

TITLE 19 - ZONING

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C H A P T E R 19.02
GENERAL PROVISIONS

SECTIONS:

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19.02.030 APPLICABILITY
19.02.040 RELATIONSHIP TO OTHER REGULATIONS AND REQUIREMENTS
19.02.050 BUILDINGS UNDER CONSTRUCTION
19.02.060 COMPLIANCE WITH TITLE
19.02.070 VIOLATION — PENALTY

19.02.010 CITATION

This title shall be known as, and may be cited and referred to as, the "Zoning Ordinance of Kern County."

19.02.020 PURPOSES

This title is adopted to promote and protect the public health, safety, and welfare through the orderly regulation of land uses throughout the unincorporated area of the County. Further, the purposes of this title are to:

- A. Provide the economic and social advantages resulting from an orderly planned use of land resources.
- B. Encourage and guide development consistent with the Kern County General Plan.
- C. Divide Kern County into zoning districts of a number, size, and location deemed necessary to carry out the purposes of the Kern County General Plan and this title.
- D. Regulate the size and use of lots, yards, and other open spaces.
- E. Regulate the use, location, height, bulk, and size of buildings and structures.
- F. Regulate the intensity of land use.
- G. Regulate the density of population in residential areas.
- H. Establish requirements for off-street parking.
- I. Regulate signs and billboards.
- J. Provide for the enforcement of the regulations of this chapter.

19.02.030 APPLICABILITY

This title shall apply, to the extent permitted by law, to all property in unincorporated Kern County whether owned by private persons, firms, corporations, or organizations; by the United States or any of its agencies; by the State of California or any of its agencies or political subdivisions; by any county or city, including the County of Kern; or by any authority or public entity organized under the laws of the State of California. Any governmental agency shall be exempt from the provisions of this title only to the extent that such property may not be lawfully regulated by the County of Kern.

19.02.040 RELATIONSHIP TO OTHER REGULATIONS AND REQUIREMENTS

The regulations of this title and requirements or conditions imposed pursuant to this title shall not supersede any other regulations or requirements adopted or imposed by the Kern County Board of Supervisors, the Kern County Fire Department, the Kern County Health Department, the Regional Water Quality Control Board, the Air Pollution Control District, the Kern County Engineering and Survey Services Department, the Kern County Water Agency, or any other local, State, or federal agency that has jurisdiction by law over uses and development authorized by this title. All uses and development authorized by this title shall comply with all other such regulations and requirements. Where two (2) or more ordinances regulate the same use or activity, the more restrictive ordinance shall apply.

19.02.050 BUILDINGS UNDER CONSTRUCTION

Any building or structure for which a building permit has been issued prior to the effective date of the ordinance from which this title derives may be completed and used in accordance with the plans, specifications, and permits on which said building permit was granted, if construction is commenced within one (1) year after the issuance of said permit and diligently pursued to completion. No extensions of time shall be granted for commencement of construction.

19.02.060 COMPLIANCE WITH TITLE

- A. It is unlawful for any building or structure to be moved, erected, used, altered, enlarged, or rebuilt or for any use to be established or changed that does not strictly conform to the provisions of this title.
- B. It is unlawful for any yard, open space, or land to be used for any purpose not specifically permitted by this title.
- C. Any uses not specifically permitted by the provisions of this title or accessory thereto under Section 19.08.111 are prohibited. All prohibited uses specified at any place within this title are examples only and are not to be construed as a complete listing of all prohibited uses.
- D. No department, official, or employee of the County of Kern vested with the duty or authority to issue permits or licenses for buildings, structures, or uses subject to the requirements of this title shall issue a permit or license in conflict with the provisions of this title; any permit or license issued in conflict with any provision of this title shall be null and void. Further, no permit or license shall be issued by any department, official, or employee of the County of Kern for any building, structure, or use subject to the

requirements of this title on a parcel of land where the department, official, or employee is aware that a violation of this title exists, except as provided for in Chapter 19.114 of this title.

19.02.070 VIOLATION — PENALTY

Any person, firm, or corporation using any building, structure, or parcel of land in violation of any provision of this title is guilty of a misdemeanor and shall be prosecuted to the fullest extent of the law under Chapter 19.114 of this title.

CHAPTER 19.04

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19.04.003 CONSTRUCTION OF TERMS

For the purpose of carrying out the intent of this title, words, phrases, and terms shall be deemed to have the meaning ascribed to them in this chapter. In construing the provisions of this title, specific provisions shall supersede general provisions relating to the same subject, and text shall supersede diagrams relating to the same subject. Words, phrases, and terms not defined in this section shall have the meaning commonly or logically associated therewith.

19.04.006 ABUT

"Abut" means to physically touch, border upon, or to share a common corner or property line. For the purposes of this title, abutting properties shall include those properties separated by any road, street, or highway, except a major highway. (See Figure 19.04.006)

19.04.009 ACCESS DRIVE

"Access drive" means a way or means of approach to provide entrance to a property.

19.04.012 ACCESSORY BUILDING OR STRUCTURE

"Accessory building or structure" means a building or structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. An accessory building or structure may be erected only after the principal building or structure is established.

ABUTTING PROPERTY
(PARCELS NOTED WITH AN * ABUT THE SHADED PARCEL)

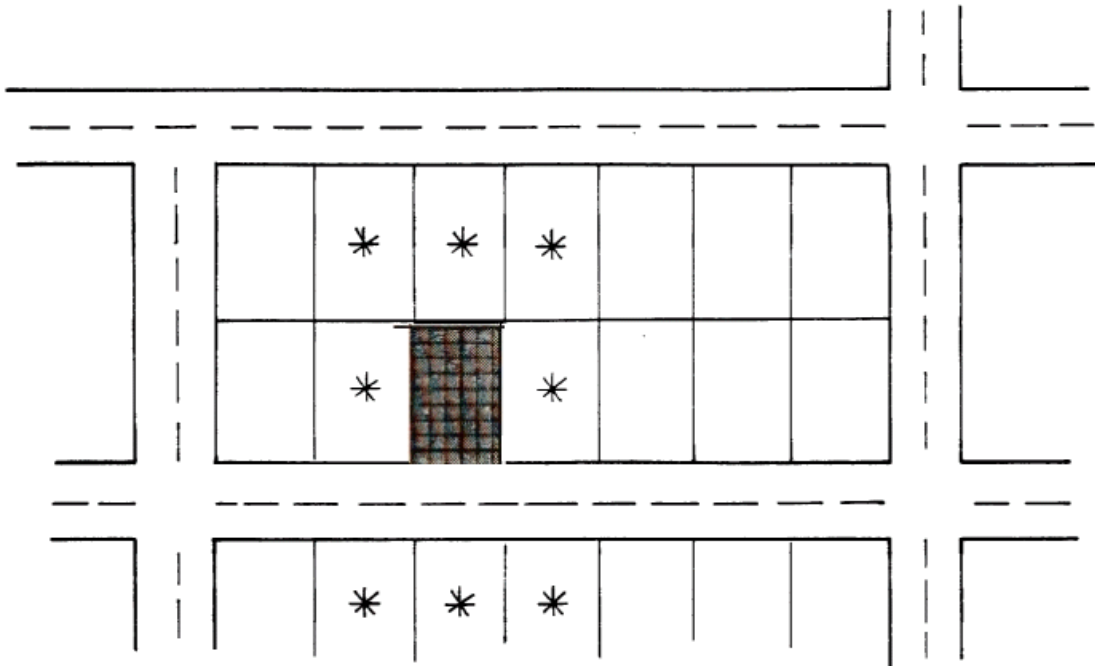


FIGURE 19.04.006

19.04.015 ACCESSORY FACILITY

"Accessory facility" means any improvement constructed, installed, or established to perform some particular function that is incidental to or facilitates the primary use. (Also see Disposal of Nonhazardous Oil Field Liquid Waste and Production Water)

19.04.018 ACCESSORY USE

"Accessory use" means a use of land or of a building that is customarily incidental and subordinate to the principal use of the land or building located on the same lot. An accessory use may be established only after the principal use is established.

19.04.021 ACRE

"Acre" means a measure of land containing forty-three thousand five hundred and sixty (43,560) net square feet.

19.04.024 ACTUAL CASH VALUE

"Actual cash value" means current market value as determined by a certified real property appraiser or actual sales price.

19.04.026 AGRICULTURAL BY-PRODUCT PROCESSING

"Agricultural by-product processing" means those facilities engaged in the manufacturing, processing, or conversion of agricultural by-products to other products where a minimum of sixty percent (60%) of all source material needed for the process is comprised of agricultural by-products, as determined by the Planning Director.

19.04.027 AGRICULTURAL SUPPLY SERVICES

"Agricultural supply services" means those uses which provide accessory support services to other agricultural uses including the following: feed and hay sales, agricultural laboratory services, farm machinery and equipment repair (excluding trucks and other motor vehicles), irrigation equipment sales and repair, equestrian supplies, and similar support services as determined by the Planning Director.

19.04.028 AGRICULTURAL TRUCKING FACILITY

"Agricultural trucking facility" means a specialized trucking business wholly devoted to hauling agricultural produce, seed, feed, animals, irrigation pipe and supplies, farm equipment, and soil amendments used exclusively in agricultural operations. Back-hauling with nonagricultural goods is permitted, provided that such activities are clearly incidental and accessory to the primary use of hauling agricultural goods and supplies and further provided that there is no on-site storage of back-hauled materials.

19.04.030 AIRPORT, PRIVATE

"Private airport" means a private airport or airstrip intended for the sole use of the airport owner and his or her invitees.

19.04.033 AIRPORT, PUBLIC USE

"Public use airport" means a publicly or privately owned airport that offers the use of its facilities to the public without prior notice or special invitation or clearance, and that has been issued a California Airport Permit by the Division of Aeronautics of the California Department of Transportation.

19.04.036 ALIQUOT

"Aliquot" means the division or measurement of land in one-half (1/2) or one-quarter (1/4) portions.

19.04.039 ALLEY

"Alley" means a service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

19.04.042 AMBIENT NOISE LEVEL

"Ambient noise level" means the composite of noise from all sources excluding the alleged offensive noise. In this context, it represents the normal or existing level of environmental noise at a given location for a specified time of the day or night.

19.04.045 AMUSEMENT PARK

"Amusement park" means an outdoor facility, which may include structures and buildings, where there are various facilities for entertainment, including rides, booths for the conduct of games or sales of items, and buildings for shows and entertainment.

19.04.046 ANIMAL, ADULT

"Adult animal" means an animal that is either over the age of four (4) months or has been weaned, whichever occurs later.

19.04.047 ANIMAL SHELTER

"Animal shelter" means a facility operated by a governmental agency, humane society or society for the prevention of cruelty to animals that legally acquires, keeps or impounds stray, homeless, abandoned, or unwanted animals.

19.04.048 APARTMENT

"Apartment" means a building, or portion thereof, designed for or occupied by three (3) or more families living independently of each other.

19.04.051 APPROVED ACCESS

"Approved access" means as defined in Chapter 17.04 (Code of Building Regulations) of this code.

19.04.054 AUDIBLE NOISE

"Audible noise" means sound pressure levels having a frequency greater than one hundred and twenty-five (125) Hz.

19.04.057 AUTO SERVICE STATION, LARGE

"Large auto service station" means a retail establishment selling gas and similar motor fuels to the public and may also include retail sales of motor oils, lubricants, travel aids, minor auto accessories, and minor automobile servicing, repairs, and maintenance.

19.04.060 AUTO SERVICE STATION, SMALL

"Small auto service station" means an auto service station where the retail sales of gasoline and similar motor fuels is a secondary use to another commercial establishment, such as, but not limited to, car washes and grocery stores.

19.04.063 BAKERY, LARGE

"Large bakery" means a commercial enterprise engaged in large-scale production and wholesale marketing of bakery goods, and which may include incidental retail sales.

19.04.066 BAKERY, SMALL

"Small bakery" means a retail commercial enterprise engaged in the production of bakery goods intended for retail sale on site and not including any wholesale activities.

19.04.069 BAR

"Bar" means a structure, or part of a structure, used primarily for the sale or dispensing of liquor by the drink.

19.04.072 BASE DISTRICT

"Base district" means a zoning district which includes use, height, bulk, space, and development standards for the regulation of development in a particular area (e.g., R-1, C-1, RF).

19.04.075 BASE FLOOD

"Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year; also referred to as the one hundred (100) year flood, regulatory flood, intermediate regional flood, or original zoning flood.

19.04.076 BED AND BREAKFAST INN

"Bed and breakfast inn" means a structure or structures which contain a maximum of five (5) individual sleeping or living units which are rented out to the transient public and in which meals are served to guests.

19.04.077 BEVERAGE CONTAINER RECYCLING COLLECTION CENTER

"Beverage container recycling collection center" means an accessory use to a shopping center or supermarket which includes a place, mobile unit, reverse vending machine, or other device where a certified recycling center accepts one (1) or more types of empty beverage containers from consumers, and pays or provides the redemption value and any applicable redemption bonus for one (1) or more types of empty beverage containers and intended for implementation of the California Beverage Container Recycling and Litter Reduction Act of 1986.

19.04.078 BITUMINOUS ROAD MIX

"Bituminous road mix" means a hard surface road paving material complying with the specifications of Section 38 of the January 1981 California Department of Transportation standards and specifications.

19.04.081 BOARD OF SUPERVISORS

"Board of Supervisors" means the Board of Supervisors of the County of Kern.

19.04.087 BOARDING HOUSE

"Boarding house" means a dwelling or part thereof in which lodging is provided by the owner to more than six (6) boarders.

19.04.090 BUILDING

"Building" means any permanent structure built for the support, shelter, or enclosure of persons, animals, chattel, or property of any kind.

19.04.093 BUILDING HEIGHT

"Building height" means the vertical distance of a building measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the roof.

19.04.096 BUILDING OFFICIAL

"Building official" means the Kern County Resource Management Agency Director or his/her designee.

19.04.099 CAMPGROUND

"Campground" means a plot of ground upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes.

19.04.102 CAMPING TRAILER

"Camping trailer:" see "Travel trailer."

19.04.105 CAMPING UNIT

"Camping unit" means any tent, trailer, cabin, lean-to, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation uses.

19.04.107 CAR SHARING

"Car Sharing" is a membership based vehicle service available to drivers utilizing a dispersed network of shared vehicles twenty-four (24) hours a day, seven (7) days a week at attended or unattended self-service locations.

19.04.108 CARGO CONTAINER

"Cargo container" means a large metal box typically used for the shipment of containerized goods.

19.04.109 CATTLE FEEDLOT

"Cattle feedlot" means premises used in the commercial production of beef or dairy cattle where the cattle are kept confined and fed concentrated food for the purposes of fattening the animals for retail or wholesale sale.

19.04.111 CEMETERY

"Cemetery" means an area for burial or entombment of the deceased.

19.04.114 CENTER FREQUENCIES

"Center frequencies" means the geometric mean between the band limits of an octave or one-third (1/3) octave. (An octave is a frequency interval between two (2) sounds whose frequency ratio is two (2), e.g. from seven hundred and seven (707) to one thousand four hundred and fourteen (1,414) Hz. A one-third (1/3) octave is the frequency interval between two (2) sounds whose frequency ratio is one and one-quarter (1.25), e.g., from one hundred and forty-two (142) to one hundred and seventy-eight (178) Hz.

19.04.117 CENTERLINE, LEGAL

"Legal centerline" means a line designated by official survey to be the center of a future or existing fully developed easement, street, road, or highway, which may or may not coincide with the construction centerline.

19.04.120 CHURCH

"Church" means a building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

19.04.123 CLUB

"Club" means an association of persons, whether incorporated or unincorporated, for some common purpose but not including groups organized primarily to render a service carried on as a business.

19.04.126 COLUMBARIUM

"Columbarium" means a structure of vaults lined with recesses for cinerary urns for the ashes of cremated bodies.

19.04.129 COMBINING DISTRICT

"Combining district" means a zoning district that modifies use, height, bulk, space, or other development standards of the base district with which it is combined (e.g., CL, RS).

19.04.132 COMMERCIAL COACH

"Commercial coach" means a vehicle, without motive power, designed and equipped for human occupancy for industrial, professional, or commercial purposes.

19.04.135 COMMERCIAL PURPOSES

"Commercial purposes" means the raising or growing of any plant or plant crop; the raising, breeding, or training of any animal, bird, or fowl; or the providing of a service having profit as the primary aim.

19.04.138 COMMON AREA

"Common area" means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development, and which may include such complementary structures and improvements as are necessary and appropriate.

19.04.141 COMMON PROPERTY LINE

"Common property line" means a lot line shared by two (2) or more properties.

19.04.144 COMMUNITY CARE FACILITY

"Community care facility" means any facility, place, or building which is maintained and operated to provide nonmedical residential care, day treatment, adult day-care, or home-finding agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and as otherwise defined by Section 1502, California Health and Safety Code.

19.04.147 COMMUNITY CENTER

"Community center" means a building used for recreational, social, educational, or cultural activities, usually owned and operated by a public or nonprofit group or agency.

19.04.148 COMMUNITY GARDEN

"Community garden" means a collectively gardened area located on a lot or lots owned or leased by a property owner's association, homeowner's association, tenant's association, non-profit organization, public agency, or other entity deemed functionally equivalent by the Planning Director used for the cultivation of fruits, vegetables, flowers or herbs, other than marijuana, by individuals, either in individual garden plots, or communally, and who have been granted membership rights by an organizational entity which administers the garden.

19.04.150 COMMUNITY RECREATION FACILITY

"Community recreation facility" means a recreational facility, such as a park or swimming pool, including accessory structures, maintained and operated for the benefit of residents of a particular residential development, including an apartment, condominium, townhouse, subdivision, or mobilehome park.

19.04.153 COMMUNITY SEPTIC DISPOSAL SYSTEM

"Community septic disposal system" means a septic disposal system, whether public or privately owned, serving two (2) or more dwelling units, lots, businesses, or other separate sources of domestic wastewater.

19.04.156 CONDITIONAL USE

"Conditional use" means a use permitted in a particular zoning district only upon showing that such use in a specified district will comply with all the conditions and standards for the location or operation of such use as specified in this title and authorized by the Planning Commission through the issuance of a conditional use permit.

19.04.159 CONDITIONAL USE PERMIT

"Conditional use permit" means a permit issued by the Planning Commission or other decision-making authority stating that the conditional use meets all conditions set forth in this title and all others established by the Planning Commission or other decision-making authority.

19.04.162 CONDOMINIUM

"Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in a space in a residential, industrial, or commercial building on such real property. (See Civil Code Section 783)

19.04.165 CONVALESCENT HOSPITAL

"Convalescent hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care, including the following basic services: medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and doctoring services, or a health facility which provides skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis.

19.04.168 COUNTRY CLUB

"Country club" means a land area and buildings containing recreational facilities, clubhouse, and usual accessory uses, open only to members and their guests for a membership fee.

19.04.171 COUNTY

"County" means the County of Kern.

19.04.174 COUNTY OFFICIAL

"County official" means any employee of the County of Kern.

19.04.177 CREMATORY

"Crematory" means a building or structure operated in conjunction with a columbarium, mausoleum, cemetery, or mortuary containing one (1) or more furnaces for the reduction of bodies of deceased persons to cremated remains.

19.04.180 CUL-DE-SAC

See "Street, cul-de-sac."

19.04.183 DAY-CARE CENTER

"Day-care center" means a public or private enterprise which provides full day-care services to thirteen (13) or more children.

19.04.186 DAY-CARE HOME, LARGE FAMILY

"Large family day-care home" means a home which provides family day-care to seven (7) to fourteen (14) children located within a detached single-family dwelling.

19.04.189 DAY-CARE HOME, SMALL FAMILY

"Small family day-care home" means a home which provides family day-care to eight (8) or fewer children, located within a detached single-family dwelling. A small family day-care home may provide care for more than six (6) and up to eight (8) children without an additional adult attendant if all of the following conditions are met:

1. At least two (2) of the children are at least six (6) years of age.
2. No more than two (2) infants are cared for during any time when more than six (6) children are cared for.
3. The licensee notifies each parent that the facility is caring for two (2) additional school age children, and that there may be up to seven (7) or eight (8) children in the home at one time.

4. The licensee obtains the written consent of the property owner when the family day-care home is operated on property that is leased or rented.

19.04.192 DEAD STORAGE

"Dead storage" means the storage of the owner's or occupant's recreational vehicle on the site in such a manner that it is not connected to utilities and is not occupied as living quarters.

19.04.195 DECIBEL, dB

"Decibel" or "dB" means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

19.04.198 DECISION-MAKING AUTHORITY

"Decision-making authority" means the Planning Director, Planning Commission, or Board of Supervisors, depending on which has been assigned the responsibility and authority for reviewing and approving a particular permit pursuant to Chapter 19.102 of this title.

19.04.201 DEDICATION

"Dedication" means a conveyance of land to some public use, especially streets, made by the owner and accepted for such use by or on behalf of the public.

19.04.204 DENSITY

"Density" means the number of dwelling units per unit of land.

19.04.207 DENSITY BONUS

"Density bonus" means a density increase over the otherwise maximum residential density allowable by the applicable General Plan land use category.

19.04.210 DESIGNATED URBAN AREA

"Designated urban area" means any area within the unincorporated County designated pursuant to Division II of Title 18 of this code.

19.04.213 DEVELOPMENT

"Development" means the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

19.04.216 DISCRETIONARY DECISION

"Discretionary decision" means a decision requiring the exercise of judgment or deliberation when the public official or body decided to approve or disapprove a particular activity.

19.04.219 DISPOSAL OF NONHAZARDOUS OILFIELD LIQUID WASTE AND PRODUCTION WATER

A facility engaged in "disposal of nonhazardous oilfield liquid waste and production water" is considered an accessory facility only if the facility complies with the following: (a) the nonhazardous oilfield liquid waste or production water is produced and disposed of within the same

designated oilfield, or (b) the nonhazardous oilfield liquid waste or production water disposed of outside the designated oilfield of origin is produced by and disposed of solely and only by the same individual, corporation, or entity.

19.04.222 DISTRICT ATTORNEY

"District attorney" means the District Attorney of the County of Kern or his/her designee.

19.04.225 DOMESTIC AGRICULTURE

"Domestic agriculture" means agricultural activities carried on for noncommercial purposes.

19.04.226 DOMESTIC ANIMAL FOSTERING

"Domestic Animal Fostering" means a situation in which, for a temporary period of time, a stray, homeless, abandoned, or unwanted animal, customarily domesticated by man, lives with and is cared for by a person who is not the original owner or breeder of the animal for the purposes of providing a stable environment.

19.04.228 DOUBLE-FRONTAGE LOT

See "Lot, through."

19.04.231 DUPLEX

"Duplex" means a detached building designed for or occupied exclusively by two (2) families living independently of each other.

19.04.234 DWELLING

See "Dwelling unit."

19.04.237 DWELLING, MULTIFAMILY

"Multifamily dwelling" means a building or portion thereof designed for or occupied by two (2) or more families living independently of each other, including duplexes, triplexes, quadruplexes, apartments, condominiums, and townhouses.

19.04.240 DWELLING, SINGLE-FAMILY

"Single-family dwelling" means a building or buildings designed for or occupied exclusively by one (1) family, excluding a mobilehome.

19.04.243 DWELLING UNIT

"Dwelling unit" means one (1) or more habitable rooms which are designed to be occupied by one (1) family with facilities for living, sleeping, cooking, eating, and sanitation.

19.04.244 DWELLING UNIT, ACCESSORY

"Dwelling Unit, Accessory" means a detached or attached dwelling unit, as specified in Chapter 19.90, which provides complete independent living facilities for one (1) or more persons by including permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel on which a single-family dwelling, a mobilehome or manufactured home is situated.

19.04.246 EASEMENT

"Easement" means a grant of one (1) or more of the property rights by the owner to or for the use by the public, a corporation, or another person or entity.

19.04.248 EIGHTY ACRES

"Eighty acres" means an aliquot division of a section of land consisting of one-half (1/2) of one-quarter (1/4) of a section, not to be less than seventy (70) gross acres.

19.04.249 EMERGENCY SHELTER

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (Ref. California Health and Safety Code, Section 50801(e).)

