agricultural lands, and derived from Ord. 1881 § 4, adopted in 2007; and Ord. 1880 § 3, adopted in 2007.

17.08.070 - Reserved.

**Editor's note**— Ord. No. 2060, § 1, adopted April 17, 2018, repealed § 17.08.060, which pertained to interim prohibition of establishment or operation of marijuana dispensaries, and derived from Ord. No. 1924, § 3, adopted Sept. 15, 2009; Ord. No. 1929, § 4, adopted Oct. 27, 2009; and Ord. No. 1946, § 4, adopted Aug. 31, 2010.

17.08.080 - Development design standards.

Any commercial or industrial building or complex that exceeds ten thousand square feet of impervious surface shall be required to meet the minimum design standards prior to plot plan approval for a building permit outlined below.

A. Building design.

1. Building and structure height limits shall as per Section 17.34.070.
2. Bland walls along streets and highways shall be avoided.
3. Pedestrian amenities should be incorporated into the site design. These elements should complement the site and should not be added as an afterthought.

B. Color.

1. Building color should be natural earth tones and shall not become the "signing" for the project by competing for attention.



2. Accent colors shall complement the base color or a variation of its hue either weaker or stronger.
3. Architectural design should be painted to complement the facade and tie into with the adjacent buildings.

C. Building Materials.

1. Encourage materials including but not limited to:
  - a. Masonry;
  - b. Brick;
  - c. Stucco;
  - d. Architectural or pre-finished metal.

D. Screening of roof equipment.

1. All roof equipment shall be completely screened from a horizontal line of sight. Mechanical equipment should be located below the highest vertical element of the building.
2. For flat roofs, a screened enclosure behind a parapet wall may be used if it is made to appear as an integral part of the structure's design. Screened ground or interior mounted mechanical equipment is encouraged as an alternative.

E. Screening of refuse, storage and equipment areas.

1. Trash storage areas shall include solid masonry wall with a solid gate at the front. Trash enclosures visible from upper stories of adjacent structures should be opaque or semi opaque and shall be compatible with the sites architectural style.

The following development design standards shall apply to all commercial and industrial zones regardless of size;

F. Landscaping.

1. Landscaping should be used to help define the outdoor spaces, soften a structures appearance and screen parking, loading, storage and equipment areas.
2. Parking areas shall be landscaped to a depth of ten feet measure from the abutting street right of way line, with openings for walkway and/or driveway purposes in accordance with county standards.
3. All Landscaping shall be maintained with in-ground permanent irrigation system.
4. Large parking areas shall landscape a minimum of five percent of the gross lot area used for off-street parking and access thereto, exclusive of any landscape strip abutting the street right-of-way or area used for walkways and/or driveways. This required landscaping

shall include one tree, of a species suited to the area climate zone, for every eight parking spaces.

5. Exterior lighting shall be properly shielded to eliminate light and glare from impacting adjacent properties, and passing vehicles or pedestrians.

#### G. Signs.

1. All signs shall advertise the primary permitted uses conducted or services offered on the site of such primary use or service. The sign(s) shall not exceed an aggregate area of two square feet for each lineal foot of site frontage on a street or road and further, shall not exceed a maximum of four hundred square feet and six feet in height.
2. Directional and informational signs of not more than six square feet may be permitted upon the securing of a use permit in each particular case.
3. Outdoor advertising signs or structures which advertise other than uses conducted or services offered on the site may be permitted upon the securing of a use permit in M-1 and M-2 districts.
4. Signs shall not have any moving or rotating, flashing or otherwise animated light or component, except approved off-site digital signs, standard barber poles, time and temperature signs that are located in commercial and industrial zones, and community identification signs.
5. Signs shall be maintained in a state of good repair at all times. Damage to signs, including cracked sign faces, frayed or weathered fabric, and broken lighting, shall be repaired.
6. All signs may be illuminated from an internal or external light source. Signs with individual, three-dimensional letters may also use rear "halo" illumination for each letter.
7. Pole signs which identify the primary permitted use conducted or services offered on the site shall be permitted provided that such sign(s) are located on, at or immediately adjacent to the structure contained such use or service. The sign(s) shall not exceed an aggregate area of two square feet for each lineal foot of site frontage on a street or road and further, shall not exceed a maximum of four hundred square feet.