19.04.250 EQUESTRIAN ESTABLISHMENT

"Equestrian establishment" means a facility for commercial or organized events that pertain to the boarding, training, riding, renting, or recreational or sporting uses of horses or other large animals, including, but not limited to, stables, riding academies, riding schools, and rodeos. An equestrian event is any organized, pre-planned activity or program that involves training, riding, renting, and recreational or sporting uses of large animals, including, but not limited to, stables, riding academies, riding classes, gymkhana, team penning, roping, and jumping. An equestrian event would also involve invited guests or paying customers who either take part in or observe the particular activity.

19.04.251 EQUESTRIAN SERVICES

"Equestrian services" shall mean businesses that provide low intensity commercial services to support rural equestrian establishments and operations. Permitted activities include: blacksmith, tack room and supplies, saddle shop and supplies, corral and pen fencing, horse trailer rental, rodeo supplies, horse training supplies, livestock feed storage, and veterinary supplies.

19.04.252 EXTERIOR NOISE LEVEL

"Exterior noise level" means the noise level as measured near the exterior of a structure usually within fifty (50) feet of the structure.

19.04.255 FAMILY

"Family" means an individual, or two (2) or more persons related by blood or marriage or legal adoption, or a group of not to exceed six (6) persons (excluding servants) living together as a single housekeeping unit in a dwelling unit.

19.04.258 FARMERS' MARKET

"Farmers' market" means a retail market where agricultural produce is offered for sale to the general public, either within an enclosed building or outdoors.

19.04.261 FARM LABOR HOUSING, CONTRACT LABOR

"Farm labor housing, contract labor" means living quarters, either single-family or group housing, provided by a labor contractor for farm laborers which are not full-time farm employees on lands owned or leased by the owner of the living quarters.

19.04.264 FARM LABOR HOUSING, ON-SITE EMPLOYEE

"Farm labor housing, on-site employee" means living quarters, either single-family or group housing related to commercial agricultural uses, provided for full-time, year-round farm laborers employed on the site or on lands owned or leased by the owner of the living quarters, and who derive their primary source of yearly income from this employment.

19.04.267 FAST-FOOD RESTAURANT

"Fast-food restaurant" means an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off the premises.

19.04.270 FENCE

"Fence" means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

19.04.271 FESTIVAL

"Festival" means a program of cultural events consisting of performances, processions, and dances, and similar activities as determined by the Planning Director of Kern County. Circus or carnival events are not included within this definition.

19.04.273 FIVE ACRES

"Five acres" means an aliquot division of a section of land consisting of one-half (1/2) of one-quarter (1/4) of one-quarter (1/4) of one-quarter (1/4) section of land not to be less than four (4) gross acres.

19.04.276 FLOOD — FLOODING

"Flood" or "flooding" means any general and temporary condition of partial or complete inundation of normally dry land from the overflow of inland or tidal waters or from the unusual and rapid accumulation of runoff of surface waters from any source.

19.04.279 FLOOD BOUNDARY FLOODWAY MAP (FBFM)

"Flood Boundary Floodway Map (FBFM)" means an official map on which the Federal Insurance Administration, using their own information or information supplied by the Kern County Water Agency, the Kern County Planning Department, the State Reclamation Board, or other federal agencies, has delineated both the areas of flood hazard and the floodway.

19.04.282 FLOOD-CONTROL STRUCTURE

"Flood-control structure" means a structure to convey floodwater generated within an upstream watershed. Typical structures would include, but not be limited to, dams, channels, and levees.

19.04.285 FLOOD INSURANCE RATE MAP (FIRM)

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special and historical flood hazards and the risk premium zones applicable to Kern County.

19.04.288 FLOOD, ORIGINAL ZONING

"Original zoning flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year; also referred to as the one hundred (100) year flood, regulatory flood, intermediate regional flood, or base flood.

19.04.291 FLOODPLAIN

"Floodplain" means a land area adjoining a river, stream, watercourse, or lake which is likely to be flooded, including alluvial cones, wherein streams may change their course.

19.04.294 FLOODWAY — DESIGNATED FLOODWAY

"Floodway" or "designated floodway" means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot or increasing the velocity to greater than seven (7) feet per second, whichever results in the widest floodway. The floodway is delineated on the Flood Boundary Floodway Map and the State Reclamation Board Designated Floodway Map. Floodways are also delineated on the official zoning maps as Floodplain Primary (FPP) District.

19.04.297 FORTY ACRES

"Forty acres" means an aliquot division of a section of land consisting of one-quarter (1/4) of one-quarter (1/4) section of land not to be less than thirty-five (35) gross acres.

19.04.300 FRUIT STAND

"Fruit stand" means a permanent or temporary structure utilized for the sale of agricultural, horticultural, or farming products grown, produced, or processed by the owner or lessee of the property on which the structure is located.

- A. A permanent fruit stand is one that is used throughout the year and no thirty- (30-) day time period elapses where the stand is not utilized.
- B. A temporary fruit stand is one that is used seasonally and normally periods of time in excess of thirty (30) days pass where the stand is not utilized. A temporary fruit stand shall not be used in excess of one hundred and twenty (120) cumulative days within a calendar year.

19.04.303 FUNERAL HOME

"Funeral home" means an establishment with facilities for the preparation of the deceased for burial or cremation, for the viewing of the body, and for funerals.

19.04.306 GARAGE

"Garage" means a deck, building, or structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

19.04.309 GENERAL PLAN

"General Plan" means the General Plan of the County of Kern adopted by the Board of Supervisors pursuant to California Government Code.

19.04.312 GLUCOSE PROCESSING

"Glucose processing" means the production of monosaccharide carbohydrates through the hydrolysis of starch and other carbohydrates.

19.04.315 GRADE

"Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, said ground level shall be measured at the sidewalk.

19.04.318 GROUNDWATER RECHARGE FACILITIES

"Groundwater recharge facilities" means those works, structures, and equipment, including, but not limited to, spreading basins, wells, pumps, canals, weirs, pipelines, and streams, which permit water to reach the saturated zone of an aquifer.

19.04.323 GUEST QUARTERS

"Guest quarters" means an attached or detached living area which may be physically separated from the primary dwelling and is not intended to be utilized as a separate dwelling. Guest quarters shall not exceed 75 percent of the net square footage of the habitable area of the primary dwelling and, except for a sink, shall contain no kitchen facilities. Except for air conditioning and heating, including water heaters, no gas lines or 220 electrical outlets shall be provided. Full size refrigerators and gas or electric cooking ranges, and spaces designed for this purpose, shall be prohibited.

19.04.321 GROUP CARE FACILITY

"Group care facility" means a facility or detached dwelling unit providing twenty-four (24) hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

19.04.324 GUEST RANCH

"Guest ranch" means a building or buildings and open space for use of transients only, providing housing and meals and having recreational activities of one (1) or more types, for compensation.

19.04.327 HABITABLE STRUCTURE

"Habitable structure" means any structure used for living purposes, including working, sleeping, cooking, eating, or recreation (for the purpose of Chapters 19.70 and 19.72 of this title only).

19.04.330 HAZARDOUS WASTE

"Hazardous waste" shall be as defined in the State Hazardous Waste Control Law (Health and Safety Code, Division 20, Chapter 6.5) and Title 22, California Code of Regulations.

Hazardous waste generally means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

- A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.
- B. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of or otherwise managed.

19.04.331 HEAVY EQUIPMENT

"Heavy equipment" means equipment normally utilized in heavy construction projects and includes, but is not limited to, earthmoving equipment, road work and paving equipment, cranes, dump trucks, large tractors, water trucks, cement trucks, back hoes, excavators, compactors, zoom booms, concrete saws, forklifts, vibrators, platform lifts, and any other piece of equipment determined by the Planning Director as belonging to the heavy equipment category.

19.04.333 HEDGE

"Hedge" means a fence or barrier formed of bushes set close together.

19.04.336 HEIGHT

"Height" means the vertical distance from the base to the top of any structure, measured from lowest point of the structure.

19.04.339 HERBICIDE

"Herbicide" means a substance used to destroy plants, especially weeds.

19.04.342 HOG RANCH OR FARM

"Hog ranch or farm" means any premises used for the commercial breeding or raising of hogs which are kept confined, at a stockyard, and fed concentrated food for the purposes of developing or fattening the animals for retail or wholesale sale. (Hogs raised as an FFA, 4-H, or Junior Farmer project are not to be classified as a hog ranch or farm unless the express purpose is for the commercial wholesale or retail sales market.)

19.04.345 HOME OCCUPATION

"Home occupation" means any activity carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit.

19.04.348 HORTICULTURAL

"Horticultural" activity means the cultivation of an orchard or garden on a small or large scale.

19.04.351 HOSPITAL

"Hospital" means any building or portion thereof used for the accommodation and medical care of sick, injured, or infirm persons and including sanitariums.

19.04.354 HOTEL

"Hotel" means a facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreation facilities.

19.04.357 HUNTING CLUB

"Hunting club" means a designated area where wild game birds or animals may be hunted. Normally membership or entry fee is required as a prerequisite to hunting.

19.04.360 IMPULSIVE NOISE

"Impulsive noise" means a noise having a high peak level and short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

19.04.363 INFRASOUND

"Infrasound" means sound pressure levels below twenty (20) Hz.

19.04.364 INOPERATIVE VEHICLE

"Inoperative vehicle" means a vehicle that is physically impaired to the point it cannot be driven at will under its own power or a vehicle whose registration has expired for a period greater than sixty (60) days.

19.04.366 KENNEL

"Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

19.04.369 KITCHEN

"Kitchen" means any room or area primarily intended or designated to be used or maintained for the cooking, storing, preparation, or consumption of food

19.04.372 LAND USE

"Land use" means a description of how land is utilized.

19.04.375 LAUNDROMAT

"Laundromat" means an establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

19.04.377 LIGHT MACHINING

"Light machining" means a limited machining business conducted within an enclosed building, requiring no outside storage, and which excludes punch presses of over twenty (20) tons rated capacity, drop hammers, automatic screw machines, and any other piece of equipment exceeding a twelve- (12-) horsepower rating.

19.04.378 LIVESTOCK

"Livestock" means any cattle, sheep, swine, goat, horse, mule, or other equine animals.

19.04.381 LIVESTOCK FEEDLOT

"Livestock feedlot" means an enclosed area where animals are confined and fed concentrated food to raise or fatten them for slaughter or commercial sale.

19.04.384 LIVING AREA

"Living area" means the interior inhabitable area of a dwelling unit, including the basement and attic, but excluding the garage or any accessory structure.

19.04.386 LODGE

"Lodge" means a facility designed to provide overnight living accommodations with no more than fifty (50) guest rooms in a recreational setting where dining facilities are provided which are operated by the lodge as an accessory use.

19.04.387 LOT

"Lot" means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

19.04.390 LOT AREA

"Lot area" means the total area within the lot lines of a lot, excluding any street rights-of-way and including only that area which is usable for its intended purpose.

19.04.393 LOT AREA, MINIMUM

"Minimum lot area" means the smallest lot area established by this title on which a use or structure may be located in a particular zoning district.

19.04.394 LOT AREA, NET

"Net lot area" means the total area within the lot lines of a lot, excluding existing and future public roads, private and public access easements, floodways, and conveyances resulting in areas on which development is prohibited or unsuitable, as determined by the Planning Director.

19.04.396 LOT, CORNER

"Corner lot" means a lot or parcel of land abutting upon two (2) or more streets at their intersection or a lot abutting one (1) street that forms an interior angle of less than one hundred and thirty-five (135) degrees. The frontage of a lot abutting one (1) street that forms an interior angle of one hundred and thirty-five (135) degrees or more shall be considered the front yard of an interior lot. (See Figure 19.04.396)

19.04.399 LOT COVERAGE

"Lot coverage" means that portion of the lot that is covered by buildings and structures.

19.04.402 LOT DEPTH

"Lot depth" means the distance measured from the front lot line to the rear lot line. (See Figure 19.04.402)

19.04.405 LOT, FLAG

"Flat lot" means a lot with access provided to the bulk of the lot by means of a narrow corridor. (See Figure 19.04.396)

19.04.408 LOT FRONTAGE

"Lot frontage" means the length of the front lot line measured at the street right-of-way (see Figure 19.04.402), excluding lot lines adjacent to street right-of-way where no access rights exist.

**FIGURE 19.04.396
ILLUSTRATION OF LOTS:
CORNER, INTERIOR, FLAG,
REVERSE CORNER, THROUGH**

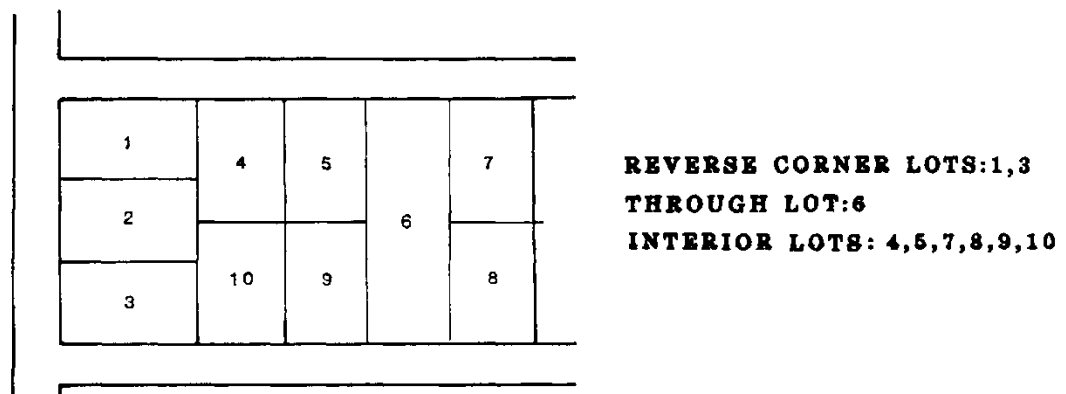
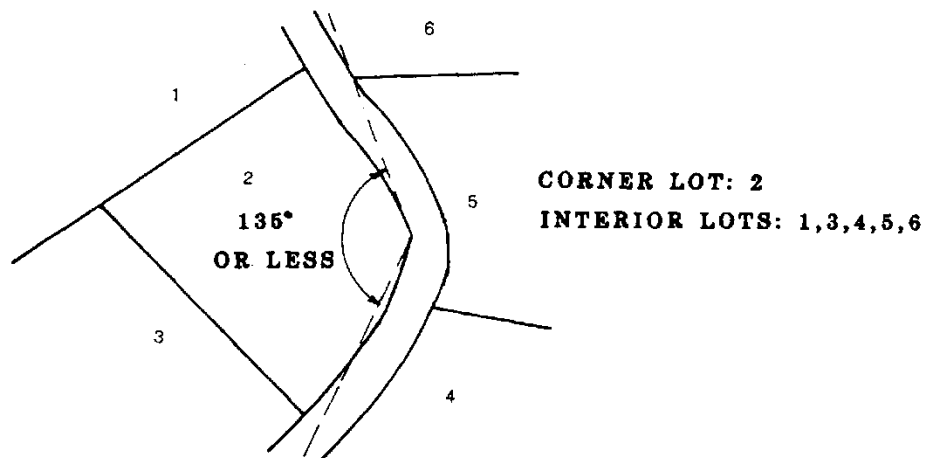
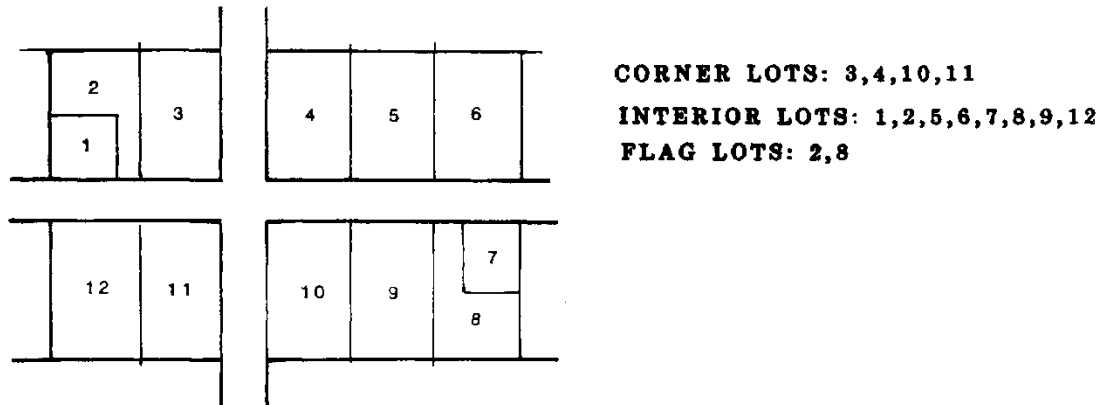
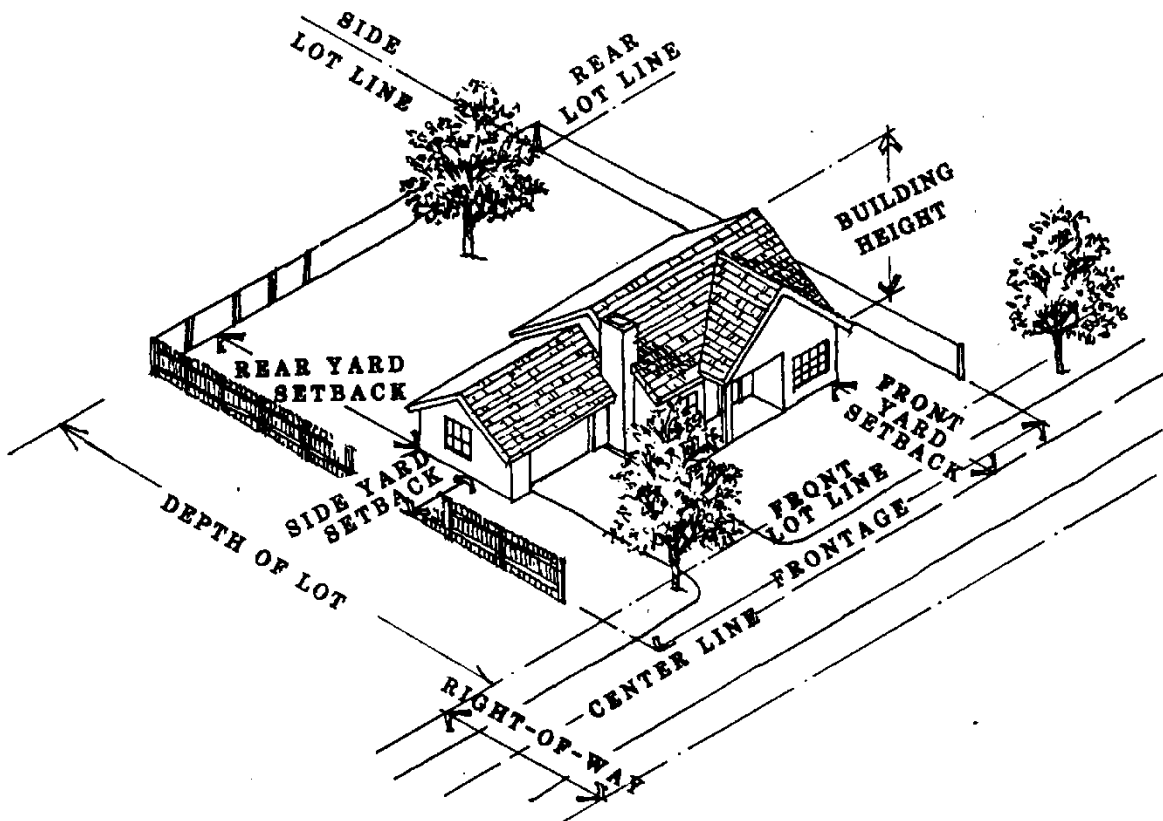


**FIGURE 19.04.402
SETBACKS AND LOT LINES**



19.04.411 LOT, INTERIOR

"Interior lot" means a lot abutting one (1) street that forms an interior angle of one hundred and thirty-six (136) degrees or more. (See Figure 19.04.396)

19.04.414 LOT, KEY

"Key lot" means a lot whose side lot line is coincident with the rear lot line of an adjacent lot. (See Figure 19.04.396)

19.04.417 LOT LINE

"Lot line" means a line of record that divides one (1) lot from another lot or from a public or private street or any other public space.

19.04.420 LOT LINE, FRONT

"Front lot line" means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front lot line.

19.04.423 LOT LINE, REAR

"Rear lot line" means the lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, an imaginary line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. (See Figure 19.04.423)

19.04.426 LOT LINE, SIDE

"Side lot line" means any lot line other than front lot line or rear lot line.

19.04.429 LOT, REVERSED CORNER

"Reversed corner lot" means a corner lot whose side street line is substantially a continuation of the front lot lines of the first lot to its rear. (See Figure 19.04.396)

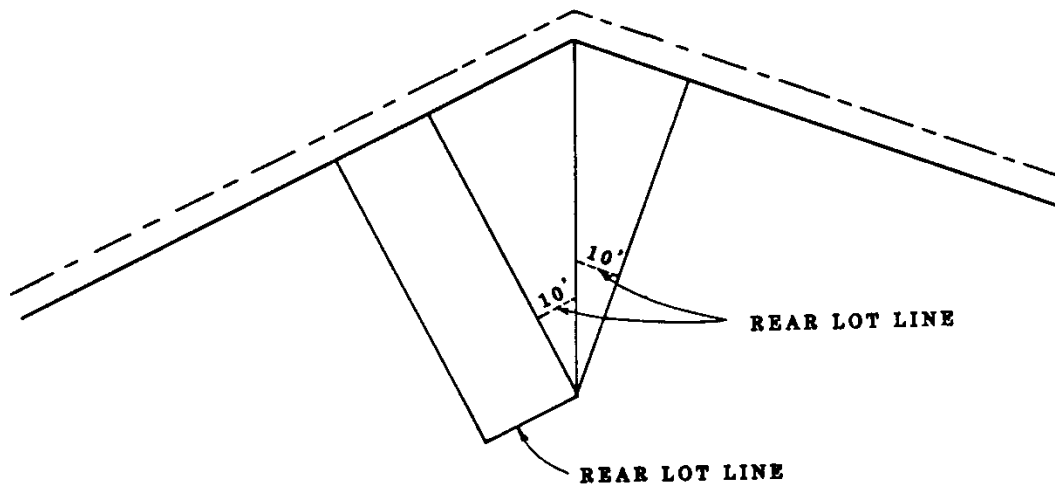
19.04.432 LOT, THROUGH

"Through lot" means a lot having frontage on two (2) parallel or nearly parallel streets and having the right of access to both streets (also known as a double-frontage lot). (See Figure 19.04.396)

19.04.435 LOT WIDTH

"Lot width" means the distance measured parallel to the street between the side lot lines; in the event of a corner lot, the lesser dimension.

FIGURE 19.04.423
LOT LINE REAR



19.04.438 LOW FREQUENCY NOISE

"Low frequency noise" means sound pressure levels between twenty (20) and one hundred and twenty-five (125) Hz.

19.04.441 LOWER INCOME HOUSEHOLDS

"Lower income households" means households with incomes eighty percent (80%) or less of the County median income.

19.04.444 MAIN BUILDING

"Main building" means the building in which the principal use of a lot is located.

19.04.447 MAJOR HIGHWAY

"Major highway" means a highway which is used, designed to be used, or is necessary to carry heavy volumes of traffic, and designated as a "major highway" in the Circulation Element of the General Plan and described in the Kern County Subdivision Standards.

19.04.448 MANUFACTURED HOME

"Manufactured home," for the purposes of this part, means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complied with the standards established under this part. "Manufactured home" includes a mobilehome subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Section 5406, et seq.).

19.04.450 MAUSOLEUM

"Mausoleum" means a tomb for one (1) or more deceased persons.

19.04.451 MEDICAL WASTE TREATMENT FACILITY

"Medical Waste Treatment Facility" means a person or facility treating medical waste pursuant to Section 118215 of the State Health and Safety Code, broadly defined as solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. The boundary of the treatment facility will include all adjacent land and structures within 400 yards of any appurtenance or improvement used for treating, handling, or storing medical waste.

19.04.452 METEOROLOGICAL (MET) TOWER

"Meteorological (MET) tower" means a structure consisting of a tower and instruments measuring wind speed and ambient weather conditions.

19.04.453 MINERAL EXPLORATION

"Mineral exploration" means exploration by scientific means, in a manner similar to the exploration for petroleum products, for the purpose of determining the existence and extent of commercial mineral deposits.

19.04.456 MINIMUM DISTANCE BETWEEN BUILDINGS

"Minimum distance between buildings" means the distance between the walls of buildings, measured at the nearest point to an adjacent building.

19.04.459 MINISTERIAL DECISION

"Ministerial decision" means a decision requiring the application of the statutes, ordinances, or regulations to the facts as prescribed and involving little or no personal judgment by the public official or decision-making body as to the wisdom or manner of carrying out a project.

19.04.462 MINIWAREHOUSE

"Miniwarehouse" means a structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

19.04.465 MINOR PLAN MODIFICATION

"Minor plan modification" means a minor change or modification of an approved development plan which is not in conflict with the intent, policy, or expectations of original project approvals.

19.04.468 MOBILEHOME

"Mobilehome" means a structure transportable in one (1) or more sections, designed and equipped to contain not more than two (2) dwelling units to be used with or without a foundation system. "Mobilehome" does not include a recreational vehicle, commercial coach, or factory built housing.

19.04.471 MOBILEHOME ACCESSORY STRUCTURE

"Mobilehome accessory structure" means any awning, cabana, ramada, storage cabinet, storage building, private garage, carport, fence, windbreak, or porch or any residential building or structure established for the use of the occupant of a mobilehome on a lot.

19.04.474 MOBILEHOME PARK

"Mobilehome park" means an area or tract of land where two (2) or more lots are rented or leased or held out for rent or lease to accommodate mobilehomes for human occupancy.

19.04.477 MODULAR HOME

"Modular home" means a prefabricated dwelling unit constructed to Uniform Building Code; not a mobilehome.

19.04.480 MORTUARY

"Mortuary" means a place in which the deceased are kept until burial.

19.04.483 MOTEL

"Motel" means a group of attached or detached buildings containing individual sleeping or living units, providing transient accommodations with garage or parking space conveniently located to each unit, including tourist courts, auto courts, or motor lodges.

19.04.486 MUDSLIDE

"Mudslide" means a general and temporary movement down a slope of a mass of sand, gravel, rock or soil, artificial fill, or a combination of these materials, caused or precipitated by the accumulation of water on or under the ground.

19.04.489 MUDSLIDE AREA — MUDSLIDE-PRONE AREA

"Mudslide area" or "mudslide-prone area" means an area characterized by unstable slopes and land surfaces whose history, geology, soil and bedrock structure, and climate indicate a potential for mudslides.

19.04.492 NATURE OR WILDLIFE PRESERVE

"Nature or wildlife preserve" means an area set aside for the preservation of natural vegetation or wildlife where the general public may view the vegetation or wildlife, with or without charge.

19.04.495 NEIGHBORHOOD

"Neighborhood" means an area of a community with characteristics that distinguish it from other community areas and which may include distinct ethnic or economic characteristics or boundaries defined by physical barriers, such as major highways and railroads, or natural features, such as rivers.

19.04.497 NONCOMMERCIAL LIVESTOCK FEED STORAGE

Noncommercial livestock feed storage shall mean the storage of livestock feed for future consumption by livestock owned by the property owner or tenants of same. Additionally, this use shall include livestock feed storage and distribution for co-operative bulk feed purchases where said purchases are not made for commercial or resale purposes and are to be consumed exclusively by livestock owned by members of the co-operative or association. The Director may request a list of members of such a cooperative at any time for the purposes of ensuring compliance with these provisions. Livestock feed shall not be available for retail or wholesale purchase by the general public and storage shall be limited to what is pre-ordered. Except for on-site directional signs, no signage shall be permitted.

19.04.498 NONCONFORMING BUILDING

"Nonconforming building" means a structure or building the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this title, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the applicable zoning district or districts.

19.04.501 NONCONFORMING LOT

"Nonconforming lot" means a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this title, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the applicable zoning district or districts.

19.04.504 NONCONFORMING USE

"Nonconforming use" means a use which was lawful prior to the adoption, revision, or amendment of this title, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the applicable zoning district or districts.

19.04.507 NUISANCE

"Nuisance" means any condition declared by a statute of the State of California or ordinance by Kern County to be a nuisance; any public nuisance known at common law or equity; any condition dangerous to human life, unsafe, or detrimental to the public health or safety; and any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of this title.

19.04.510 OCCUPANCY — OCCUPIED

"Occupancy" or "occupied" means the residing of an individual or individuals overnight in a dwelling unit, or the installation, storage, or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

19.04.513 OFFICIAL PLAN LINE

"Official plan line" means the future right-of-way of any road or highway as adopted by resolution of the Board of Supervisors.

19.04.516 OFF SITE

"Off site" means located outside the lot in question.

19.04.519 OFF-STREET PARKING

"Off-street parking" means an area for the temporary storage of motor vehicles that is directly accessible to but not located on a dedicated street right-of-way.

19.04.522 OILFIELD

"Oilfield" means that area shown within the field boundary on the official oilfield maps prepared and maintained by the State of California, Department of Conservation/Division of Oil, Gas, and Geothermal Resources.

19.04.525 OIL OR GAS EXPLORATION BY SCIENTIFIC MEANS

"Oil or gas exploration by scientific means" includes, but is not limited to, the following: seismic surveys, magnetotelluric, magnetometer or gravity meter surveys; surface mapping and holes less than five hundred (500) feet deep drilled for the purpose of taking core samples, velocity readings, temperature measurements, or water samples.

19.04.528 ONE OWNERSHIP

"One (1) ownership" means ownership of real property by a person, persons, firm, corporation, or partnership, or any combination thereof, individually, jointly, or in common, whereby such property is under a single or unified control.

19.04.531 ONE-THIRD OCTAVE

"One-third (1/3) octave" means the frequency interval between two (2) sounds whose frequency ratio is one and one-quarter (1.25), e.g., from one hundred and forty-two (142) to one hundred and seventy-eight (178) Hz.

19.04.534 ON-SITE DAY-CARE CENTER

"On-site day-care center" means a day-care facility within the project boundary providing care for children.

19.04.537 OPEN SPACE

"Open space" means any parcel or area of land or water which is essentially unimproved and devoted to one (1) or more of the following uses: preservation of natural resources; outdoor recreation; or public health and safety.

19.04.540 PARCEL

See "Lot."

19.04.543 PARK

"Park" means public or private land used for active or passive recreation.

19.04.546 PARKING AREA

"Parking area" means any public or private land area designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of public streets.

19.04.549 PERMANENT STORAGE

"Permanent storage" means the storage of motor vehicles, trailers, airplanes, boats, parts thereof, or building materials for a period of forty-eight (48) or more consecutive hours.

19.04.552 PERMIT

"Permit" means written governmental permission issued by an authorized official empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

19.04.555 PERMITTED USE

"Permitted use" means any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

19.04.558 PERSON

"Person" means any individual, firm, co-partnership, joint venture, association, club, fraternal organization, corporation, estate, trust, receiver, organization, syndicate, city, county, municipality, district or other political subdivision, or any other group or combination acting as a unit.

19.04.561 PERSONS AND FAMILIES OF LOW OR MODERATE INCOME

"Persons and families of low or moderate income" means persons with incomes one hundred and twenty percent (120%) or less of the County median income.

19.04.564 PESTICIDE

"Pesticide" means an agent (as a chemical) used to destroy a pest.

19.04 565 PET OR ANIMAL CEMETERY

"Pet or animal cemetery" means a place used for the burial of animals. Not included in this definition is the occasional and infrequent burial of a pet or ranch animal by its owner, provided that no more than one animal is buried at a time, no more than one animal is buried in the same burial pit, and the total number of all animals buried on the property does not exceed five (5) animals in any given calendar year.

19.04.566 PIGEONS

"Pigeon" means a bird which is classified as a member of the family Columbidae, and is limited to "racing pigeons," "fancy pigeons," and "sporting pigeons" as defined in this section.

"Racing Pigeon" means a pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc. or the International Federation of Racing Pigeon Fanciers. Also, commonly known as Racing Homer, Homing Pigeon, or Carrier Pigeon.

"Fancy Pigeon" means a pigeon which, through past breeding, has developed certain distinctive physical and performing characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club, or the Rare Breeds Pigeon Club. Examples: Fantails, Pouters, Trumpeters.

"Sporting Pigeon" means a pigeon which, through selective past breeding, has developed the ability to fly in a distinctive manner, such as aerial acrobatics or endurance flying. Examples: Rollers, Tipplers.

19.04.567 PLANNING COMMISSION

"Planning Commission" means the hearing and review body established pursuant to Chapter 2.30 of this code.

19.04.568 PLANNING DIRECTOR

"Planning Director" means the Director of the Planning Department of the County of Kern or his/her designee.

19.04.569 PLANT NURSERY

"Plant nursery" means a commercial enterprise in which the primary use is the sale of plants, trees, or shrubs. Sales of incidental items, including, but not limited to, fertilizer, gardening equipment, or landscape supplies must be accessory to the primary use.

19.04.570 PLOT

"Plot" means a single unit parcel of land; or a parcel of land that can be identified and referenced to a recorded plat or map.

19.04.573 PLOT PLAN

"Plot plan" means a plan graphically describing proposed and existing buildings, structures, lot lines, and other required information submitted in conjunction with an application for discretionary or ministerial review and approval.

19.04.576 POULTRY RANCH

"Poultry ranch" means the raising, breeding, or hatching of poultry for commercial purposes, excluding ostriches and emus.

19.04.579 PRESCHOOL

"Preschool" means a licensed public or private institution which provides structured educational services to children between the ages of two (2) and five (5).

19.04.582 PRINCIPAL DWELLING

"Principal dwelling" means the dwelling in which is conducted the principal residential use of the lot on which it is located.

19.04.585 PRINCIPAL USE

"Principal use" means the primary or predominant use of any lot.

19.04.588 PROHIBITED USE

"Prohibited use" means a use that is not permitted in a zoning district.

19.04.591 PROPERTY LINE

See "Lot line."

19.04.594 PUBLIC HEARING

"Public hearing" means a meeting announced and advertised in advance and open to the public with the public given an opportunity to talk and participate.

19.04.595 PUBLIC TRANSIT STOP

"Public Transit Stop" means a location where transportation by bus, rail, or other conveyance, either publicly or privately owned, is provided to the public with a frequency of service interval of thirty (30) minutes or less during the morning and afternoon peak commute periods.

19.04.597 ENGINEERING AND SURVEY SERVICES DEPARTMENT

"Engineering and Survey Services Department" means the Engineering and Survey Services Department of the County of Kern, including the County Surveyor's Office.

19.04.600 ENGINEERING AND SURVEY SERVICES DIRECTOR

"Engineering and Survey Services Director" means the Engineering and Survey Services Director of the County of Kern or his/her designee.

19.04.603 PURE TONE

"Pure tone" means any sound which can be judged as audible as a single pitch or a set of single pitches. A pure tone shall be assumed to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone exceeds the arithmetic average of the sound pressure levels of two (2) contiguous one-third (1/3) octave bands by five (5) dB for center frequencies of five hundred (500) Hz and above and by eight (8) dB for center frequencies between one hundred and sixty (160) and four hundred (400) Hz, and by fifteen (15) dB for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

19.04.606 QUADRUPLEX

"Quadruplex" means four (4) attached dwellings in one (1) structure in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with the adjoining unit or units.

19.04.609 RECHARGE FACILITIES

"Recharge facilities" means those works, structures, and equipment, including, but not limited to, spreading basins, wells, pumps, canals, weirs, pipelines, or streams, which permit water to reach the saturated zone of an aquifer.

19.04.611 RECREATIONAL SKIING OR BOATING

"Recreational skiing or boating" means the occasional or regular use of one (1) or more boats on a private lake for any private or public recreational purpose. Recreational skiing or boating shall be considered a primary use where skiing or boating uses are proposed for any private lake, including lakes stocked with fish, and said uses shall require the approval of a conditional use permit where required by the applicable zoning district.

19.04.612 RECREATIONAL VEHICLE

"Recreational vehicle" means a motorhome, slide-in camper, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency use.

19.04.615 RECREATIONAL VEHICLE PARK

"Recreational vehicle park" means an area or tract of land where one (1) or more spaces are rented or held out for rent to owners or users of recreational vehicles or tents.

19.04.616 RECYCLABLE MATERIALS, COLLECTION, AND STORAGE

"Recyclable materials, collection, and storage" means the collection, storage, and limited processing of pre-sorted aluminum cans, cardboard, paper, glass, plastic, scrap metal, and similar materials as determined by the Planning Director. Crushing and bailing operations are also included when accessory to the collection and storage of recyclable materials. Salvaging, including, but not limited to, the dismantling of used or inoperable appliances, equipment, and vehicles, is not included. Construction and demolition wastes and organic materials of any kind are also excluded from this definition.

19.04.618 REHABILITATION

"Rehabilitation" means the upgrading of a building previously in a dilapidated or substandard condition for human habitation or use.

19.04.619 REHABILITATION FACILITY

"Rehabilitation facility" means any short- or long-term residential facility, serving more than six (6) individuals, designed to provide medical or social rehabilitation on an inpatient basis to individuals in a group living arrangement, in which meals and twenty-four (24) hour staffing is provided. Such facilities would include alcohol and chemical dependence recovery homes, group living quarters for physically or developmentally disabled adults or children, stress-reduction retreats, and residential facilities serving young adults or teenagers, which are operated by a nonprofit corporation for the purpose of providing moral or spiritual guidance to such persons. Rehabilitation facilities do not include hospitals, convalescent hospitals, sanatoriums, rest homes, jails, prisons, or State-operated detention facilities.

19.04.620 RESCUE/SANCTUARY ANIMAL FACILITY, LARGE

"Large rescue/sanctuary animal facility" means a non-profit organization exempt from taxation under Internal Revenue Code Section 501(c)(3), or other entity that is not an authorized agent of a Kern County governmental agency, that: (a) owns, possess and/or cares for eleven (11) or more domestic animals at an onsite location; and (b) for which at least one of its purposes is the keeping, sale or placement of animals that have been removed from an animal shelter or that have been previously owned by any person other than the original breeder of the animal.

19.04.621 RESCUE/SANCTUARY ANIMAL FACILITY, SMALL

"Small rescue/sanctuary animal facility" means a non-profit organization exempt from taxation under Internal Revenue Code Section 501(c)(3), or individuals associated with said organization, that is an authorized agent of a Kern County governmental agency, that: (a) does not own, possess and/or care for more than ten (10) total domestic animals at an onsite location; and (b) for which at least one of its purposes is the keeping, sale or placement of animals that have been removed from an animal shelter or that have been previously owned by any person other than the original breeder of the animal, including domestic animal fostering.

19.04.623 RESIDENCE

"Residence" means a home, abode, or place where an individual family is actually living at a specified point in time.

19.04.624 RESIDENTIAL ACCESSORY STRUCTURES

"Residential accessory structures" means buildings and structures normally associated with dwellings, such as detached garages, carports, greenhouses, storage buildings, and swimming pools, but excluding cargo containers, barns, or other structures intended exclusively for agriculture-related uses. Residential accessory structures shall be clearly subordinate to the residential use of the property.

19.04.626 RESIDENTIAL FACILITY

"Residential facility" means any family home, group care facility, or similar facility, determined by the Director of the State Department of Social Services, for twenty-four (24) hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, as provided in Section 1502, California Health and Safety Code.

19.04.627 RESIDENTIAL HOTEL

"Residential hotel" means a hotel offering accommodations on a weekly or monthly basis.

19.04.630 REST HOME

"Rest home" means a health facility or a health facility which provides skilled nursing care to patients whose primary need is for availability of skilled nursing care on an extended basis. (See "Intermediate Care Facility," Section 1250, California Health and Safety Code)

19.04.633 RETAIL SERVICES

"Retail services" means establishments engaged in selling goods or merchandise to the general public for personal or household consumption.

19.04.634 RETIREMENT HOME

"Retirement home" means a group housing arrangement chosen voluntarily by residents who are over sixty-two (62) years of age and who are provided varying levels of nonmedical supportive services or care and in which meals are provided in central eating facilities or prepared by employees of the retirement home and delivered to individual living areas. (See "Residential Care Facility for the Elderly," Section 1500 et seq., California Health and Safety Code)

19.04.636 REZONE

"Rezone" means to change the zoning classification of particular lots or parcels pursuant to provisions of this title.

19.04.639 RIGHT-OF-WAY

"Right-of-way" means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.

19.04.642 ROAD

See "Street."

19.04.645 ROOF

"Roof" means the outside top covering of a building.

19.04.648 ROOMING HOUSE

See "Boarding house."

19.04.651 SANITARY LANDFILL

"Sanitary landfill" means a disposal site employing an engineered method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest practical volume, and applying cover material over all exposed wastes at the end of each operating day.

19.04.652 SALVAGE OR JUNK YARD

"Salvage or junk yard" means any lot more than one hundred (100) square feet in area used for the storage of junk, including scrap metals, salvage or other scrap materials, unusable machinery, appliances, furniture, or equipment, or parts thereof, intended for sale or resale, but excluding the dismantling or wrecking of vehicles.

19.04.654 SCHOOL

"School" shall mean and include an elementary school, junior high school or high school whether publicly or privately owned or operated. It shall include any project to construct a public school if the project has been approved by the Office of Public School Construction and any project to construct a private school if a building permit has been issued. It shall include all buildings on the school premises and the adjacent and surrounding school grounds, campus, playgrounds and athletic fields owned or operated by the owner or operator of the school used or intended to be used by or for the benefit of the students for whose benefit such school is maintained.

19.04.657 SECONDARY HIGHWAY

"Secondary highway" means a street or highway designed to carry moderate volumes of traffic and designated as a "secondary highway" in the Circulation Element of the General Plan and described in the Kern County Subdivision Standards.

19.04.663 SEPTAGE DISPOSAL SITE

"Septage disposal site" means a site designated for the disposal of material pumped from septic tanks, cesspools, seepage pits, holding tanks, and privies.

19.04.666 SERVICES, COMMERCIAL

Establishments providing services or entertainment, as opposed to products, to the general public.

19.04.669 SETBACK

The required minimum distance between the street centerline or any property line and wall or support of any structure.

19.04.672 SEWAGE COLLECTION AND DISPOSAL SYSTEM

Any system for the collection and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of such sewage or industrial wastes.

19.04.675 SEWAGE DISPOSAL SYSTEM

Any system for the disposal of sewage of industrial wastes of a liquid nature, including various devices for the treatment of such sewage or industrial wastes.

19.04.678 SEWAGE TREATMENT PLANT

"Sewage treatment plant" means a facility for treatment and disposal of sewage.

19.04.681 SIDEWALK

"Sidewalk" means a paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

19.04.684 SIGN

"Sign" means any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, or direct attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, logos, figures, design, symbols, fixtures, colors, illumination, or projected images.

19.04.687 SIGN, AGRICULTURAL

"Agricultural sign" means an on-site sign identifying a farm, ranch, or agricultural activities or products.

19.04.690 SIGN, AGRICULTURAL INDUSTRY

"Agricultural industry sign" means a sign identifying industrial activities related to the manufacture or processing of agricultural products.

19.04.693 SIGN, ANIMATED OR MOVING

"Animated or moving sign" means any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

19.04.696 SIGN AREA

"Sign area" means the entire face of a sign, including the advertising surface, and any framing, trim, or molding, but not including the supporting structure.

19.04.699 SIGN, BILLBOARD

See "Sign, off site."

19.04.702 SIGN, DIRECTIONAL

"Directional sign" means a sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

19.04.705 SIGN FACE

"Sign face" means the area or display surface used for the message.

19.04.708 SIGN, FLASHING

"Flashing sign" means any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

19.04.711 SIGN, FREESTANDING

"Freestanding sign" means any non-movable pole or monument sign not affixed to a building.

19.04.714 SIGN, GOVERNMENTAL

"Governmental sign" means a sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, or other governmental regulation.

19.04.717 SIGN, IDENTIFICATION

"Identification sign" means a sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol and address of a building, business, development, or establishment on the premises where it is located.

19.04.720 SIGN, ILLUMINATED

"Illuminated sign" means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

19.04.723 SIGN, MONUMENT

"Monument sign" means a sign constructed upon a solid base or pedestal, the total width of which is at least fifty percent (50%) of the overall width of the sign.

19.04.726 SIGN, NAMEPLATE

"Nameplate sign" means a sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.

19.04.729 SIGN, OFF-SITE

"Off-site sign" means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

19.04.732 SIGN, ON-SITE INFORMATIONAL

"On-site informational sign" means a sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pickup and delivery areas.

19.04.735 SIGN, POLE

"Pole sign" means a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

19.04.738 SIGN, POLITICAL, RELIGIOUS, OR CIVIC CAMPAIGN

"Political, religious, or civic campaign sign" means a temporary sign announcing or supporting candidates or issues in connection with any national, state, or local election, or civic or religious campaign.

19.04.741 SIGN, PORTABLE

"Portable sign" means a sign that is not permanent, affixed to a building, structure, or the ground.

19.04.744 SIGN, REAL ESTATE

"Real estate sign" means a sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

19.04.747 SIGN, TEMPORARY

"Temporary sign" means a sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

19.04.750 SIGN, TEMPORARY CONSTRUCTION

"Temporary construction sign" means a temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest in the structure or project.

19.04.753 SIGN, TEMPORARY SUBDIVISION

"Temporary subdivision sign" means a temporary sign pertaining exclusively to the development or sale of residential land subdivisions and located within the same subdivision.

19.04.756 SIGN, WALL

"Wall sign" means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than eighteen (18) inches from such building or structure.

19.04.759 SIGN, WARNING

"Warning sign" means a sign limited to messages of warning, danger, or caution.

19.04.762 SIGN, WIND

"Wind sign" means a sign or objects, some or all of which is moved by wind as a method of attracting attention.

19.04.765 SIGN, WINDOW

"Window sign" means a sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

19.04.768 SITE

"Site" means any lot or parcel of land or combination of contiguous parcels of land.

19.04.771 SITE DEVELOPMENT PLAN

"Site development plan" means a plan graphically describing proposed buildings, structures, and other required information submitted in conjunction with an application for discretionary review and approval.

19.04.774 SMALL FOWL

"Small fowl" means birds raised or grown for hobby purposes, show, or racing, normally no larger than a small chicken (e.g., pigeon, parrot, or cockatiel).

19.04.775 SMALL WIND ENERGY SYSTEM

"Small wind energy system" means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission and which will be used primarily to reduce on-site consumption of utility power.

19.04.777 SOFFIT

"Soffit" means the horizontal underside of an eave.

19.04.780 SOLID WASTE

"Solid waste" means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

19.04.783 SPECIFIC PLAN LINE

"Specific Plan Line" means the designated centerline of any road or highway as adopted by resolution of the Board of Supervisors from which the ultimate right-of-way is determined in accordance with the Circulation Element of the General Plan.

19.04.786 START OF CONSTRUCTION

"Start of construction" means the first placement of permanent construction on a site, such as the pouring of slabs or footings, or any site preparation work, including, but not limited to, leveling and grading.

19.04.789 STOCKYARD

"Stockyard" means an enclosed area where livestock are temporarily confined and fed concentrated food while waiting for shipping to market, slaughter, or resale.

19.04.792 STORY

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

19.04.795 STORY, HALF

"Half story" means a story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area immediately below it.

19.04.798 STREAM

"Stream" means a watercourse having a source and terminus, banks, and channel through which waters flow at least periodically.

19.04.801 STREET, CUL-DE-SAC

"Cul-de-sac street" means a street with a single common ingress and egress and with a turnaround at the end.

19.04.804 STREET, LOCAL

"Local street" means a street designed to provide vehicular access to abutting property.

19.04.807 STREET, PRIVATE

"Private street" means a street owned and maintained by a person or persons and intended for access to a limited number of private lots.

19.04.810 STREET, PUBLIC

"Public street" means a street built to standards required and maintained by the County of Kern.

19.04.813 STRUCTURAL FLOOR

"Structural floor" means the floor sheathing, structural beams, floor joists, or concrete slab of a building.

19.04.816 STRUCTURE

"Structure" means an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

19.04.819 SUBDIVISION

"Subdivision" means the division of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units for the purpose of sale, lease, or financing, whether immediate or future, except for leases of agriculture land for agricultural purposes.