#### H. Off-Street Parking.

1. Construction of the main building or structure or enlargement of the same main building or structure or increase in capacity shall provide adequate off-street parking and loading with provisions for ingress and egress by standard size automobiles.
2. All parking shall be located on the same lot or parcel as the use which the spaces serve, except as otherwise provided in this chapter.
3. All required off-street parking and loading spaces shall be maintained in good condition for the duration of the use that they are intended to serve.
- 4.

Every hospital, institution, hotel, commercial or industrial building hereafter erected or established on a lot which abuts upon an alley or is surrounded on all sides by streets shall have one permanently maintained loading space of not less than ten feet in width, twenty feet in length, and fourteen feet in height for each four thousand square feet of lot area upon which said building is located; provided, however, that not more than two such spaces shall be required on any lot.

5. Such area shall be paved with bituminous or concrete surfacing and shall have appropriate bumper guards where needed. Required front and side yards shall be landscaped with evergreen ground cover and properly maintained. The foregoing yard requirement may be waived in particular cases by action of the board.
6. Parking Space Perpetuation. Parking space as required in this section shall be on the same lot with the main building or structure or located not more than three hundred feet therefrom. To insure the perpetuation of the parking space requirement in this chapter, the owner and/or owners of the same lot or lots with the main building, buildings, structure or structures, and the owner of the parking space shall execute a declaration of restrictions and covenants covering said lot or lots and parking space setting aside the required space for parking only, which restrictions and covenants may be waived only by the consent of the owner or owners of more than one-half of the said lot or lots and parking space.
7. Compact vehicle parking may be provided at the following rate;

Total Parking Stalls	Maximum Compact Stalls
1 - 10 spaces	None
<u>11</u> - 30 spaces	10 percent of all spaces
31 - 100 spaces	30 percent of all spaces
101 or more spaces	40 percent of all spaces

#### Off-Street Parking Space Requirements

Churches, High School, College and University Auditoriums and Theaters	1 space per every four seats plus 1 space per 300 square feet of office space
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Hospitals and Governmental offices	1 space per 400 square feet
Professional offices	1 space per 300 square feet
Hotels, Tourist court, Apartment hotels, Clubs, and Lodges	1 space per room plus 1 space per 300 square feet of office
Research and Development Facilities	1 space per 1000 square feet of laboratory or manufacturing plus 1 space per 300 square feet of office space
Warehousing and Wholesale Distributing	1 space per 4000 square feet plus 1 space per 300 square feet of office space
Vehicle Repair, Service and Sales	1 space per 400 square feet
General Retail	1 space per 300 square feet

8. Exceptions and/or modification may be made for a particular use if a use permit is obtained. The approving body must find, based upon data submitted by the applicant, that the proposed arrangement and design will be of equal or greater excellence in arrangement, design or attractiveness than would be realized by the normal standards of this chapter. An exception can also be made if the proposed use is to be located in a facility that existed before the date of adoption of this ordinance and is not feasible, due to space constraints, to provide the required parking.

(Ord. No. 2057, § 1, 3-27-2018; Ord. 2081 § 3, 9-17-19)

**Editor's note**— Ord. 2081 § 3, adopted September 17, 2019 repealed § 17.08.080 and renumbered former § 17.08.090 as § 17.08.080. Former § 17.08.080 pertained to the interim prohibition of chicken, poultry, or other fowl farms without a use permit and derived from Ord. No. 1997, § 3, adopted January 6, 2015; and Ord. No. 1999, § 4, adopted February 10, 2015.

17.08.090 - Reserved.

**Editor's note**— See editor's note at § 17.08.080.