19.04.820 SUBSTANTIAL IMPROVEMENT

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the actual cash value of the structure, either

(a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

19.04.822 SUPPORTIVE HOUSING

"Supportive housing" means housing for more than six residents with no limit on the length of stay, that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing may include apartments and group homes (Ref. California Health and Safety Code, Section 50801(e).) "Residential facilities," as defined in Section 19.04.626 of the title, are also included under this definition, although some categories of residential facilities require licensing from the State Department of Social Services. "Rehabilitation facilities," as defined in Section 19.04.619 of this title, include Sober Living Environment facilities and other types of group housing facilities and are also included in this definition. For the purposes of this section, "target population" means adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people (Ref. California Health and Safety Code, Section 53260).

19.04.823 SURFACE MINING OPERATION

"Surface mining operation" means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to: (1) in-place distillation or retorting or leaching; (2) the production and disposal of mining waste; and (3) prospecting and exploratory activities. Unless excluded under the provisions of California Public Resources Code Section 2714 or Section 3505 of Title 14, California Code of Regulations, borrow pitting, streambed skimming, segregation, and stockpiling of mined materials (and recovery of same) are deemed to be surface mining operations.

19.04.824 TEMPORARY EVENT

"Temporary event" means a non-publicly sponsored, organized event held on privately owned property involving more than one hundred (100) participants and spectators where such a use is not otherwise permitted by the applicable zoning district or when the event would not normally be considered an accessory use, as determined by the Planning Director. Included in this definition are off-site automobile sales events in any district involving more than four hundred (400) square feet of sales area.

19.04.825 TEMPORARY STRUCTURE

"Temporary structure" means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

19.04.828 TEMPORARY USE

"Temporary use" means a use established for a fixed period of time with the intent to discontinue such use upon expiration of such time period.

19.04.831 TEN ACRES

"Ten acres" means an aliquot division of a section of land consisting of one-quarter (1/4) of one-quarter (1/4) of one-quarter (1/4) section of land not to be less than eight (8) gross acres.

19.04.834 TOWNHOUSE

"Townhouse" means a building with three (3) or more attached dwelling units, each with its own roof, oriented in a common wall relationship as one (1) building.

19.04.837 TRAILER

"Trailer" means a structure mounted on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying materials, goods, or objects, or as a temporary office.

19.04.840 TRAILER COURT

See "Mobilehome park."

19.04.843 TRANSFER/PROCESSING STATION

"Transfer/processing station" means and includes those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport. Transfer station does not include any facility, the principal function of which is to receive, store, separate, convert, or otherwise process, in accordance with state minimum standards, manure; nor does it include any facility, the principal function of which is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal. Transfer station also includes publicly operated household hazardous waste collection sites in operation for thirty (30) or more days during any calendar year.

19.04.846 TRANSFER STATION, LARGE VOLUME

"Large volume transfer station" means a medium volume or large volume transfer station which receives an amount equivalent to or more than fifteen (15) tons of waste per operating day.

19.04.849 TRANSFER STATION, SMALL VOLUME

"Small volume transfer station" means a limited volume transfer station which receives less than sixty (60) cubic yards or fifteen (15) tons, whichever is greater, of waste per operating day.

19.04.850 TRANSITIONAL HOUSING

"Transitional housing" means housing with supportive services that is exclusively designated and targeted for recently homeless persons or families for up to 24 months.

19.04.852 TRAVEL TRAILER

"Travel trailer" means a portable unit mounted on wheels and of such a size and weight as not to require special highway movement permits when drawn by a motor vehicle, and for human habitation for recreational or temporary occupancy.

19.04.855 TRAVEL TRAILER PARK

See "Recreational vehicle park."

19.04.858 TRIPLEX

See "Dwelling, triplex."

19.04.861 TRUCK REPAIR

"Truck repair" means a commercial activity engaged in the service and repair of trucks, including truck tire repair.

19.04.864 TWENTY ACRES

"Twenty acres" means an aliquot division of a section of land consisting of one half (1/2) of one-quarter (1/4) of one-quarter (1/4) section of land not to be less than sixteen (16) gross acres.

19.04.867 TWO AND ONE-HALF ACRES

"Two and one-half (2 1/2) acres" means an aliquot division of a section of land consisting of one-quarter (1/4) of one-quarter (1/4) of one-quarter (1/4) of one-quarter (1/4) section of land not to be less than two (2) gross acres.

19.04.870 TWO-FAMILY DWELLING OR DUPLEX

See "Dwelling, two-family."

19.04.873 USE

"Use" means the purpose or activity for which land or buildings are designed, arranged, or intended, or for which either is or may be occupied or maintained.

19.04.876 VARIANCE

"Variance" means permission to depart from the literal requirements of this title.

19.04.877 VEHICLE

"Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks, including, but not limited to, autos, trucks, buses, motorcycles, trailers, and mobilehomes.

19.04.878 VEHICLE WRECKING YARD

"Vehicle wrecking yard" means any lot or portion thereof used for the dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts, but not including the incidental storage of vehicles in connection with the operation of a repair garage, providing the repair period of any one (1) vehicle does not exceed sixty (60) days, and not including the active noncommercial repair of up to two (2) personal motor vehicles per legal lot within a one hundred and twenty (120) day period.

19.04.879 VIOLATIONS

"Violations" means any condition declared by a statute of the State of California or ordinance by Kern County to be a nuisance; any public nuisance known at common law or equity; any condition dangerous to human life, unsafe, or detrimental to the public health or safety; and any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of this title.

19.04.880 WASHROOM

"Washroom" means a room equipped with washing and, usually, toilet facilities.

19.04.882 WATERCOURSE

"Watercourse" means a natural or manmade, intermittent or perennial drainage channel which includes, but is not limited to, the terms river, tributary, stream, or creek.

19.04.885 WATER INJECTION WELL

"Water injection well" means a well used for the purpose of disposing of production wastewater produced within the same oilfield in which the injection well is located.

19.04.888 WATER SYSTEM, LARGE

"Large water system" means a domestic water well and ancillary equipment providing water to more than ten (10) dwelling units or regularly serving twenty-five (25) or more people daily for at least sixty (60) days, such as a water system serving a business, factory, or other permitted use.

19.04.891 WATER SYSTEM, SMALL

"Small water system" means a domestic water well and ancillary equipment providing water to ten (10) dwelling units or less.

19.04.894 WATER TREATMENT PLANT

"Water treatment plant" means a plant or facility for treatment or purification of water to make it usable.

19.04.896 WHOLESALE NURSERY

"Wholesale nursery" is a plant nursery where the majority of plants are grown on site and sold in bulk form for the purposes of retail resale or for bulk purchase by landscape contractors and commercial landscaping installers, and which is not engaged in selling goods or merchandise to the general public for personal or household consumption.

19.04.897 WILD ANIMAL KEEPING

"Wild animal keeping" means keeping or maintaining any dangerous, wild, carnivorous, or exotic animal that is wild by nature and not customarily domesticated by man so as to live and breed in a tame condition.

19.04.900 WIND-DRIVEN ELECTRICAL GENERATORS, EXPERIMENTAL

"Experimental wind-driven electrical generators" means wind systems that are the first of their kind, and their use constitutes a testing of a new concept or design.

19.04.903 WIND-DRIVEN ELECTRICAL GENERATORS, PRODUCTION

"Production wind-driven electrical generators" means electrical generators that have progressed beyond the prototype stage, and the construction of a significant number on a continuing basis has occurred.

19.04.906 WIND-DRIVEN ELECTRICAL GENERATORS, PROTOTYPE

"Prototype wind-driven electrical generators" means electrical generators that have progressed beyond the experimental stage, and construction of a limited number to test operations in field conditions has occurred.

19.04.907 WINERY, ROUGH

"Rough winery" is a grape crushing and fermentation facility designed to produce rough wine for bulk transport, which does not include heat treatment, filtration, or bottling and which is not open to the general public.

19.04.909 YARD

"Yard" means an open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided in this title.

19.04.912 YARD, FRONT

"Front yard" means a space extending across the full width of the lot between the front lot line and the nearest line or point of the main building or of any accessory building or structure. (See Figure 19.04.402)

19.04.915 YARD, IMPOUND

"Impound yard" means the outside storage of autos, trucks, or other vehicles for commercial purposes.

19.04.918 YARD, JUNK

"Junk yard" means the storage and dismantling of autos, trucks, or other machinery for commercial purposes. Includes salvage yards and dismantling yards.

19.04.921 YARD, REAR

"Rear yard" means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the main building or of any accessory building or structure. (See Figure 19.04.402)

19.04.924 YARD, SIDE

"Side yard" means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the main building or of any accessory building or structure. (See Figure 19.04.402)

19.04.927 ZONE MODIFICATION

"Zone modification" means permission for minor departures from the literal requirements of this title.

19.04.930 ZONING

"Zoning" means dividing of the County into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

19.04.933 ZONING DISTRICT

"Zoning district" means a specifically delineated area or district in the County within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

C H A P T E R 19.06

ADMINISTRATION

SECTIONS:

19.06.010 PURPOSE

19.06.020 AUTHORITY TO ADMINISTER

19.06.030 DELEGATION OF AUTHORITY AND RESPONSIBILITY

19.06.035 REASONABLE ACCOMMODATION

19.06.040 FEES

19.06.010 PURPOSE

The purpose of this chapter is to establish general rules for the administration of this title.

19.06.020 AUTHORITY TO ADMINISTER

The Planning Director shall be vested with the authority to administer this title. In the course of these duties, the Planning Director shall have the authority to interpret the provisions of this title. Where there is a question as to the meaning or the intent of any requirement of this title, including interpretations of conditions of approval required in conjunction with the approval of any ministerial or discretionary permit authorized therein, the Planning Director shall provide any necessary interpretation, and the decision of the Planning Director shall be final.

19.06.030 DELEGATION OF AUTHORITY AND RESPONSIBILITY

The Planning Director may delegate any responsibility or authority charged to him/her by any section of this title to any employee of the Kern County Planning Department, any employee of any department of the County of Kern, or a committee of employees of the County of Kern. Any employee or employees so designated may act on behalf of the Planning Director in a matter or proceeding specified in this title.

19.06.035 REASONABLE ACCOMMODATION

An individual or individuals that have a physical or mental disability, as defined in the Americans with Disabilities Act of 1990 and State Fair Housing laws, may request that a reasonable accommodation be made if it can be demonstrated that adopted ordinances, policies, programs, permitting processes or fees, which are administered by the Planning Department, will create an undue burden upon that individual or individuals. Such a request may be filed in writing or verbally in conjunction with a personal appointment with the Planning Director. A qualifying disabled individual is any person who has a physical or mental impairment that substantially limits one or more major life activities, anyone who is regarded as having such an impairment, or anyone who has a record of such impairment. Individuals who are currently using illegal controlled substances are not included; however, former abusers enrolled in a recovery program are included. If an individual needs assistance in making a request for reasonable accommodation, the Department will endeavor to provide the assistance required. The Planning Director is authorized to make such

an accommodation if it is determined that the request is reasonable and will not result in any of the following: (1) a fundamental alteration of the County's ordinances, policies or programs, (2) creation of an undue administrative burden on the Department; or, (3) creation of an undue financial burden on the Department. Such an accommodation shall only be made if the Planning Director determines that there will be no resulting significant impacts to the public's health, safety or welfare. In the event that the request for a reasonable accommodation is denied by the Planning Director, the decision may be appealed to the Board of Supervisors if filed within fourteen (14) days from the date of said decision.

19.06.040 FEES

The Board of Supervisors may establish a reasonable fee for processing any application specified in this title, provided the fee does not exceed the estimated actual cost of processing such application. The Board of Supervisors shall adopt and may periodically revise a schedule of fees for processing such applications.

CHAPTER 19.08

INTERPRETATIONS AND GENERAL STANDARDS

SECTIONS:

- 19.08.010 PURPOSE**
- 19.08.015 SPECIAL TREATMENT AREAS WITHIN KERN COUNTY**
- 19.08.020 ZONING DISTRICT BOUNDARIES**
- 19.08.030 DETERMINATION OF SIMILAR USE — GENERALLY**
- 19.08.040 DETERMINATION OF SIMILAR USE — APPLICATION — CONTENTS**
- 19.08.050 DETERMINATION OF SIMILAR USE — APPLICATION — TIME**
- 19.08.055 CANNABIS-RELATED FACILITIES, CULTIVATION, AND ACTIVITIES**
- 19.08.060 DETERMINATION OF SIMILAR USE — PROCEDURE**
- 19.08.070 DETERMINATION OF SIMILAR USE — APPEAL**
- 19.08.080 DETERMINATION OF SIMILAR USE — CRITERIA**
- 19.08.085 ALTERNATIVE TO DETERMINATION OF SIMILAR USE**
- 19.08.090 PUBLIC UTILITY USES — COUNTY REVIEW**
- 19.08.100 INTERPRETATION OF MINIMUM LOT SIZES**
- 19.08.110 DETERMINATION OF ACCESSORY USES AND STRUCTURES**
- 19.08.120 FRONT-YARD SETBACK EXCEPTION**
- 19.08.130 LESS RESTRICTIVE USES PROHIBITED**
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- 19.08.360 LARGE WATER SYSTEMS — ABOVEGROUND FACILITIES**
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- 19.08.410 LAND DIVISIONS**
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- 19.08.425 RESCUE/SANCTUARY ANIMAL FACILITY, SMALL-AS ACCESSORY USE**
- 19.08.430 ANIMAL SHELTERS GRACE PERIOD**
- 19.08.440 COMMERCIAL AUTO RESTORATION**
- 19.08.450 STREET VENDORS AND FOOD PEDDLERS**
- 19.08.460 METEOROLOGICAL (MET) TOWERS**
- 19.08.470 NON-COMMERCIAL LIQUIFIED PETROLEUM GAS (LPG), LIQUIFIED NATURAL GAS (LNG) AND COMPRESSED NATURAL GAS (CNG)**
- 19.08.480 BEVERAGE CONTAINER RECYCLING (CRV) COLLECTION CENTER**

19.08.010 PURPOSE

The purpose of this chapter is to establish guidelines for the interpretation of this title and to enumerate miscellaneous requirements applicable generally to the matters included in this title.

19.08.015 SPECIAL TREATMENT AREAS WITHIN KERN COUNTY

A. INDIAN WELLS VALLEY LAND USE MANAGEMENT PLAN

The Indian Wells Valley Land Use Management Plan area is defined as:

Sections 1-36 of Township 25 South, Ranges 38 and 39 East;
 Sections 2-11, 14-23, and 26-35 of Township 25 South, Range 40 East;
 Sections 1-36 of Township 26 South, Ranges 38 and 39 East;
 Sections 3-10, 13-24, and 26-35 of Township 26 South, Range 40 East;
 Sections 1-36 of Township 27 South, Ranges 38 and 39 East;
 Sections 2-11, 14-23, and 26-35 of Township 27 South, Range 40 East;
 Sections 1-36 of Township 28 South, Ranges 38 and 39 East;
 Sections 2-11, 14-23, and 26-35 of Township 27 South, Range 40 East

The Indian Wells Valley Land Use Management Plan area is subject to specific additional provisions of this Title, as noted in the following Chapters:

Chapter 19.08.015 (Interpretations and General Standards)
 Chapter 19.80.015 (Special Development Standards)
 Chapter 19.86 (Landscaping)

19.08.020 ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any zoning district shown on the Official Zoning Maps, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following street, highway, railroad, and alley lines or lot lines, such lines shall be construed as extending to the centerline of such street highway, railroad, or alley.

- B. In unsubdivided property or where a zoning district boundary divides a lot, the location of district boundary, unless specified by dimensions, shall be determined by use of the scale appearing on the map.
- C. In case any uncertainty exists, the Planning Director shall determine the location of district boundaries.
- D. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply to the vacated or abandoned street or alley.
- E. Where any private right-of-way or easement of any railroad, railway, canal, transportation, or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to the centerline of such vacated or abandoned property, unless said right-of-way or easement has been previously zoned.

19.08.030 DETERMINATION OF SIMILAR USE — GENERALLY

When a property owner, applicant, or potential applicant proposes or contemplates a use of property not expressly authorized as a permitted use or as a conditional use in any district by the regulations of the applicable zoning district or districts, he/she may apply for a determination of similar use in accordance with the procedures set out in Sections 19.08.040 through 19.08.080 of this chapter. A determination of similar use may also be initiated by the Planning Director.

19.08.040 DETERMINATION OF SIMILAR USE — APPLICATION — CONTENTS

An application for similar use shall be in writing on forms provided by the Director of the Planning Department and shall include the following:

- A. Name of the applicant
- B. Description of the proposed or contemplated use
- C. Identification of the zoning district or districts in which the use is proposed or contemplated
- D. Identification of the use or uses listed as permitted uses or conditional uses that most nearly resemble the proposed or contemplated use
- E. Explanation of why the property owner, applicant, or potential applicant feels the proposed or contemplated use meets the criteria in Section 19.08.080 of this chapter for determination of similar use

19.08.050 DETERMINATION OF SIMILAR USE — APPLICATION — TIME

An application for similar use may be submitted in conjunction with an application for a ministerial or discretionary permit described in this chapter or at any other time as may be convenient to the applicant.

19.08.055 CANNABIS-RELATED FACILITIES, CULTIVATION, AND ACTIVITIES

A. Purpose and application:

The purpose of this section is to ban commercial medicinal and recreational cannabis businesses and activities of all kinds that are, the subject of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (formerly known as the Medical Marijuana Regulation and Safety Act and the Adult Use of Marijuana Act) in order to promote the health, safety, and general welfare of the citizens of the County. It is also the purpose of the Chapter to affirm that personal cannabis use in the County of Kern must comply with state law requirements.

B. Commercial recreational cannabis businesses prohibited:

Businesses conducting commercial recreational cannabis activity licensed under the Medicinal and Adult-Use Cannabis Regulation and Safety Act are prohibited in all zone districts. No local authorization for any of the activities covered by the license classifications identified in Business and Professions Code 26050 shall be granted for any zone district in the unincorporated area of the County of Kern.

C. Commercial medicinal cannabis businesses prohibited:

Businesses conducting commercial medicinal cannabis activity licensed under the Medicinal and Adult-Use Cannabis Regulation and Safety Act are prohibited in all zone districts. No local authorization for any of the activities covered by the license classifications identified in Business and Professions Code 26050 shall be granted for any zone district in the unincorporated area of the County of Kern.

D. Public nuisance:

Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this section, is hereby declared to be unlawful and a public nuisance and is subject to the enforcement provisions of subsection J of this section, in addition to any other enforcement remedy available to the county under any applicable state or federal statute, the Kern County Ordinance Code, or any other lawful power the county may possess.

E. Applicability:

1. All provisions of this section shall apply outdoors and indoors.
2. All provisions of this section shall apply to public and private property within the County's jurisdiction.
3. All provisions of this section shall apply to any persons, including primary caregivers and qualified patients.
4. Nothing in this section is intended, nor shall be construed or inferred to burden any defense to criminal prosecution under the Compassionate Use Act of 1996, the Adult Use of Marijuana Act of 2016 or the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

F. Definitions:

For purposes of this Chapter, these words and phrases shall be defined as follows:

1. “Cannabis” shall have the same definition as in California Business and Professions Code 26001(f) and Health and Safety Code Section 11018 as they now read or as amended.
2. “Cannabis products” has the same meaning as in Section 11018.1 of the Health and Safety Code as it now reads or as amended.
3. “Commercial medicinal cannabis activity” includes cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, delivery or sale of cannabis and cannabis products for non-personal medicinal purposes as provided in the Medicinal and Adult-Use Cannabis Regulation and Safety Act.
4. “Commercial recreational cannabis activity” includes cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, delivery or sale of cannabis and cannabis products for non-personal non-medicinal purposes as provided in the Medicinal and Adult-Use Cannabis Regulation and Safety Act.
5. “Commercial cannabis activity” includes cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, delivery or sale of cannabis and cannabis products as provided in the Medicinal and Adult-Use Cannabis Regulation and Safety Act.
6. “County” means the County of Kern or the unincorporated area of the County of Kern as required by the context.
7. “Cultivate” or “Cultivation” is the planting, growing, harvesting, drying, curing, grading, trimming processing, or storage of marijuana in any location.
8. “Marijuana” shall have the same definition as Cannabis.
9. “Medicinal Cannabis” or “medicinal cannabis product” means cannabis or cannabis product used for medicinal purposes in accordance with the Compassionate Use Act of 1996, found at section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician’s recommendation as required by the Medicinal and Adult-Use Cannabis Regulation and Safety Act.
10. “Medicinal Cannabis Dispensary” or “Dispensaries” means any operation, including a store-front facility or structure, mobile facility, or delivery service, wherein medical cannabis is made available, sold, offered for sale, given, distributed, traded, or otherwise provided to primary caregivers or qualified patients, as defined by this Chapter.

“Medicinal Cannabis Dispensary” or “Dispensaries” shall not include the following uses, as long as the location of such uses are otherwise regulated by code or applicable law: (i) a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; (ii) a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; (iii) a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; (iv) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; and (v) a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code, as long as any such use complies strictly with

applicable law including, but not limited to, California Health and Safety Code Section 11362.7 et seq.

11. “Primary caregiver” shall have the same definition as in California Health and Safety Code Section 11362.7 et seq. as it now reads or as amended.
12. “Planning Director” shall refer to the Director of the Planning and Natural Resources Department of the County of Kern.
13. “Private residence” means a house, an apartment unit, a mobile home, or other similar dwelling.
14. “Recreational cannabis” means cannabis used for non-medicinal purposes in accordance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act.
15. “Qualified patient” shall have the same definition as California Health and Safety Code Section 11362.7 et seq. as it now reads or as amended.

G. Personal recreational cannabis use:

Except as provided below, personal recreational cannabis use shall comply with the Medicinal and Adult-Use Cannabis Regulation and Safety Act., including, but not limited to, California Health and Safety Code sections 11362.1 through 11362.45 as currently stated or as otherwise amended. Outdoor planting and cultivation of cannabis is prohibited.

H. Personal medicinal cannabis use:

Except as provided below, personal medicinal cannabis use shall comply with the Medicinal and Adult-Use Cannabis Regulation and Safety Act., including, but not limited to, California Health and Safety Code sections 11362.1 through 11362.79 as currently stated or as otherwise amended. Outdoor planting and cultivation of marijuana is prohibited.

I. Amortization of Existing Medicinal Cannabis Dispensaries:

Any medicinal cannabis dispensary which was in operation on or before May 10, 2016, when the moratorium set forth in former Chapter 5.86 on the establishment of new medicinal marijuana dispensaries went into effect, and is also currently in compliance with former Kern County Ordinance Code section 5.84.010, for zoning, setbacks and building code shall be deemed to be a temporary lawful medicinal cannabis dispensary and shall obtain a temporary license from the State of California for a period of time not more than 12 months beyond the effective date of this ordinance. The Planning Director shall issue a letter to the State of California authorizing the issuance of a cannabis license after satisfaction of the following: (i) confirmation that the facility complies with all requirements of former Ordinance Code section 5.84.010 for setbacks and appropriate zoning for a pharmacy; and (ii) an inspection has been completed by the Kern County Building Inspection Division of the interior and exterior of the building used for the cannabis dispensary for compliance with the building code; and (iii) all work has been completed by the property owner/ or tenant for any deficiencies found. Except as otherwise provided below, any such dispensary shall be allowed to operate at its current location for one year from the effective date of this ordinance. At the expiration of one year, the dispensary shall cease operations.

In the event a temporary lawful medicinal cannabis dispensary ceases operation for a period of

30 consecutive days or more after the effective date of this ordinance, it shall be deemed to have been abandoned and shall not re-open as a medicinal cannabis dispensary.

To mitigate any substantive economic impact and to allow a dispensary owner to recoup the value of his or her investment not otherwise realized during the one year of operation as provided above, the owner of a temporary lawful medicinal cannabis dispensary may apply for an extension of time within which to cease operations. The application shall be made on forms provided by the Planning and Natural Resources Department with the applicable fees and shall be filed no more than 120 days and no less than 90 days prior to the day the dispensary is required to cease operations. No application for extension filed less than 90 days prior to the day the dispensary is required to cease operations shall be considered. The applicant shall provide all of the information required by the application. Refusal or failure to provide this information shall constitute a waiver of the right to seek an extension of time in which to operate.

The Planning Director shall notify the applicant of the time and place of a hearing to be held on such request before the Planning Director. After such hearing, the Planning Director shall issue a written order on the request for extension no less than 60 days prior to the date scheduled for closure of the dispensary.

The Planning Director shall consider all relevant circumstances and factors in considering the request for an extension to the amortization period, including, but not limited to, the following to the extent they are applicable:

1. Character of the land and land uses in the surrounding area
2. Location of the use in relation to surrounding uses
3. Length of time the use has been in existence and the length of time the use has been nonconforming
4. Amount of capital investment by the owner of the Dispensary in the property
5. Amount of investment realized to date and the amount remaining
6. Existence or nonexistence of lease obligations
7. Removal costs directly attributable to discontinuance of the use
8. Burden on the property owner resulting from discontinuance of the use
9. Benefit to the public from discontinuance of the use

The decision of the Planning Director shall be final ten calendar days after the date of issuance of the order.

An applicant may appeal the decision of the Planning Director to the Kern County Board of Supervisors. The applicant may appeal the decision by filing with the Planning and Natural Resources Department a request for appeal prior to the time the decision becomes final. The appeal shall be accompanied with the fee established by the Board pursuant to Section 19.06.040 of this title. The appeal shall include supporting documentation and basis for the appeal. The Board Supervisors shall consider the appeal in a public session as part of one of its regularly scheduled

meetings. The matter shall be set on the Board agenda by the Planning and Natural Resources Department on the next available agenda. Selection of the date shall be coordinated with the applicant and written notification of the date shall be provided to the applicant. The Planning and Natural Resources Department shall consult with County Counsel on the preparation of the matter for the Board's consideration. A copy of the report provided to the Board shall be sent to the applicant when the report is normally released to the public by the Clerk of the Board. A determination made by the Board on the appeal shall be final.

J. Enforcement:

Violations of this section shall be subject to the enforcement provisions set forth in this subsection, as well as any other enforcement remedy available to the county under any applicable state or federal statute, the Kern County Ordinance Code, or any other lawful power the county may possess. If applicable, each day a violation of this section continues shall be considered a separate offense.

1. Violations of this section pertaining to personal cannabis use shall be punishable according to all applicable statutes as currently stated or as otherwise amended, including but not limited to, those statutes set forth in Chapter 6, of Division 10, of the California Health and Safety Code.
2. Any person, business, or owner or possessor of any property who violates this section pertaining to commercial cannabis activity, or who, with the lawful authority to prevent it, causes, permits or allows such a violation, is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1000.00) or by imprisonment in the county jail for a time not exceeding six months, or by both such fine and imprisonment.
3. Any person, business, or owner or possessor of any property who violates this section pertaining to commercial cannabis activity, or who, with the lawful authority to prevent it, causes, permits or allows such a violation, is subject to the administrative procedures and penalties set forth in Chapter 8.54 of the Kern County Ordinance Code.
4. Any person, business, or owner or possessor of any property who violates this section pertaining to commercial cannabis activity, or who, with the lawful authority to prevent it, causes, permits or allows such a violation, is subject to the summary abatement procedures set forth in Chapter 8.44 of the Kern County Ordinance Code.
5. Any person, business, or owner or possessor of any property who violates this section pertaining to commercial cannabis activity, or who, with the lawful authority to prevent it, causes, permits, or allows such a violation, is subject to a civil action in the state court system as set forth in Section 19.114.080 of the Kern County Ordinance Code.

K. Severability:

If any part of this section is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness, or unconstitutionality, shall not affect the validity, lawfulness, or constitutionality of any other part of this section.

19.08.060 DETERMINATION OF SIMILAR USE — PROCEDURE

Where an application for similar use is submitted in conjunction with an application for a ministerial permit or if a proposed or contemplated use is asserted to be similar to a permitted use in the applicable zoning district or districts where no permit application is submitted, the Planning Director shall make the determination of similar use. Such determination shall be made in accordance with the following procedures:

- A. The determination shall be made in conjunction with the ministerial or discretionary decision on the application submitted in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 or 19.102.070 through 19.102.120 of this title or, where no ministerial or discretionary permit is involved, within forty-five (45) calendar days of submission of the application.
- B. Written notice of such determination shall be given by mail within a timely manner after the date of the determination to the applicant and any person filing a written request for notice of the determination.
- C. The decision of the Planning Director shall be final on the expiration of seven (7) calendar days from and including the date of mailing of notice of the decision, as required by Subsection B of this section, unless a notice of appeal is filed with the Planning Director within such time.

19.08.070 DETERMINATION OF SIMILAR USE — APPEAL

The determination of similar use by the Planning Director shall be subject to appeal to the Board of Supervisors:

- A. The applicant for the determination may appeal from the decision of the Planning Director on the application for determination of similar use by filing a written notice of appeal with the Planning Director prior to the time the decision becomes final.
- B. The Board of Supervisors may affirm or modify the determination of similar use by the Planning Director.

19.08.080 DETERMINATION OF SIMILAR USE — CRITERIA

The determination of similar use shall constitute a ministerial action. In making a determination of similar use, the Planning Director or Board of Supervisors, acting on an appeal shall determine that a proposed or contemplated use is similar to a use or uses expressly authorized in the applicable zoning district or districts if the proposed or contemplated use meets the following criteria:

- A. The use resembles or is of the same basic nature as a use or uses expressly authorized in the applicable zoning district or districts in terms of the following:
 - 1. The activities involved in or equipment or materials employed in the use.
 - 2. The effects of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations, and appearance.
- B. The use is consistent with the stated purpose of the applicable district or districts.

19.08.085 ALTERNATIVE TO DETERMINATION OF SIMILAR USE

As an alternative to the determination of similar use provisions specified above, the Planning Director may authorize the filing of a conditional use permit application to allow the establishment of a use not expressly authorized as a permitted or conditionally permitted use in this chapter, provided that the Planning Director determines that the proposed use is not inherently incompatible with the purposes of the applicable zoning district. If the Planning Director authorizes the filing of such a conditional use permit application, the application shall be processed in accordance with the provisions of Chapter 19.104 of this title.

19.08.090 PUBLIC UTILITY USES — COUNTY REVIEW

The provisions of this title shall not be construed to apply to the construction, installation, operation, and maintenance of public utility distribution and transmission lines or supporting towers, and poles and underground facilities for providing gas, water, electricity, or telephone and telegraph services by public utility companies or other company under the jurisdiction of the California Public Utilities Commission. Additionally, the provisions of this title shall not apply to privately constructed, operated, or maintained electrical transmission lines and towers, provided that said lines are constructed, maintained, and operated in accordance with, and subject to, the requirements of the California Public Utilities Commission and further provided that said transmission lines are tied into a public utility grid system, and except as otherwise provided for in Chapter 19.64. Microwave and cellular transmission facilities shall be subject to the provisions of this title, except where local land use authority is expressly preempted by State or federal laws or regulations.

19.08.100 INTERPRETATION OF MINIMUM LOT SIZES

For the purpose of complying with the minimum lot size and minimum lot area per dwelling unit requirements and other provisions of this title, the lot sizes or lot areas shall have the following meanings:

A.	1/4 acre	One-quarter (1/4) acre or ten thousand eight hundred and ninety (10,890) net square feet
B.	1/2 acre	One-half (1/2) acre or twenty-one thousand seven hundred and eighty (21,780) net square feet
C.	1 acre	One (1) net acre
D.	2 1/2 acres	Two and one-half (2 1/2) gross acres or a quarter (1/4) of a quarter (1/4) of a quarter (1/4) of a quarter (1/4) section of land containing not less than two (2) gross acres
E.	5 acres	Five (5) gross acres or a half (1/2) of a quarter (1/4) of a quarter (1/4) of a quarter (1/4) section of land containing not less than four (4) gross acres
F.	10 acres	Ten (10) gross acres or a quarter (1/4) of a quarter (1/4) of a quarter (1/4) section of land containing not less than eight (8) gross acres
G.	20 acres	Twenty (20) gross acres or a half (1/2) of a quarter (1/4) of a quarter (1/4) section of land containing not less than sixteen (16) gross acres

H.	40 acres	Forty (40) gross acres or a quarter (1/4) of a quarter (1/4) section of land containing not less than thirty-five (35) acres
I.	80 acres	Eighty (80) gross acres or a half (1/2) of a quarter (1/4) section of land containing not less than seventy (70) gross acres

19.08.110 DETERMINATION OF ACCESSORY USES AND STRUCTURES

If any question arises as whether any particular use or structure is accessory to the primary use or structure in question, it shall be resolved based on the definitions of accessory building or structure or accessory use found in Chapter 19.04 of this title and the following criteria:

- A. Nature and size of the primary use or structure
- B. Nature and size of the accessory use or structure
- C. Relationship of the accessory use or structure to the primary use or structure

19.08.120 FRONT-YARD SETBACK EXCEPTION

Notwithstanding any of the minimum front-yard setbacks required in all of the E, R-1, R-2, and R-3 Districts, the front-yard minimum setback specified in these districts may be reduced where lots comprising forty percent (40%) or more of the frontage on one (1) side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet. In such cases, no building newly erected or structurally altered may project beyond the average front-yard line established by the existing buildings. In making this determination, buildings located more than thirty-five (35) feet from the front property line or buildings facing a side street on a corner lot shall not be counted. In no case shall any building or structure be located within any planned future right-of-way.

19.08.130 LESS RESTRICTIVE USES PROHIBITED

The express enumeration and authorization in this title of a particular class of building, structure, premises, or use in a designated zoning district shall be deemed a prohibition of such building, structure, premises, or use in all zoning districts of more restrictive classification, except as otherwise specified.

19.08.140 LOCATION OF DWELLINGS

Except where otherwise provided for in this title, every dwelling shall face or have frontage upon a street or permanent means of access to a street by way of a public or private easement or passageway other than the alley.

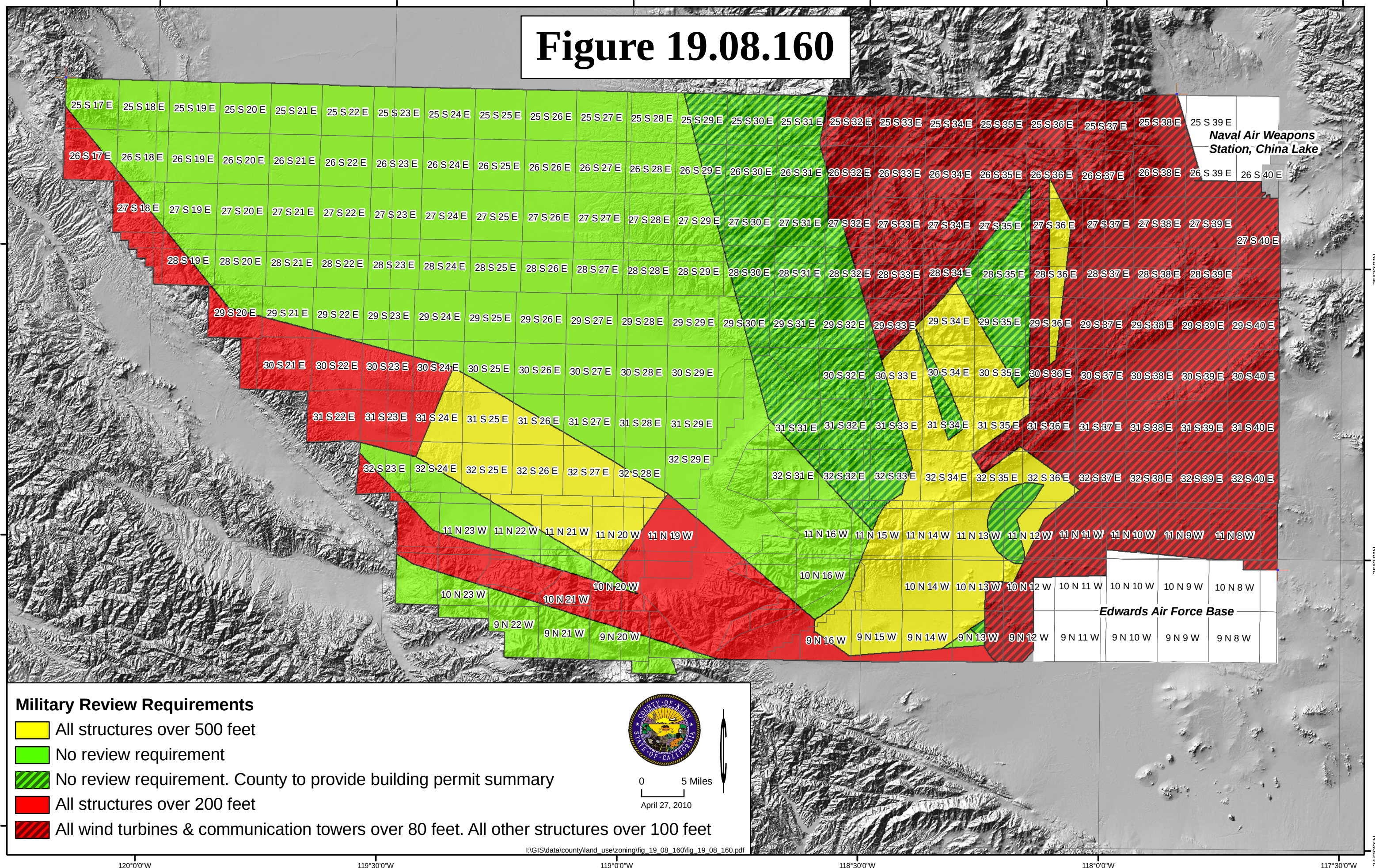
19.08.150 HEIGHT OF BUILDINGS

No penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment, towers, steeples, roof signs, or other structures shall exceed the height limit provided in this title.

19.08.160 HEIGHT OF STRUCTURES

- A. Notwithstanding any other provisions in this title, within the area depicted in Figure 19.08.160, no zone modification or zone variance may be approved, and no building permit may be issued where a zone modification or zone variance is not required, for any structure or building that exceeds the maximum permitted heights shown in Figure 19.08.160 unless the military authority responsible for operations in that flight area first provides the Planning Director with written concurrence that the height of the proposed structure or building would create no significant military mission impacts.
- B. In instances where the required written concurrence from the military is requested by not received within a reasonable period of time, the required zone modification or zone variance may be considered by the Board of Supervisors. A variation to the height-related Development Standard in B.1 above may be approved by the Board of Supervisors generally following the zone variance procedures set forth in Chapter 19.106 and payment of related fees, upon a finding that the benefits of the requested height deviation outweigh the potential impacts on military flight operations.

Figure 19.08.160



19.08.170 DWELLINGS ABOVE OTHER USES — YARD REQUIREMENTS

Where a dwelling is located, placed, or erected above another type of use in zoning districts other than the E, E (1/2), E (1), E (2 1/2), E (5), E (10), E (20), R-1, R-2, or R-3 Districts, the rear and side yards for the floors occupied for dwelling purposes shall comply with the regulations of the R-3 District.

19.08.180 ACCESSORY BUILDINGS

The following regulations shall apply to the location of accessory buildings unless otherwise provided in this title:

- A. Except in the case of accessory dwelling units approved pursuant to Chapter 19.90 of this title, accessory buildings in the R-1, R-2, R-3, and E Districts located within the Metropolitan Bakersfield General Plan area shall be subject to the requirements listed in this subsection and accessory buildings in the R-1, R-2, R-3, and E Districts located outside the Metropolitan Bakersfield General Plan area shall be subject to the requirements of subparagraphs (1) and (2) of this subsection. Square footage and heights exceeding those specified by this section may be allowed when approved by the Planning Director following the procedure described below in Subsection 5. Except for a detached garage, all other accessory buildings shall be located no closer to the front property line than the principal dwelling.
 - 1. On any residentially zoned parcel containing less than one-quarter (1/4) acre, detached accessory buildings shall not exceed a combined total of six hundred (600) square feet. The accessory buildings shall not exceed the height of the principal dwelling.
 - 2. On any residentially zoned parcel containing an area between one-quarter (1/4) acre and one-half (1/2) acre, detached accessory buildings shall not exceed a combined total of one thousand (1,000) square feet, or the square footage equivalent of the principal dwelling, whichever is greater, and shall not exceed the heights of the principal dwelling.
 - 3. On any residentially zoned parcel containing more than one-half (1/2) acre, but less than three (3) acres, detached accessory buildings shall not exceed a combined total of three thousand six hundred (3,600) square feet or twice the square footage equivalent of the principal dwelling, whichever is greater, and shall not exceed a height of twenty (20) feet or the height of the principal dwelling, whichever is greater.
 - 4. On any residentially zoned parcel containing three (3) acres or more, detached accessory buildings shall not exceed a combined total of five thousand (5,000) square feet or three times the equivalent square footage of the principal dwelling, whichever is greater, and shall not exceed the maximum building height permitted in the applicable zoning district.
 - 5. A public hearing is conducted using the procedure in Chapter 19.110, except that Section 19.110.050 shall not apply to such hearing. Heights and square footages

exceeding the maximums otherwise permitted by this section may be allowed if the Director makes the following findings:

- a. The increased height or square footage will permit appropriate development on the property;
 - b. The increased height or square footage is compatible with development in the vicinity; and
 - c. The increased height or square footage will not be materially detrimental to the public health, safety or welfare or to property or residents in the vicinity.
- B. No accessory buildings on the rear of a reverse corner lot in the E, E (1/2), E (1), E (2 1/2), E (5), E (10), E (20), R-1, R-2, or R-3 Districts shall be located nearer to the side lot line on the street side of such reversed corner lot than the front yard depth required on the key lot in the rear.
- C. No accessory buildings or structures shall be located within a required front, side, or rear yard, except as provided for in this title.
- D. Accessory buildings may be considered a part of the main building if connected by a common wall of not less than five (5) feet in length, or if not more than twenty (20) feet from the main building and connected thereto by a roof of not less than five (5) feet in width.
- E. One (1) detached accessory building for use as a private garage may be permitted to occupy the required front yard of an interior lot in the E, E (1/2), E (1), E (2 1/2), E (5), E (10), E (20), R-1, R-2, or R-3 Districts when the slope of the front half of such lot is greater than one- (1-) foot rise or fall in the horizontal distance of four (4) feet from the established street elevation at the front property line; provided, however, that no portion of any such building shall be less than five (5) feet from the side or front property line of the lot and further provided that no such building shall exceed thirty-five (35) feet in height.
- F. Cargo containers are permitted "by right" as an accessory structure in the A, A-1, NR, M-1, M-2, and M-3 Districts. Cargo containers require approval of a conditional use permit in the E, R-1, C-2 and RF Districts. Cargo containers, where permitted, shall not be used for human occupancy. Signs shall not be permitted on, or attached to, cargo containers, except those required by law that contain public safety information for the container. Cargo containers, where permitted, shall not be stacked. Cargo containers shall also be permitted in any zone district in conjunction with an authorized construction project. Except for temporary cargo containers specifically authorized in conjunction with a construction project, cargo containers shall be painted a uniform earthen hue color (e.g. beige, tan, brown).
- G. Outside of industrial zoning districts and approved miniwarehouse facilities, temporary, portable on-demand storage units (e.g., PODS) are permitted for up to thirty (30) days in residential, mobilehome park, and platted lands zoning districts and up to ninety (90) days in the agricultural, recreation-forestry, natural resource, drilling island, and commercial zoning districts. The Planning Director may authorize an extension of time for an additional thirty (30) days in residential zoning districts and up to an additional ninety (90) days in the agricultural, recreation-forestry, natural resource, drilling island, and

commercial zoning districts. Additional time may be authorized when the portable storage unit is necessary and related to authorized on-site construction or when approved in conjunction with the approval of a conditional use permit, as provided for in Chapter 19.104. Signage on such units shall be limited to the name of the manufacturer and public safety information.

19.08.190 THROUGH LOTS — SETBACK REQUIREMENTS

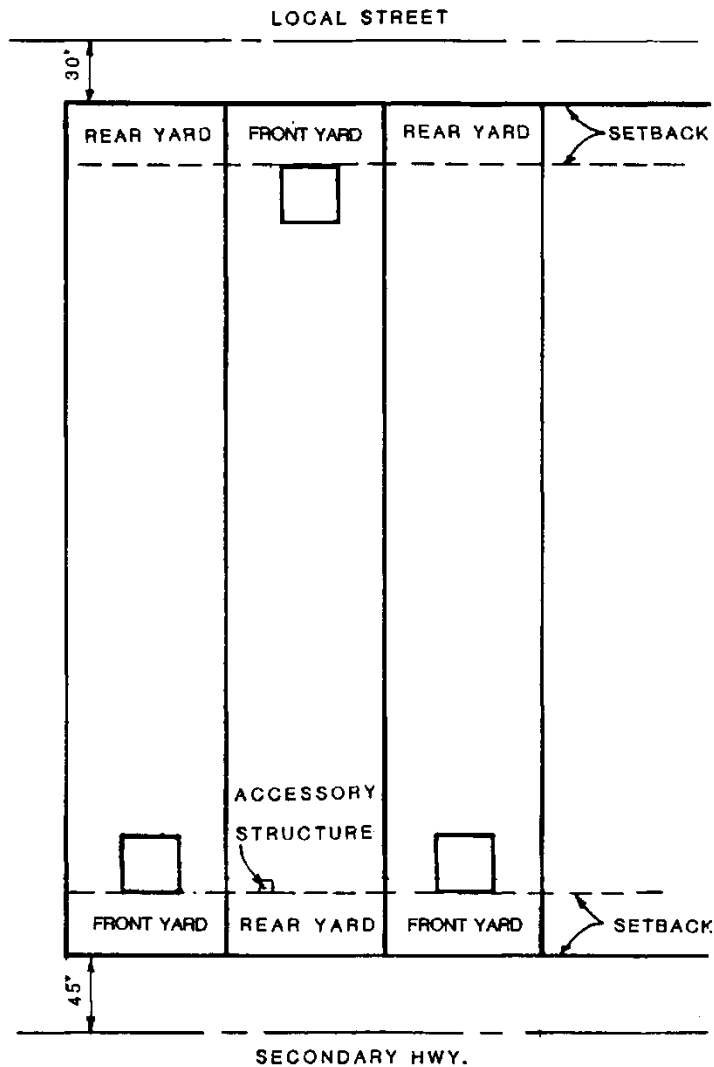
On through lots, either line separating the lot from a public thoroughfare may be designated by the owner as the front yard; however, the rear-yard setback shall be the same as the front-yard setback required on adjacent lots. Where a through lot is a lot within a recorded subdivision tract and the rear lot line abuts a secondary or major highway onto which access is restricted, the required rear yard shall be five (5) feet or as otherwise required by the applicable zoning district. (See Figure 19.08.190)

19.08.200 YARD ENCROACHMENTS

Where yards are required by this title, those yards shall not be less in depth or width than the minimum dimension specified for any part, and they shall be at every point open and unobstructed from the ground upward, except as follows:

- A. Cornices, canopies, eaves, fireplaces, or other similar architectural features not containing vertical supports and not providing additional floor space within the building may extend into a required front, side, or rear yard no more than three (3) feet.
- B. Open, unenclosed, uncovered porches, platforms, or landing places which do not extend above the level of the first floor of the building may extend into any front yard not more than six (6) feet and into a side or rear yard not more than three (3) feet, provided, however, that an open work railing, not more than thirty-six (36) inches in height for residential structures and not more than forty-two (42) inches in height for commercial structures, may be installed or constructed on any such porch, platform, or landing place.
- C. Stairwells and connected platforms or landings extending above the level of the first floor of a building may protrude into a required front yard no more than six (6) feet.
- D. Detached accessory buildings, less than one hundred and twenty (120) square feet in size and eight (8) feet or less in height, may encroach into required side and rear yards up to five (5) feet, excluding street-side side yards, provided that the structure is not placed on a permanent foundation and further provided that drainage from the roof of the structure is retained on site.

**FIGURE 19.08.190
FRONT YARD/REAR YARD**



19.08.210 FENCES, WALLS, AND HEDGES

- A. In the E (1/4), E (1/2), E (1), E (2 1/2), R-1, R-2, and R-3 Districts, no fence, wall, or hedge located in the rear or side yards shall exceed a height of six (6) feet, except when a higher fence, wall, or hedge is required as a condition of approval of a discretionary permit except when approved by the Director in the manner contained in Subsection G of this section.
- B. In the E (1/4), E (1/2), E (1), E (2 1/2), R-1, R-2, and R-3 Districts, no fence, wall, or hedge located in the required front yard shall exceed a height of four (4) feet, except when a higher fence, wall, or hedge is required as a condition of approval of a discretionary permit or except when approved by the Director in the manner contained in Subsection paragraph G of this section.
- C. Maximum fence, wall, or hedge height shall be measured from the finished interior grade. That portion of a wall or fence functioning as a retaining wall shall not be counted in determining overall fence or wall height. (See Figure 19.08.210)
- D. In the E (1/4), E (1/2), E (1), E (2 1/2), R-1, R-2, and R-3 Districts, no barbed wire shall be used or maintained as part or on any fence, wall, or hedge located along the front, side, or rear lines of any lot, or within three (3) feet of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six (6) feet in height. No electrified fences shall be permitted, regardless of location, except for purposes of animal containment on lots zoned with the Residential Suburban (RS) Combining District and which contain a minimum lot size of 2 1/2 acres.
- E. In the E (1/4), E (1/2), E (1), E (2 1/2), R-1, R-2, and R-3 Districts, no fence, wall, or hedge located in the rear twenty-five (25) feet of a through lot shall exceed four (4) feet in height, except when a higher fence, wall, or hedge is required as a condition of approval of a discretionary permit, or except when approved by the Director following the procedure described in Subsection G of this section.
- F. In the E (1/4), E (1/2), E (1), E (2 1/2), R-1, R-2, and R-3 Districts, no fence, wall, or hedge located within ten (10) feet of the rear lot line of a reversed corner lot between the street and the established front-yard setback line on the key lot to the rear shall exceed a height of four (4) feet, except when a higher fence, wall, or hedge is required as a condition of an approval of a discretionary permit, or except when approval by the Planning Director following the procedure described in Subsection G of this section.
- G. A public hearing is conducted using the procedure in Chapter 19.110, except that Section 19.110.050 shall not apply to such hearing. Heights exceeding the maximum heights otherwise permitted by this section may be allowed if the Director makes the following findings:
 - 1. The increased height will permit appropriate development on the property;
 - 2. The increased fence height is compatible with development in the vicinity; and
 - 3. The increased fence height will not create traffic hazards in the project vicinity.

**FIGURE 19.08.210
MAXIMUM FENCE HEIGHT**

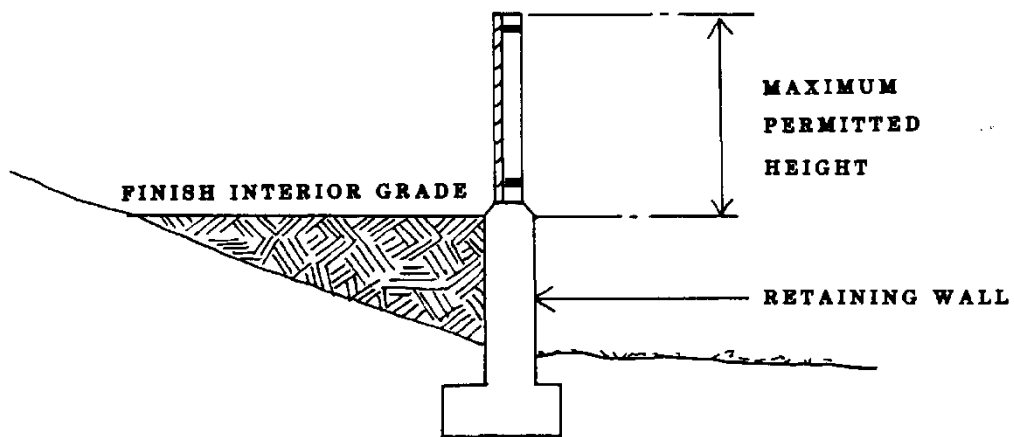
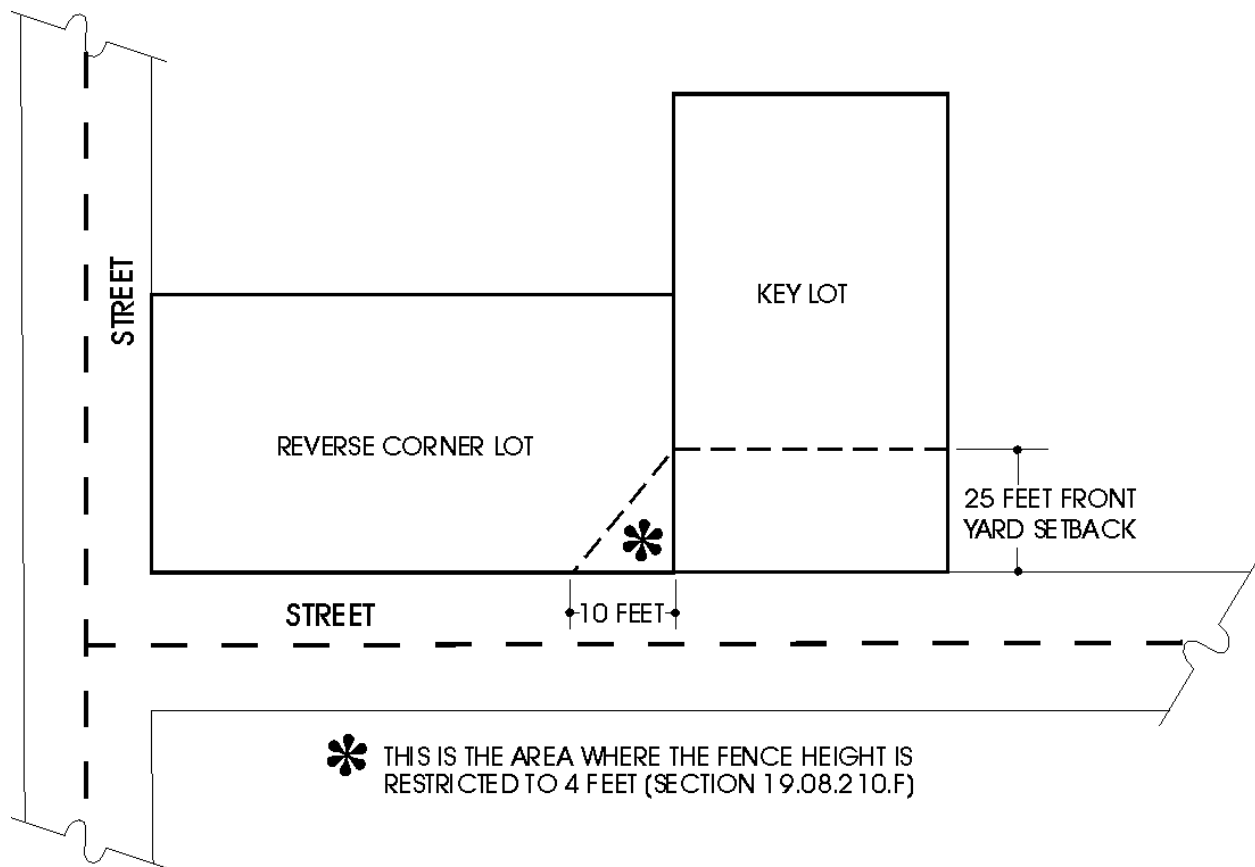


FIGURE 19.08.210.B
FENCE HEIGHT RESTRICTIONS
REVERSE CORNER LOTS



19.08.220 STORAGE IN YARDS

Except as otherwise provided in Subsection G of Section 19.82.090 of this title, no portion of any required front yard or side yard on the street side of a corner lot shall be used for the permanent storage, defined as any forty-eight (48) hour period, of motor vehicles, trailers, airplanes, boats, parts of any of the foregoing, except that one (1) recreational vehicle designed for human occupancy or one (1) boat may be so stored, provided that the recreational vehicle or boat is fully operational and is currently licensed and/or registered. Additionally, no such areas shall be utilized for the storage of scrap metals or other scrap materials, machinery, appliances, furniture, or equipment or parts thereof, except for building materials and equipment for use on the premises stored thereon during the time a valid permit is in effect for construction on the premises.

19.08.225 STRUCTURES AND STORAGE IN PUBLIC ROADS

No structures shall be constructed, erected, or maintained within a County road right-of-way or public access easement, except where otherwise expressly authorized by law. Storage of any equipment or material shall be prohibited within a County road right-of-way or public access easement, except where otherwise expressly authorized by law.

19.08.230 REGIONAL OR INTERSTATE TRANSMISSION PIPELINE FACILITIES — COUNTY REVIEW

Before any right of way for transmission lines is acquired for regional or interstate facilities, the proposed route shall be submitted for the Planning Director review and recommendation.

19.08.240 BUILDING ACROSS PROPERTY LINES

Provided legal parcels of record are owned by the same property owner(s), a building or buildings that establish the main use may be developed across property lines to merge the properties into one (1) parcel for the determination of property development standards.

19.08.252 TRUCK PARKING AS A RESIDENTIAL ACCESSORY USE

Truck parking, when accessory and incidental to an established residential use, shall be permitted provided that there is no more than one (1) truck which does not exceed a gross weight of five (5) tons and which is driven to and from the resident's place of employment on a regular basis or which is utilized in conjunction with an approved home occupation pursuant to Chapter 19.94 of this title. No commercial vehicle having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more shall be parked or stored on any public or private street within a residential district.

The parking of one (1) truck which exceeds a gross weight of five (5) tons may be authorized by the Director subject to the provisions contained in Sections 19.102.040 through 19.102.060 (Ministerial Permits), except as otherwise specified in this section. Such authorization shall be limited to legally created lots with net lot size of 1/2 acre or larger, developed with a single-family dwelling, and where the written consent of the property owner and each abutting property owner accompanies a written request for such authorization. Any such authorization shall be for a maximum period of three (3) years, limited to one vehicle and shall not include trailers; except that one (1) trailer may also be authorized on qualifying lots with a minimum gross lot size of 2 1/2 acres, if included as part of the original request. This 2 1/2 acre lot size requirement may be reduced to one (1) gross acre if a conditional use permit is obtained as

specified below. For approval to store or park a trailer on a lot smaller than 2 1/2 acres but with an area of at least one (1) gross acre; or, in the event that not all abutting property owners' signatures can be obtained or in the event that authorization is being sought for more than three (3) years, the applicant may elect to file a conditional use permit request for approval by the hearing body following the procedures of Chapter 19.104 (Conditional Use Permits) of this title. Under no circumstances shall more than one (1) truck or truck/trailer combination be authorized under this section.

Violation of this section shall subject the responsible party to a civil penalty of eight dollars (\$80) per violation. Violations shall be subject to, and processed and enforced in accordance with, Section 40200 et seq. of the California Vehicle Code.

19.08.270 COUNTY REVIEW OF PROJECTS RELATED TO NATIONAL SECURITY

The provisions of this title shall not be construed to apply to the construction, installation, operation, and maintenance of facilities on private land which are required in the interest of national security or the national defense, as determined by the Planning Director.

19.08.280 EMERGENCY OCCUPANCY OF MOBILEHOMES, TRAVEL TRAILERS, OR COMMERCIAL COACHES

In the event a previously permitted dwelling or private school is destroyed or rendered uninhabitable by fire, earthquake, or similar calamity, the Planning Director may authorize the temporary placement of a mobilehome or travel trailer for residential use in the case of a dwelling or a commercial coach in the instance of a private school, on the property, regardless of the zoning district classification of the property, for a period not to exceed one hundred and eighty (180) days. A request for such authorization shall be submitted in writing within thirty (30) days from the time the dwelling is destroyed or rendered uninhabitable. The Director shall provide such authorization in writing and may stipulate any necessary conditions as determined by the Director, for the protection of the public health and safety or for the protection of the personal health and safety of the proposed occupants.

19.08.290 TEMPORARY BATCH PLANTS

Temporary portable batch plants related to a specific construction project and for a one-time period of one hundred and sixty (160) days or less may be authorized by the Planning Director in the A (Exclusive Agriculture), NR (Natural Resource), M-2 (Medium Industrial), and M-3 (Heavy Industrial) Districts after review and approval of a written request, which shall include an operations statement describing the equipment and processes to be utilized, the purpose of the temporary batch plant, and a plot plan.

19.08.300 PUBLIC ACCESS EASEMENTS

All setback requirements contained in this title shall apply to all public access easements, in addition to publicly-maintained streets or roads. All public access easements shall be kept free and clear of all obstructions.

19.08.320 FIREWORKS STANDS AND CHRISTMAS TREE SALES

In addition to the specific zone districts which allow temporary fireworks stands and Christmas tree sales, the Planning Director may also authorize fireworks stands and Christmas tree sales on publicly owned property, including property owned by school districts, and on property developed with church facilities in any zone district.

19.08.340 TEMPORARY EVENTS

Temporary carnivals, circuses, or similar events not exceeding a combined total of twelve (12) days on any one parcel during any calendar year may be permitted in any zone district pursuant to the procedures set forth in Sections 19.102.070 through 19.102.120 of this title. In conjunction with such an approval, the Hearing Officer may impose reasonable conditions to safeguard public health and safety. If the Hearing Officer determines that the nature or scope of the proposed event could have a significant adverse impact on surrounding properties, the Hearing Officer may deny the issuance of a temporary event permit. In processing a temporary event permit, the Director may require the processing of a conditional use permit following the procedures set forth in Chapter 19.104 (Conditional Use Permits) if it is concluded that the size or scope of the proposed event could potentially create adverse impacts to surrounding properties. No permit issued for a temporary event shall ever ripen into the status of a permanent entitlement or legal, nonconforming use.

19.08.360 LARGE WATER SYSTEMS — ABOVEGROUND FACILITIES

Notwithstanding the requirements of each base zoning district pertaining to large water systems, aboveground structures related to large water systems, excluding well heads, well housing, booster pumps, small pressure tanks, and similar small aboveground structures, as determined by the Planning Director, shall require the processing of a conditional use permit following the procedures set forth in Chapter 19.104 (Conditional Use Permits) in the R-1, R-2, R-3, E (1/4), E (1/2), and E (1) Districts.

19.08.370 POTBELLIED PIGS

Vietnamese potbellied pigs shall be considered to be a household domestic pet and are permitted in conjunction with the residential use of property subject to the following conditions:

- A. There shall be no more than two (2) potbellied pigs kept on any legal lot.
- B. There shall be a minimum of five hundred (500) square feet of securely fenced outside yard area that is available and accessible for each potbellied pig. The fence shall be designed and maintained to prevent escape from the enclosed area.
- C. No potbellied pig shall exceed a weight of two hundred (200) pounds or a shoulder height of twenty-three (23) inches.
- D. Each potbellied pig shall be spayed or neutered.
- E. No potbellied pig shall be located any closer than thirty (30) feet from any off-site dwelling.
- F. All male potbellied pigs older than two (2) years shall have their tusks removed or filed by a licensed veterinarian.

- G. Upon request by the County, written certification of compliance with Subsection C, D, and F of this section from a licensed veterinarian shall be provided by the owner.
- H. All potbellied pigs shall be kept in compliance with any requirements of the Animal Control Services Section of the Kern County Environmental Health Services Department.

19.08.375 PYGMY GOATS

Pygmy goats, with a height of less than twenty-four (24) inches, shall be considered to be a household domestic pet and are permitted in conjunction with the residential use of property. Except where otherwise permitted, there shall be no more than two (2) adult (over the age of four months) pygmy goats kept on any legal lot.

19.08.380 TEMPORARY OCCUPANCY OF RECREATIONAL VEHICLES

Notwithstanding the requirements of Kern County Ordinance Code Chapter 17.44, one (1) motor home or one (1) travel trailer may be authorized for temporary occupancy on any lot with a minimum lot size of twenty (20) acres and located in an A, A-1, E, NR, or RF District, provided that no dwellings or other buildings have been established on the lot and that the primary residence of the property owner is located thirty (30) or more miles from the lot and further provided that the recreational vehicle will be occupied exclusively by the property owners. A conditional use permit shall be required pursuant to the requirements of Chapter 19.104 to authorize the temporary occupancy of a recreational vehicle pursuant to this section.

19.08.390 WASTE STOCKPILE — FINANCIAL ASSURANCES

In conjunction with approval of any conditionally permitted use in any district which involves the stockpiling or land application of organic or inorganic waste or recyclable materials, as determined by the Planning Director, a surety bond or other approved financial assurance, may be required to guarantee site clean-up and remediation. The amount of the bond or other financial assurance shall be determined by the Planning Director and the form of the bond or other financial assurance shall be approved by County Counsel.

19.08.400 STREET IDENTIFICATION REQUIREMENTS

In addition to street identification requirements contained in the County's Land Division Ordinance (Title 18 - Kern County Ordinance Code), an applicant for any discretionary permit may be required to erect street identification signs when, in the opinion of the Planning Director, there is inadequate street identification to the site and the Planning Director further determines that the installation of the street identification signs is deemed necessary to safeguard the public health, safety, and welfare. If street identification sign installation will be required pursuant to this section, the street sign shall be designed, constructed, and installed in a manner consistent with the Kern County Development Standards manual, or as otherwise authorized by the Planning Director, and shall be installed at on-site or off-site locations approved in advance by the Planning Director.

19.08.405 SETBACK REQUIREMENTS FROM SECTION AND MIDSECTION LINES

Within the San Joaquin Valley portion of Kern County, section lines and midsection lines located on properties below one thousand (1,000) feet above mean sea level shall be reserved for arterial and collector highway purposes, respectively, unless otherwise specified by the Circulation Element of the Kern County General Plan, Western Rosedale Specific Plan, Metropolitan Bakersfield 2010 General Plan, or other adopted plan. A minimum setback of forty-five (45) feet and fifty-five (55) feet shall be required for all permanent buildings and structures from midsection and section lines, respectively.

19.08.410 LAND DIVISIONS

Land Division actions, including subdivision tracts, parcel maps, parcel map waivers, and lot line adjustments shall comply with the requirements of Title 18, the Kern County Development Standards, the Uniform Code of Building Regulations adopted by Kern County, and the requirements of this title.

19.08.415 SMALL WIND ENERGY SYSTEM

- A. A small wind energy system, as defined in Section 19.04.775, is a single system designed to supplement other electricity sources, or as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. No small wind energy system shall be installed until after a "small wind energy system permit" is obtained pursuant to Section 19.102.070 of this title, except as provided for in this section.
- B. The following development standards shall apply to all small wind energy systems, except as provided for in this section:
 - 1. The overall height of the tower and blade extension shall not exceed 120 feet and is subject to Section 19.08.160.
 - 2. A minimum setback of sixty-five (65) feet shall apply from all property lines that abut a residential zoning district (E, R-1, R-2 and R-3). This setback may be reduced to thirty (30) feet, if the overall height of the tower and blade extension do not exceed eighty (80) feet and decibel levels for the system do not exceed forty-five (45) decibels (dBA) at any time, as measured from the exterior surface of any off-site residence existing at the time the system is installed. A minimum setback of thirty (30) feet shall apply from all property lines that abut any other zoning district.
 - 3. Except as provided above, decibel levels for the system shall not exceed sixty (60) decibels (dBA) at any time, as measured from the exterior surface of any off-site residence existing at the time the system is installed.
 - 4. The system shall employ no lighting, except as may be required as a condition of approval.
 - 5. The system's turbine shall have been approved for use by the California Energy Commission.
 - 6. The tower and blades shall have a nonreflective surface.

7. Additional conditions may be required pursuant to Section 19.102.070 of this title.
- C. Where the lot on which the small wind energy system will be installed contains a minimum area of one-half (1/2) acre and the overall height of the tower and blade extension does not exceed eighty (80) feet, a "small wind energy system permit" pursuant to Section 19.102.070 and adherence to the development standards specified in Section B above shall not be required, provided that the installation complies with the following standards:
1. The tower shall be located no closer than one times (1x) the overall height of the tower and blade extension or thirty (30) feet, whichever is greater, from any property line and guy wire anchors, if used, shall not be located within ten (10) feet of any property line. Roof-mounted turbines shall not exceed a height of eight (8) feet above the tallest roof ridgeline.
 2. The tower shall be located no closer than fifty (50) feet from any existing off-site dwelling. This restriction does not apply to roof-mounted systems.
 3. Decibel levels for the system shall not exceed forty-five (45) decibels (dBA) at any time, as measured from the exterior surface of any off-site residence existing at the time the system is installed.
 4. The system shall employ no lighting.
 5. The system's turbine shall have been approved for use by the California Energy Commission under its Emerging Renewables Program, or similar program, or has been certified by a national program recognized and approved by the Commission.
 6. The tower and blades shall have a nonreflective surface.
- D. Any approved small wind energy system that becomes inoperable, shall be repaired or removed within ninety (90) days from the date that written notice by the County is provided to the property owner.

19.08.420 DOG KEEPING IN RESIDENTIAL DISTRICTS

No more than three (3) dogs over the age of four (4) months shall be kept or housed as an accessory use on any property located within the E (1/4), R-1, R-2, and R-3 residential zoning districts on any parcel less than ten thousand eight hundred ninety (10,890) square feet in size located within the Metropolitan Bakersfield General Plan area, except for kennels and animal shelters, as provided for by this title. Only licensed dogs in residence as of March 2, 2003, in excess of the three (3) dogs otherwise permitted herein may remain on the same parcel for up to fifteen (15) years without constituting a violation of this section so long as they remain licensed.

19.08.425 RESCUE/SANCTUARY ANIMAL FACILITY, SMALL - AS ACCESSORY USE

A "Small rescue/sanctuary animal facility" may be established as an accessory use to a residence upon demonstrating to the satisfaction of the Director of the Kern County Planning and Community Development Department all of the following: (a) it is a non-profit organization exempt from taxation under Internal Revenue Code Section 501(c)(3), or a collaboration of individuals associated with said organization; (b) it has secured approval from a Kern County governmental agency to be an authorized agent on their behalf; and (c) it does not own, possess and/or care for more than ten (10) total domestic animals at an onsite location.

19.08.430 ANIMAL SHELTERS GRACE PERIOD

Prior to the enactment of a formal definition of "animal shelter" in 2002 (see Section 19.04.047), animal shelters and rescue centers were treated as "kennels" for permitting purposes. Any animal shelter use existing as of July 1, 2002, that is not or does not become a legal, nonconforming use on that date in accordance with the provisions of Chapter 19.108 of this title, shall have a grace period of up to one year from that date to legalize its status under the Zoning Ordinance.

19.08.440 COMMERCIAL AUTO RESTORATION

Commercial auto restoration facilities which specialize in the restoration of classic or antique automobiles, including two-axle light trucks, are permitted uses in the C-2, M-1, M-2, and M-3 Districts subject to the following standards:

- A. All restoration jobs shall be under an active work order, including noncommercial restoration for the proprietor, family, or friends.
- B. On-site storage shall be screened from view from adjacent properties and all roads, access easements, and alleys and shall be limited to:
 - 1. Automobiles, including light trucks, undergoing restoration.
 - 2. No more than one "parts" vehicle associated with each restoration job.
 - 3. New and used auto parts and equipment.
- C. All restoration jobs shall be completed within twelve (12) months unless the Planning Director approves a written request to exceed the twelve- (12-) month maximum for a particular restoration job.
- D. A restoration job customer may furnish a "parts" vehicle to the restoration business in conjunction with a work order for restoration work on a separate vehicle of the same model. At the conclusion of the restoration job, the remains of the "parts" vehicle shall be returned to the customer or, if authorized in writing by the customer, shall be sold as scrap within thirty (30) days following the completion of the related work order.
- E. No Dismantler's Permit is needed from the State Department of Motor Vehicles, except where a conditional use permit for a vehicle salvage yard has been approved as provided for in the M-2 and M-3 Districts.
- F. Except for a machine lathe and grinder, no on-site machining shall be conducted, except where "light machining" and "machine shops" are permitted in the applicable base zoning district. Except for those base zoning districts that authorize sandblasting and welding, sandblasting, soda blasting, and welding shall take place within a fully enclosed structure.

19.08.450 STREET VENDORS AND FOOD PEDDLERS

Any use of private property involving street vendors or food peddlers, as defined in Title 5 of the Kern County Ordinance Code, who individually, or in combination, occupy all or a portion of said property for a period of time of eight (8) hours or more on any calendar day for more than 14 total days in any given calendar year, shall be considered to be a commercial use of the property and shall be permitted only in commercial and industrial districts, or on property developed with legally established commercial or industrial uses, and shall be subject to the

Special Development Standards and Plot Plan Approval requirements specified in Chapter 19.80 which are applicable to commercial uses.

19.08.460 METEOROLOGICAL (MET) TOWERS

Permanent MET tower installations are permitted in the A, C-2, CH, M-1, M-2, M-3, RF, NR zoning districts and any zoning district with which the WE Combining District has been added. MET tower installations for a temporary period not exceeding three (3) years may be authorized by the Planning Director in all other zoning districts. MET towers shall be setback a minimum distance of one (1) times the overall height of the tower from all property lines, except when adjacent to property included within the WE Combining District, in which case the required setback shall be ten (10) feet. MET tower installations shall be subject to the maximum permitted height of the applicable base zoning district and with Figure 19.08.160 of this title.

19.08.470 NON-COMMERCIAL LIQUIFIED PETROLEUM GAS (LPG), LIQUIFIED NATURAL GAS (LNG) AND COMPRESSED NATURAL GAS (CNG)

Non-commercial LPG, LNG, and CNG storage tanks sites exceeding 2,000 gallons, when incidental and accessory to a permitted or conditionally permitted use in the A, M-2, M-3 or NR Districts, may be permitted by the Planning Director, provided that the location of the tank(s) is at least 1/2 mile from any residentially zoned property (E, R-1, R-2, or R-3 Districts) and the Kern County Fire Department has approved the installation. The Planning Director may require the processing of a conditional use permit, pursuant to Chapter 19.104 of the title, to allow non-commercial LPG, LNG, and CNG storage tanks in excess of 2,000 gallons combined total volume to be located within 1/2 mile of any residentially zoned property.

19.08.480 BEVERAGE CONTAINER RECYCLING (CRV) COLLECTION CENTER

CRV recycling centers are permitted when accessory to an existing retail establishment that sells beverages. CRV recycling centers shall meet the requirements of and shall be certified by the State Department of Conservation. Unmanned CRV recycling centers shall consist of reverse vending machines and manned CRV recycling centers shall use "igloo-type" collection bins or up to two cargo containers or roll-off bins which open from the end of the units, provided that the opening end of the containers or bins are concealed from public view and the units are painted. Except for unmanned CRV recycling centers consisting of reverse vending machines, the facility shall be staffed during all hours of operation. CRV recycling centers shall be kept free from litter and debris, and all recyclables shall be kept within authorized containers at all times. Prior to the establishment of a CRV recycling center, the operator shall submit the following to the Planning Department:

1. A site plan, which shall demonstrate that there will no significant impacts to on-site parking or circulation
2. A letter or lease signed by the property owner authorizing the CRV recycling center and the use of the retail store's restroom facilities
3. If cargo containers or roll-off bins are to be used, the proposed method of concealing the opening end of the containers or bins consisting of a picture or elevation drawing and the proposed painting scheme.

4. A copy of the State Department of Conservation Recycling Center Certificate, or application for same.
5. A facility maintenance plan, including provisions for wash-down of residual liquids.

The Planning Director shall review and approve the proposed site plan, method of concealment and facility maintenance plan prior to providing land use approval for facility set-up and operations. CRV recycling centers not meeting the requirements of this section may be permitted under the conditional use permit provisions pursuant to Chapter 19.104 of this title

CHAPTER 19.10
ZONING DISTRICTS ESTABLISHED

SECTIONS:

- 19.10.010 ESTABLISHMENT OF BASE ZONING DISTRICTS**
- 19.10.020 ESTABLISHMENT OF COMBINING ZONING DISTRICTS**
- 19.10.030 INTERIM ZONING DISTRICTS**
- 19.10.040 ZONING MAPS**
- 19.10.050 SPECIAL PLANNING DISTRICTS**

19.10.010 ESTABLISHMENT OF BASE ZONING DISTRICTS

- A. In order to classify, regulate, restrict, and segregate the uses of lands and buildings, to regulate and restrict the height, bulk, and construction of buildings, to regulate the area of yards and other open spaces around buildings, and to regulate intensity of land use and the density of population, the following base zoning districts are established:
- 1. Agricultural Districts
 - A Exclusive Agriculture District
 - A-1 Limited Agriculture District
 - 2. Residential Districts
 - E Estate District
 - R-1 Low-density Residential District
 - R-2 Medium-density Residential District
 - R-3 High-density Residential District
 - MP Mobilehome Park District
 - 3. Commercial Districts
 - CO Commercial Office District
 - C-1 Neighborhood Commercial District
 - C-2 General Commercial District
 - CH Highway Commercial District
 - 4. Industrial Districts
 - M-1 Light Industrial District
 - M-2 Medium Industrial District
 - M-3 Heavy Industrial District

5. Special Purpose Districts

- RF Recreation-Forestry District
- OS Open Space District
- NR Natural Resource District
- DI Drilling Island District
- FPP Floodplain Primary District
- SP Special Planning District
- PL Platted Lands District

- B. Every lot or parcel of land, or portion thereof, in unincorporated Kern County shall be classified in only one (1) of the base zoning districts established by this section.

19.10.020 ESTABLISHMENT OF COMBINING ZONING DISTRICTS

- A. In order to classify, regulate, restrict, and segregate the uses of lands and buildings, to regulate and restrict the height, bulk, and construction of buildings, to regulate the area of yards and other open spaces around buildings, and to regulate intensity of land use and the density of population, the following combining zoning districts are established:

1. Lot Size Combining District
2. PD Precise Development Combining District
3. CL Cluster Combining District
4. RS Residential Suburban Combining District
5. Rural Living Combining District
6. MH Mobilehome Combining District
7. WE Wind Energy Combining District
8. PE Petroleum Extraction Combining District
9. GH Geologic Hazard Combining District
10. FP Floodplain Combining District
11. FPS Floodplain Secondary Combining District
12. H Airport Approach Height Combining District

- B. In addition to being classified in a base zoning district, a lot or parcel of land, or portion thereof, may be classified in one (1) or more combining zoning districts established by this section. When used on official zone maps, combining districts shall be shown in parenthesis.

19.10.030 INTERIM ZONING DISTRICTS

The Automobile Parking (P) and the Mobilehome Subdivision (MS) zone classifications in effect on the date of adoption of the ordinance from which this title derives have been determined by the Board of Supervisors to be no longer necessary to effect the purposes of the Kern County Zoning Ordinance. The P District and the Mobilehome Subdivision (MS) District shall be interim zone districts, and no additional areas shall be so zoned. All development within the P District and the Mobilehome Subdivision (MS) District shall comply with the requirements and standards set out in Chapter 19.78 of this title.

19.10.040 ZONING MAPS

The boundaries of the zoning districts established by this title are not included in this title but are shown on the Official Zoning Maps maintained by the Kern County Planning Department. The Official Zoning Maps and all notations, references, and other information shown thereon shall be as much a part of this title as if the matters and information set forth on such maps were all fully described herein.

19.10.050 SPECIAL PLANNING DISTRICTS

Special planning districts adopted in accordance with the provisions of Chapter 19.52 of this title shall be incorporated as a part of this title. Any adopted special planning district shall define the zoning district boundaries and the terms and conditions of development within those boundaries.

CHAPTER 19.12
EXCLUSIVE AGRICULTURE (A) DISTRICT

SECTIONS:

- 19.12.010 PURPOSE AND APPLICATION**
- 19.12.020 PERMITTED USES**
- 19.12.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.12.040 PROHIBITED USES**
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- 19.12.110 SIGNS**
- 19.12.120 LANDSCAPING**
- 19.12.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.12.010 PURPOSE AND APPLICATION

The purpose of the Exclusive Agriculture (A) District is to designate areas suitable for agricultural uses and to prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Uses in the A District are limited primarily to agricultural uses and other activities compatible with agricultural uses.

19.12.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the A District:

A. AGRICULTURAL USES

1. Growing and Harvesting Crops
 - Berry crops
 - Bush crops
 - Christmas trees
 - Field crops, dryland
 - Field crops, irrigated
 - Flowers and horticultural specialties, wholesale only

- Greenhouse, wholesale only
- Herbs
- Hydroponically grown plants
- Nursery, plant, wholesale only
- Nut and fruit trees
- Timber
- Vegetables
- Vine crops

2. Breeding and Raising Animals

- Alpacas
- Beekeeping
- Beef cattle or livestock grazing
- Birds, including show or racing pigeons and other small fowl
- Commercial poultry farms, in which poultry are kept in confined quarters for the purpose of hatching, breeding, processing, butchering, and egg or other poultry by-product production for retail or wholesale purposes, pursuant to Subsection 19.12.130.E (see also Subsection 19.12.030.A)*
- Dairy stock grazing
- Fish and frogs
- Hogs, excluding a hog farm or ranch
- Horses, donkeys, llamas, or mules
- Poultry, including chickens, ostriches, turkeys, or other fowl, excluding commercial poultry farms or ranches in which poultry are kept in confined facilities, as determined by the Planning Director
- Rabbits or furbearing animals
- Sheep or goats
- Vermiculture, pursuant to Subsection 19.12.130.

3. Agricultural Industries

- Agricultural services, when incidental and secondary to the primary use of the premises for agriculture
- Agricultural services laboratory, with a maximum of five (5) employees and one thousand (1,000) square feet of building area
- Animal products processing, including meat packing, canning, and shipping, when the livestock is produced or grown by the owner of the processing facility on the premises or on land leased, rented, or owned by the owner of the processing facility and within a reasonable distance of the facility
- Cotton gin*
- Fruit, vegetable, and plant products processing, including cold storage, packing, preserving, canning, and shipping*
- Grain elevator or storage
- Honey extraction
- Noncommercial livestock feed storage, wholly enclosed
- Winery, rough, when located one (1) mile or more from any residential or commercial zoning

* These uses shall be subject to development standards and a plot plan review pursuant to Sections 19.80.030 and 19.80.040 of this title.

B. RESIDENTIAL USES

- Accessory dwelling unit, pursuant to Chapter 19.90
- Farm labor housing for on-site employees, including the installation and/or use of recreational vehicles for a period not exceeding one hundred and twenty (120) days in any calendar year
- Farm labor housing, contract labor, twelve (12) or fewer employees
- Manufactured home or mobilehome, occupied by the owner or full-time on-site employee
- Residential accessory structures
- Residential facility, serving six (6) or fewer persons
- Single-family dwelling, occupied by the owner or full-time on-site employee

C. COMMERCIAL USES

1. General Retail Sales

- Christmas trees, temporary
- Fruit stand, temporary, pursuant to Subsection A of Section 19.12.130 of this chapter

2. Services

- Animal husbandry instruction and classes
- Horse boarding and training

D. UTILITY AND COMMUNICATIONS FACILITIES

- Transmission lines and supporting towers, poles, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company or other company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title
- Utility substation

E. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Electrical power generating plant in conjunction with a biogas recovery system associated with a confined animal facility, subject to the criteria specified in Section 19.12.130.G
- Explosives storage, temporary
- Mineral exploration
- Oil or gas exploration and production pursuant to Chapter 19.98 of this title
- Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415, except when all criteria specified below for wind-driven electrical generators will be satisfied , in which case a small wind energy system permit pursuant to Section 19.08.415 shall not be required
- Wind-driven electrical generators when accessory to a permitted or conditionally permitted use where:

1. The system employed is designed to supplement other electricity sources, or as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption.
2. The wind generators are located a minimum distance of one times (1x) the overall machine height from any property line.
3. The parcel on which the wind generators will be erected does not abut a residential zoning district.
4. The wind generator(s) will be located a minimum of one and one-half (1 1/2) times the overall height to any off-site dwelling.
5. The proposed height of the wind turbines does not exceed the maximum heights specified in Figure 19.08.160.

F. MISCELLANEOUS USES

- Accessory buildings, including cargo containers, if incidental and accessory to a permitted use
- Commercial coach, when incidental and accessory to a permitted use
- Corporate or administrative offices, when the combined square footage does not exceed ten thousand (10,000) square feet, in conjunction with, and accessory to, a use permitted or conditionally permitted in this chapter.
- Day-care home, large family, pursuant to Chapter 19.96
- Day-care home, small family
- Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map, or if accessory to a permitted use
- Flood control facilities
- Garage or yard sales pursuant to Subsection C of Section 19.12.130
- Home occupation pursuant to Chapter 19.94
- Hunting or fishing club, not involving structures
- Liquid fuel storage tanks, above ground, for dispensing purposes
- Managed wetlands
- Water storage or groundwater recharge facilities
- Water system, small or large

- Wildlife or nature preserve

19.12.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to those uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the A District subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. AGRICULTURAL USES

1. Breeding and Raising of Animals

- Beef cattle or livestock feed lot or stock auction or sales yard
- Commercial poultry farms, in which poultry are kept in confined quarters for the purpose of hatching, breeding, processing, butchering, and egg or other poultry by-product production for retail or wholesale purposes, except as permitted by Subsection 19.12.020.A
- Hogs, including hog farms and ranches
- Vermiculture, except as permitted by Subsection 19.12.020.A

2. Agricultural Industries

- Agricultural by-product processing
- Alcohol distillery
- Agricultural chemical storage and repackaging
- Agricultural pesticide and herbicide, blending, and distribution
- Agricultural services laboratory
- Agricultural trucking facilities
- Animal products processing, including slaughter
- Brewery
- Biomass energy conversion
- Commercial livestock feed storage
- Contract harvesting
- Creamery

- Dairy, except within the officially established sphere of influence of any city while that city has an ordinance in effect barring the expansion of existing dairies or the approval of new dairies within their city limits
- Dead animal and fat rendering
- Ethanol plant, not involving the outside storage of feedstock
- Farm machinery and equipment repair
- Fertilizer manufacture and storage for agricultural use only
- Flour mill
- Glucose processing
- Oil extraction, non mineral
- Saw or planing mill
- Soil amendment, not involving liquid chemicals or organic materials, including blending and distribution
- Winery
- Wool pulling and scouring

B. RESIDENTIAL USES

- Additional single-family dwellings, not to exceed a density of one (1) dwelling unit per twenty (20) acres, except for properties subject to a Williamson Act Land Use Contract requiring a minimum lot size of eighty (80) acres where the maximum permitted density shall be one (1) dwelling unit per eighty (80) acres
- Community care facility
- Farm labor housing for contract labor

C. COMMERCIAL USES

1. General Retail Sales
 - Fruit stands, permanent
2. Services
 - Agricultural supply services
 - Equestrian services

- Farm labor contractor
- Veterinary, large animal, which may also include small animal facilities

D. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Bed and breakfast inn, pursuant to Section 19.12.130.D of this chapter
- Equestrian establishment
- Golf course and golf driving ranges
- Guest ranch, when accessory to a commercial ranching operation
- Hunting dog field trial training and competitions
- Lakes, private, for recreational skiing or boating
- Park or playground
- Racetrack or test track, automobile, bicycle, horse, or motorcycle
- Recreational vehicle park
- Retreat, church or nonprofit organization owned and operated
- Shooting range or gun club, simulated war games, or similar activities, outdoor only
- Thermal pools and hot springs
- Trade fairs, exhibitions, and festivals, excluding flea markets and swap meets
- Whitewater rafting launch or landing site

E. TRANSPORTATION FACILITIES

- Airport, private
- Airport, public use
- Heliport

F. UTILITY AND COMMUNICATIONS FACILITIES

- Radio, television, or commercial communications transmitter, receiver, or translator, microwave towers

G. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Backfilling of surface mines with inert, nonorganic fill material, limited to construction and demolition wastes, where a Solid Waste Facility Permit is not required
- Cogeneration facility, primarily intended for production of oil or gas
- Concrete or asphalt batch plant
- Dam, small hydro
- Dam, large hydro
- Electrical power generating plant
- Explosives storage, permanent
- Mining and mineral extraction pursuant to Chapter 19.100 of this title
- Rock, gravel, sand, concrete, aggregate, or soils crushing, processing, or distribution
- Solar energy electrical generators when not accessory to a permitted or conditionally permitted use
- Wind-driven electrical generators when accessory to a permitted or conditionally permitted use which do not comply with the installation standards specified in Section 19.12.020.E.

H. WASTE FACILITIES

- Agricultural green waste composting, except when incidental and accessory to a permitted use and which does not involve the importation of feedstock or bulking agents, except those produced as a normal and incidental part of the agricultural operation and where there is no commercial export of the finished material
- Animal waste composting, except when incidental and accessory to a permitted use which generates animal waste
- Animal waste product processing
- Green-waste collection, recovery, and composting
- Hazardous waste disposal facility
- Nonhazardous oil production and/or oily waste disposal facility
- Nonhazardous oilfield waste treatment or recycling

- Sanitary landfill, private landfill or monofill
- Septage disposal site
- Sewage sludge composting
- Sewage treatment plant
- Soil reclamation or remediation for soils contaminated with nonhazardous materials
- Transfer station, large volume
- Transfer station, small volume
- Waste-to-energy facility

I. INSTITUTIONAL USES

- Cemetery, mausoleum, columbarium, or mortuary
- Charitable or public service organization
- Church
- Community or regional correctional and similar involuntary detention facilities
- Crematory, when in conjunction with a cemetery, mausoleum, columbarium, or mortuary
- Fire or police station
- Government office or building
- Public agency or public utility buildings and facilities
- Rehabilitation facilities
- Water treatment plant
- Zoo

J. EDUCATIONAL INSTITUTIONS AND SCHOOLS

- 1. General
 - Preschool
 - Elementary school

- Junior high school
- Senior high school
- College or university

2. Specialized

- Agricultural schools and instruction
- Police/security training facility

K. MISCELLANEOUS USES

- Animal shelter
- Construction staging and equipment storage, temporary
- Corporate or administrative offices in excess of ten thousand (10,000) square feet in conjunction with, and accessory to, a use permitted or conditionally permitted in this chapter
- Drainage sump
- Hunting or fishing club
- Kennel or dog training facilities
- Liquefied petroleum gas, bulk storage or distribution, in excess of two thousand (2,000) gallons capacity.
- Railroad caboose and similar accessory structures
- Rescue/Sanctuary Animal Facility, Large
- Wild animal keeping

19.12.040 PROHIBITED USES

All other uses not permitted by Sections 19.12.020 and 19.12.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited, including final map subdivisions.

19.12.050 MINIMUM LOT SIZE

No lot created within the A District shall contain less than twenty (20) gross acres, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites. In the event the lot is under Williamson Act Contract and designated 8.2, 8.3, or 8.5 by the County General Plan or equivalent designation of any other adopted General or Specific Plan, the minimum area shall be eighty (80) acres, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites. There shall be no minimum lot size for agricultural industry uses approved in conjunction with a conditional use permit or land division actions where the proposed lot size is considered as part of the discretionary approval.

19.12.060 MINIMUM LOT AREA PER DWELLING UNIT

There shall be no more than one (1) principal single-family dwelling per legal lot in the A District, except pursuant to Section 19.12.020 of this chapter.

19.12.070 YARDS AND SETBACKS

The following yard and setback requirements apply in the A District:

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
1. Fifty-five (55) feet from the legal centerline of any existing or proposed public or private local street or access easements.
 2. Seventy (70) feet from the legal centerline of any existing or proposed secondary highway.
 3. Eighty (80) feet from the legal centerline of any existing or proposed major highway.
- In no case shall the front-yard minimum setback be less than twenty-five (25) feet from the right-of-way established by any Official or Specific Plan Line, street, or access easement.
- B. **Side Yard.** There shall be a side yard on each side of a building of not less than five (5) feet, except that on the street side of corner lots, buildings shall be set back a minimum of ten (10) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line.
- C. **Rear Yard.** There shall be a rear yard of not less than five (5) feet except that in the case of through lots, the designated rear yard shall be in accordance with the front-yard setback requirements.

19.12.080 HEIGHT LIMITS

The following height limits apply in the A District:

- A. Residential buildings shall not exceed three (3) stories or thirty-five (35) feet in height.
- B. Radio, television, communication, and microwave towers shall not exceed one hundred and fifty (150) feet in height.
- C. There is no height limit on other nonresidential structures, except in areas of protected military airspace as specified in Section 19.08.160.

19.12.090 MINIMUM DISTANCE BETWEEN STRUCTURES

The following requirements apply to the minimum distance between structures in the A District:

- A. There shall be at least ten (10) feet between any residential buildings.
- B. There shall be at least six (6) feet between a residential building and any nonresidential structure, except that animals, pens, coops, stables, barns, corrals, other structures for housing livestock and buildings for processing, packing, or storing agricultural produce shall be at least one hundred (100) feet away from any residential building. There shall be a minimum setback of twenty (20) feet between an on-site residential building and an aviary.

19.12.100 PARKING

Off-street parking in the A District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.12.110 SIGNS

The following types of signs are permitted in the A District in accordance with the requirements of Chapter 19.84 of this title:

- A. Temporary real estate signs advertising the property for sale or for rent, not to exceed sixteen (16) square feet each, excluding the area of any vertical and/or horizontal support members
- B. Temporary construction signs
- C. Temporary political, religious, or civic campaign signs
- D. Agricultural signs
- E. Agricultural industry signs, when approved in conjunction with a conditional use permit
- F. Institutional identification signs, when approved in conjunction with a conditional use permit
- G. Off-site directional signs for agricultural product direct marketing facilities pursuant to Subsection C of Section 19.12.130 of this chapter
- H. Oilfield identification signs

19.12.120 LANDSCAPING

No landscaping is required in the A District, except where the proposed use is subject to a plot plan review pursuant to Chapter 19.80.

19.12.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

The following special review procedures and development standards apply in the A District:

- A. Temporary fruit stands for the sale of agricultural, horticultural, or farming products permitted pursuant to Section 19.12.020 of this chapter shall be approved by the Planning Director in accordance with the procedures set out in Sections 19.102.080 through 19.102.110 of this title and shall comply with the following standards and requirements:
 - 1. The floor area of the fruit stand shall not exceed four hundred (400) square feet.
 - 2. The fruit stand shall not be located closer than fifty-five (55) feet from the centerline of any public road, street, or highway right-of-way.
 - 3. The stand shall be erected in such a manner that it can be readily removed by means of skids or other device.
 - 4. The owner shall remove the stand at his/her own expense when the stand is not in use for a period of thirty (30) days.
 - 5. Customer parking areas shall be treated with a dust binder in a manner to continuously prevent fugitive dust.
 - 6. The Planning Director may impose other reasonable conditions to ensure that this temporary use will not be detrimental to the public health, safety, and welfare.
- B. Off-site directional signs for agricultural product direct marketing facilities subject to the following standards:
 - 1. The direct marketing facility shall be established and operated in accordance with the provisions of this title and shall be primarily limited to the sale of unprocessed agricultural commodities grown on the same ranch or farm that provides such sale.
 - 2. The maximum sign area for each sign shall not exceed one hundred and fifty (150) square feet.
 - 3. The number of signs shall be limited to a maximum of nine (9).
 - 4. The minimum spacing between signs shall be six hundred and sixty (660) feet.
 - 5. The signs are for directional purposes only, and the text shall be limited to the producer's name or his brand name, the products available, and directions to the location of the point of sale.

6. Signs may be illuminated only during the actual hours that the facility is open for public sale of products.
 7. Sign height shall not exceed twelve (12) feet.
 8. Signs are permitted for a temporary, cumulative period of seven (7) months within any calendar year.
 9. Any sign permitted in accordance with this section shall not be located more than five (5) miles from the direct marketing facility for which the sign provides directions, unless the facility is located more than five (5) miles from a designated County major highway or state or federal highway. In such cases, a single sign may be located at the nearest designated County major highway or state or federal highway, regardless of the distance from the facility.
 10. All signs shall comply with the provisions and regulations of the California Department of Transportation, Outdoor Advertising Branch, when located adjacent to a state or federal highway.
 11. Prior to installation of any sign, a plan showing the location and the spacing of each sign shall be submitted to the Planning Director for approval. A copy of such plan shall be retained by the Planning Department for file purposes.
- C. Garage or yard sales are permitted without special permit provided they meet the following standards:
1. Sales last no longer than three (3) days.
 2. Sales are held no more than twice yearly.
 3. Sales are conducted on the owner's or tenant's property. Multiple-family sales are permitted if they are held on the property of one (1) of the participants.
 4. No goods purchased for resale may be offered for sale.
 5. No consignment goods may be offered for sale.
 6. Directional signs may be placed on the street right-of-way.
 7. All directional and advertising signs shall be freestanding and removed after completion of the sale.
 8. All directional and advertising signs placed on private property shall have the owner's permission.
 9. No directional or advertising signs may be larger than two (2) feet by three (3) feet.
- D. An application for a bed and breakfast inn will not be considered complete until the following information is either confirmed or submitted:

1. The bed and breakfast facility will result from the conversion of an existing dwelling. Expansions of an existing dwelling to accommodate a bed and breakfast inn shall not exceed twenty-five percent (25%) of the gross floor area of the existing structure.
2. If the site is restricted by a Williamson Act Land Use Contract, the bed and breakfast facility shall be clearly accessory and subordinate to a primary commercial agricultural use of the property.
3. The applicant shall submit a statement regarding the project's effect on surrounding agricultural properties and uses, including a clearance from the Agricultural Commissioner which shall indicate the degree to which the proposal will adversely impact the ability of operators of adjacent farming operators to make aerial applications of herbicides and/or pesticides.

E. Commercial poultry farms are permitted if all of the following criteria are satisfied:

1. No portion of the proposed site lies within two (2) miles of the City of Bakersfield or within one (1) mile of any other incorporated city.
2. The General Plan designation for the entire site is 8.1 or 8.3 and no portion of the site is designated 2.3 (Shallow Groundwater) or is located in a floodway.
3. There is no property zoned or designated by the General Plan or applicable Specific Plan for residential development (E or R-1, R-2, and R-3) within three (3) miles from the exterior boundary of the site.
4. There is no property designated 4.2 (Rural Community) within one (1) mile from the exterior boundary of the site and no property designated 4.3 (Specific Plan Required) within three (3) miles from the exterior boundary of the site.
5. There are no areas zoned or designated by the General Plan or applicable Specific Plan for commercial uses and no retail commercial uses, including hotels and motels, within a one (1) mile radius from the exterior project boundary.
6. There are no residential facilities, community care facilities, hospitals, recreational vehicle parks, or public or private schools within a two (2) mile radius from the exterior project boundary.
7. The facility operator obtains all local, State, and federal approvals, licenses, and permits prior to the commencement of operations.

F. Vermiculture operations are permitted if all of the following criteria are satisfied:

1. The purpose of the operation is to enhance on-site soil characteristics through worm castings.
2. The site is used for commercial irrigated crop production.

3. All worm feedstock is limited completely to preprocessed greenwaste and similar organic materials (excluding sludge).
 4. Feedstock waste streams and volumes shall be approved, in writing, by the Kern County Environmental Health Services Department.
 5. There is no on-site composting.
 6. There is no stockpiling of feedstock greater than 72 hours.
 7. There is no commercial sales of feedstock or feedstock residual.
 8. The site is located a minimum of one mile from any residentially or commercially zoned property as measured from the exterior project boundaries.
 9. The operation is in full compliance with all State and federal requirements.
- G. Electrical power generating plant in conjunction with a biogas recovery system associated with a confined animal facility, subject to the following:
1. The rated capacity of the power plant shall not exceed ten (10) megawatts.
 2. There are no off-site dwellings located within 500 feet of the proposed power plant site.
 3. The power plant is predominately powered by methane gas produced through a biogas recovery system or systems using an anaerobic digester system (e.g. covered lagoon, complete mix digester, plug flow digester, or sequencing batch reactor).
 4. The generating plant will be constructed on, or immediately contiguous to, a confined animal facility and the biogas used to power the plant will be produced exclusively from biogas recovered from that confined animal facility and other proximate confined animal facilities.
 5. Storage lagoons located on all confined animal facilities contributing sources of biogas used for the storage of effluent prior to the processing of that material through the anaerobic digester shall be covered. Open air lagoons are permitted only for the storage of effluent that has been processed through an anaerobic digester. Each contributing confined animal facility shall recover biogas on the site of the contributing facility with its own biogas recovery system using an anaerobic digester system in a manner consistent with the requirements of this subsection.
 6. The internal combustion engines powering the generating plant are gas driven.

7. Hydrogen sulfide produced from the biogas recovery process is either treated or burned efficiently enough so as to not be a detectable source of nuisance odor, as determined by the applicable Air Pollution Control District.
- H. Development in the A District shall also comply with the interpretations and provisions of Chapter 19.08 of this title.

CHAPTER 19.14
LIMITED AGRICULTURE (A-1) DISTRICT

SECTIONS:

- 19.14.010 PURPOSE AND APPLICATION**
- 19.14.020 PERMITTED USES**
- 19.14.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.14.040 PROHIBITED USES**
- 19.14.050 MINIMUM LOT SIZE**
- 19.14.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.14.070 YARDS AND SETBACKS**
- 19.14.080 HEIGHT LIMIT**
- 19.14.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.14.100 PARKING**
- 19.14.110 SIGNS**
- 19.14.120 LANDSCAPING**
- 19.14.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.14.010 PURPOSE AND APPLICATION

The purpose of the Limited Agriculture (A-1) District is to designate areas suitable for a combination of estate-type residential development, agricultural uses, and other compatible uses. Final map residential subdivisions are not allowed in the A-1 District.

19.14.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the A-1 District:

A. AGRICULTURAL USES

1. Growing and Harvesting Crops
 - Berry crops
 - Bush crops
 - Christmas trees
 - Field crops, dryland
 - Field crops, irrigated
 - Flowers and horticultural specialties, wholesale only

- Greenhouse, wholesale only
- Hydroponically grown plants
- Nursery, plant, wholesale only
- Nut and fruit trees
- Timber
- Vegetables
- Vine crops

2. Breeding and Raising Animals

- Bee keeping
- Beef cattle or livestock grazing pursuant to Section 19.14.130 of this chapter
- Birds, including show or racing pigeons and other small fowl
- Dairy stock pursuant to Section 19.14.130 of this chapter
- Hogs pursuant to Section 19.14.130 of this chapter
- Horses, donkeys, llamas, and mules pursuant to Section 19.14.130 of this chapter
- Poultry, for the domestic use of the resident/occupant only (not including poultry ranches)
- Rabbits and fur-bearing animals
- Sheep and goats pursuant to Section 19.14.130 of this chapter
- Vermiculture, pursuant to Subsection 19.14.130.H

B. RESIDENTIAL USES

1. Accessory dwelling unit, pursuant to Chapter 19.90
2. Manufactured home, mobilehome, or recreational vehicle, temporary, during construction of a single-family home pursuant to Section 19.14.130 of this chapter
3. Manufactured home, pursuant to Section 19.14.130.G of this chapter
4. Residential accessory structures
5. Residential facility, serving six (6) or fewer persons

- 6. Single-family dwelling, with a width greater than sixteen (16) feet

C. COMMERCIAL USES

1. General Retail Sales

- Christmas trees, temporary
- Fruit stand, temporary, pursuant to Section 19.14.130 of this chapter

D. UTILITY AND COMMUNICATION FACILITIES

- Transmission lines and supporting towers, poles, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company or other company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title
- Utility substations

E. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Mineral exploration
- Oil or gas exploration and production pursuant to Chapter 19.98 of this title, including the temporary installation of commercial coaches as accessory to this activity, not to exceed a two- (2-) year period
- Solar energy electrical generator which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415

F. INSTITUTIONAL USES

- Public agency or public utility buildings and facilities

G. MISCELLANEOUS USES

- Accessory buildings, including up to two (2) cargo containers, if incidental and accessory to a permitted use. Three or more cargo containers shall require the processing of a conditional use permit as set forth in Chapter 19.104 of this title.
- Commercial coach, when incidental and accessory to a permitted use, not exceeding six (6) months
- Day-care home, large family, pursuant to Chapter 19.96 of this title

- Day-care home, small family
- Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map, or if accessory to a permitted use
- Flood control facilities
- Garage or yard sales pursuant to Subsection F of Section 19.14.130 of this chapter
- Home occupation pursuant to Chapter 19.94 of this title
- Liquid fuel storage tanks, above ground, for dispensing purposes
- Water storage or groundwater recharge facilities
- Water system, small or large
- Wildlife or nature preserve

19.14.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the A-1 District subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. AGRICULTURAL USES

1. Breeding and Raising of Animals
 - Fish and frogs
 - Poultry, including hatching, breeding, butchering, processing, or shipping of chickens, ostriches, turkeys, or other fowl or poultry, including eggs
 - Vermiculture, except as permitted by Subsection 19.14.020.A
2. Agricultural Industries
 - Agricultural trucking facilities
 - Cold storage facility for agricultural products
 - Contract harvesting
 - Fruit, vegetable, and plant product processing

B. RESIDENTIAL USES

- Additional single-family dwellings, not to exceed a density of one (1) dwelling unit per two and one-half (2 1/2) acres (net) and not to exceed the maximum density permitted by the applicable General or Specific Plan. A maximum of two (2) mobilehomes may be permitted on any one (1) lot, and one (1) of the mobilehomes shall be owner occupied
- Community care facility
- Farm labor housing for on-site farm employees
- Manufactured home or mobilehome, pursuant to Section 19.14.130.G.6 of this chapter
- Single-family dwelling, with a width of sixteen (16) feet or less

C. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Camps and campgrounds
- Circus or carnival, temporary
- Country club
- Equestrian establishment
- Fishing or fly casting pond
- Golf course
- Golf driving range
- Lakes, private, for recreational skiing or boating
- Park or playground
- Racetrack or test track, automobile, bicycle, horse, or motorcycle
- Recreational vehicle park
- Simulated war games or similar activities
- Trade fairs and exhibitions, temporary (fourteen- (14-) day maximum), excluding flea markets and swap meet

D. COMMERCIAL USES

1. General Retail Sales

- Firewood
- Fruit stand, permanent
- Nursery, plant - retail

2. Services

- Agricultural supply services
- Equestrian services
- Landscape contractor
- Veterinary

E. TRANSPORTATION FACILITIES

- Airport, private
- Airport, public
- Heliport

F. UTILITY AND COMMUNICATIONS FACILITIES

- Radio, television, microwave, or commercial communications transmitter, receiver, or translator, except as specified in Subsection D of Section 19.14.020 of this chapter

G. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Cogeneration facility, primarily intended for production of oil or gas
- Concrete or asphalt batch plant, temporary
- Electrical power generating plant, excluding nuclear or coal powered
- Mining and mineral extraction pursuant to Chapter 19.100 of this title
- Solar energy electrical generators when not accessory to a permitted or conditionally permitted use
- Wind-driven electrical generators, commercial

H. WASTE FACILITIES

- Community septic disposal system

- Septage disposal site
- Sewage treatment plant
- Transfer station, small volume

I. INSTITUTIONAL USES

- Auditorium, public
- Cemetery, mausoleum, columbarium, or mortuary
- Charitable or public service organization
- Church
- Club or lodge
- Community or senior citizens center
- Community or regional correctional and similar involuntary detention facilities
- Convalescent hospital
- Crematory in conjunction with a cemetery, mausoleum, columbarium, or mortuary
- Hospital
- Museum
- Rehabilitation facilities
- Sanitarium
- Water treatment plant
- Zoo

J. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. General

- Preschool
- Elementary school
- Junior high school
- Senior high school
- College or university

K. MISCELLANEOUS USES

- Animal shelter
- Commercial coach, when incidental and accessory to a permitted use
- Day-care center, with or without extended overnight services
- Drainage sump
- Kennel or dog training facilities
- Railroad caboose and similar accessory structures
- Rescue/Sanctuary Animal Facility, Large
- Revival, temporary
- Skateboard ramps, noncommercial
- Wild animal keeping

19.14.040 PROHIBITED USES

All other uses not expressly permitted by Sections 19.14.020 and 19.14.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the A-1 District, including final tract map residential subdivisions.

19.14.050 MINIMUM LOT SIZE

No lot created within the A-1 District shall contain less than two and one-half (2 1/2) gross acres, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites.

19.14.060 MINIMUM LOT AREA PER DWELLING UNIT

Except as specified in Section 19.14.030, there shall be no more than one (1) principal single-family dwelling per legal lot in the A-1 District.

19.14.070 YARDS AND SETBACKS

The following yard and setback requirements apply in the A-1 District:

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
1. Fifty-five (55) feet from the legal centerline of any existing or proposed public or private local street or access easements.
 2. Seventy (70) feet from the legal centerline of any existing or proposed secondary highway.
 3. Eighty (80) feet from the legal centerline of any existing or proposed major highway.

In no case shall the front-yard minimum setback be less than twenty-five (25) feet from the right-of-way established by any Official or Specific Plan Line, street, or access easement.

- B. **Side Yard.** There shall be a side yard on each side of any building of not less than five (5) feet, except that on the street side of corner lots, buildings shall be set back a minimum of ten (10) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line. However, within the rear twenty-five (25) feet of all reverse corner lots, there shall be a minimum side yard of twenty-five (25) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line.
- C. **Rear Yard.** There shall be a rear yard of not less than five (5) feet, except that in the case of through lots, the designated rear yard shall be in accordance with the front-yard setback requirements.

19.14.080 HEIGHT LIMIT

The following height limits apply in the A-1 District:

- A. Residential buildings shall not exceed three (3) stories or thirty-five (35) feet in height.
- B. Radio and television antennae, communication towers, chimneys, and other similar structures shall not exceed eighty (80) feet in height.
- C. There is no height limit on other nonresidential structures, except in areas of protected military airspace as specified in Section 19.08.160.

19.14.090 MINIMUM DISTANCE BETWEEN STRUCTURES

The following requirements apply to the minimum distance between structures in the A-1 District:

- A. There shall be at least ten (10) feet between residential buildings.
- B. There shall be at least six (6) feet between a residential building and a nonresidential structure, except that pens, coops, stables, barns, corrals, and other structures for housing livestock and buildings for processing, packing, or storage of agricultural produce shall be at least one hundred (100) feet away from any residential building. There shall be a minimum setback of twenty (20) feet between an on-site residential building and an aviary.

19.14.100 PARKING

Off-street parking in the A-1 District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.14.110 SIGNS

The following types of signs are permitted in the A-1 District in accordance with the requirements of Chapter 19.82 of this title:

- A. Temporary real estate signs advertising the property for sale or rent, not to exceed sixteen (16) square feet each, excluding the area of any vertical and/or horizontal support members
- B. Temporary construction signs
- C. Temporary political, religious, or civic campaign signs
- D. Agricultural signs
- E. Institutional identification signs, when approved in conjunction with a conditional use permit
- F. Off-site directional signs for agricultural product direct marketing facilities pursuant to Subsection E of Section 19.14.130 of this chapter.
- G. Oilfield identification signs

19.14.120 LANDSCAPING

No landscaping is required in the A-1 District, except where required in conjunction with the approval of a discretionary permit pursuant to Chapter 19.104.

19.14.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

The following special review procedures and development standards apply in the A-1 District:

- A. The breeding and raising of livestock permitted pursuant to Section 19.14.020 of this chapter shall be limited to one (1) horse, donkey, mule, cow, dairy stock, goat, hog, sheep, or other similar animal per one-quarter (1/4) acre of lot area.
- B. Temporary fruit stands for the sale of agricultural, horticultural, or farming products permitted pursuant to Section 19.14.020 of this chapter shall be approved by the Planning Director in accordance with the procedures set out in Sections 19.102.080 through 19.102.110 of this title and shall comply with the following standards and requirements:
 - 1. The floor area of the fruit stand shall not exceed four hundred (400) square feet.
 - 2. The fruit stand shall not be located closer than fifty-five (55) feet from the centerline of any public road, street, or highway right-of-way.

3. The stand shall be erected in such a manner that it can be readily removed by means of skids or other device.
 4. The owner shall remove the stand at his/her own expense when the stand is not in use for a period of thirty (30) days.
 5. Customer parking areas shall be treated with a dust binder in a manner to continuously prevent fugitive dust.
 6. The Planning Director may impose other reasonable conditions to ensure that this temporary use will not be detrimental to the public health, safety, and welfare.
- C. The breeding and raising of livestock, in greater numbers than allowed by Subsection A of Section 19.14.130 of this chapter, by minors in conjunction with a student-oriented fair project sponsored by a bona fide agricultural organization shall be permitted upon application to and approval by the Planning Director of a Temporary Animal Permit in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title.
1. Application Contents. An application for a Temporary Animal Permit shall include the following:
 - a. The name and address of the applicant
 - b. The name(s) and address(es) of the property owner(s)
 - c. Assessor's parcel number(s)
 - d. Legal description of the subject property
 - e. Name of the organization sponsoring the applicant
 - f. A plot plan showing the location of proposed pens, coops, or areas for the breeding and raising of animals in relation to existing residence(s) and other buildings and structures within one hundred (100) feet of pens, coops, or areas housing livestock
 - g. The signature of each owner of the real property abutting the subject lot consenting to the granting of the Temporary Animal Permit
 2. Development Standards and Conditions. The breeding and raising of animals on a temporary basis shall comply with the following standards and conditions:
 - a. Applicant shall be sponsored by a bona fide organization, such as, but not limited to, Future Farmers of America, 4-H Club, Cow-Belles, or Junior Farmers.
 - b. The increase in animal density shall not exceed the density allowed by Subsection A of Section 19.14.130 of this chapter by more than fifty

percent (50%). In any case, however, at least two (2), but no more than six (6), additional animals shall be allowed.

- c. The Temporary Animal Permit shall be effective for a maximum period of six (6) months from the effective date of the permit. No more than one (1) such permit shall be approved for any lot within a one- (1-) year period.
 - d. The written consent of each abutting property owner consenting to the granting of the Temporary Animal Permit must be obtained.
 - e. The applicant shall allow inspection of animal maintenance facilities by the Kern County Engineering and Survey Services Department (Building Inspection Division) and the Kern County Health Department.
 - f. The Planning Director may revoke the Temporary Animal Permit at any time for noncompliance with Subsection C.2 of Section 19.14.130 of this chapter or upon receipt of a recommendation for revocation from the Kern County Health Department.
 - g. Each additional animal authorized by the Temporary Animal Permit over the allowable animal density specified by Subsection A of Section 19.14.130 of this chapter shall be removed upon expiration of the permit.
- D. A mobilehome or recreational vehicle permitted as a temporary dwelling pursuant to Section 19.14.020 of this chapter shall comply with the following standards:
- 1. Building permits for construction of the conventional single-family residence shall be obtained prior to or concurrently with the installation permit for the mobilehome.
 - 2. The mobilehome shall be removed from the premises or the recreational vehicle shall be removed from the premises or placed in dead storage if:
 - a. Six (6) months have passed since the mobilehome or recreational vehicle was installed.
 - b. Seven (7) days have passed since the conventional dwelling unit was approved for occupancy.
 - c. The building permit has lapsed due to lack of activity.
 - 3. One (1) extension of time for a period not to exceed six (6) months may be granted by the Planning Director upon written request of the property owner. The extension of time may only be approved subject to the following conditions:
 - a. An active building permit is on file with the Kern County Engineering and Survey Services Department (Building Inspection Division).

- b. The construction of the conventional dwelling unit on the site has progressed to a stage of inspection and approval of the framing, rough electrical, rough mechanical, and rough and top-out of plumbing of the dwelling.
 - 4. Any mobilehome or recreational vehicle permitted as a temporary dwelling in excess of a six- (6-) month period of time pursuant to Subsection D.3 of Section 19.14.130 of this chapter shall be removed or placed in dead storage if:
 - a. The extension of time has expired.
 - b. Seven (7) days have passed since the conventional dwelling unit was approved for occupancy.
 - c. The building permit has lapsed due to lack of activity.
- E. Off-site directional signs for agricultural product direct marketing facilities subject to the following standards:
 - 1. The direct marketing facility shall be established and operated in accordance with the provisions of this chapter and shall be primarily limited to the sale of unprocessed agricultural commodities grown on the same ranch or farm that provides such sale.
 - 2. The maximum sign area for each sign shall not exceed one hundred and fifty (150) square feet.
 - 3. The number of signs shall be limited to a maximum of nine (9).
 - 4. The minimum spacing between signs shall be six hundred and sixty (660) feet.
 - 5. The signs are for directional purposes only, and the text shall be limited to the producer's name or his brand name, the products available, and directions to the location of the point of sale.
 - 6. Signs may be illuminated only during the actual hours that the facility is open for public sale of products.
 - 7. Sign height shall not exceed twelve (12) feet.
 - 8. Signs are permitted for a temporary, cumulative period of seven (7) months within any calendar year.
 - 9. Any sign permitted in accordance with this section shall not be located more than five (5) miles from the direct marketing facility for which the sign provides directions, unless the facility is located more than five (5) miles from a designated County major highway or state or federal highway. In such cases, a single sign may be located at the nearest designated County major highway or State or federal highway, regardless of the distance from the facility.
 - 10. All signs shall comply with the provisions and regulations of the California Department of Transportation, Outdoor Advertising Branch, when located adjacent to a state or federal highway.

11. Prior to installation of any sign, a plan showing the location and the spacing of each sign shall be submitted to the Planning Director for approval. A copy of such plan shall be retained by the Planning Department for file purposes.
- F. Garage or yard sales are permitted without special permit provided they meet the following standards:
1. Sales last no longer than three (3) days.
 2. Sales are held no more than twice yearly.
 3. Sales are conducted on the owner's or tenant's property. Multiple-family sales are permitted if they are held on the property of one (1) of the participants.
 4. No goods purchased for resale may be offered for sale.
 5. No consignment goods may be offered for sale.
 6. Directional signs may be placed on the street right-of-way.
 7. All directional and advertising signs shall be freestanding and removed after completion of the sale.
 8. All directional and advertising signs placed on private property shall have the owner's permission.
 9. No directional or advertising signs may be larger than two (2) feet by three (3) feet.
- G. Manufactured homes shall be permitted provided that the proposed manufactured home complies with the following requirements:
1. The manufactured home shall be certified under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. - Section 5401 et seq.); and
 2. The manufactured home shall be installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code; and
 3. The manufactured home is no older than ten (10) years from the date application is made for an installation permit; and
 4. The manufactured home has a width greater than sixteen (16) feet; and
 5. The manufactured home complies with the following architectural requirements:
 - a. A minimum three-twelfths (three (3) inches vertical to twelve (12) inches horizontal) roof pitch; and

- b. Shingles customarily utilized in the construction of conventional single-family dwellings; and
 - c. A minimum one- (1-) foot eave around the entire perimeter of the manufactured home as measured from the vertical wall surface; and
 - d. Nonreflective siding material customarily utilized in the construction of conventional single-family dwellings which shall extend to ground level; and
 - e. Siding material utilized as skirting shall be the same in construction materials, composition, and color as the siding material utilized on the exterior wall surface of the manufactured home.
 - 6. Manufactured homes or mobilehomes not meeting all of the installation and architectural requirements specified in this section shall be permitted only upon approval of a conditional use permit, pursuant to Chapter 19.104.
- H. Vermiculture operations are permitted if all the following criteria are satisfied:
- 1. The purpose of the operation is to enhance on-site soil characteristics through worm castings.
 - 2. The site is used for commercial irrigated crop production.
 - 3. All worm feedstock is limited completely to preprocessed greenwaste and similar organic materials (excluding sludge).
 - 4. Feedstock waste streams and volumes shall be approved, in writing, by the Kern County Environmental Health Services Department.
 - 5. There is no on-site composting.
 - 6. There is no stockpiling of feedstock greater than 72 hours.
 - 7. There is no commercial sales of feedstock or feedstock residual.
 - 8. The site is located a minimum of one mile from any residentially or commercially zoned property as measured from the exterior project boundaries.
 - 9. The operation is in full compliance with all State and federal requirements.
- I. Development in the A-1 District shall also comply with the interpretations and provisions of Chapter 19.08 of this title.

CHAPTER 19.16

ESTATE (E) DISTRICT

SECTIONS:

19.16.010 PURPOSE AND APPLICATION

19.16.020 PERMITTED USES

19.16.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

19.16.040 PROHIBITED USES

19.16.050 MINIMUM LOT SIZE

19.16.060 MINIMUM LOT AREA PER DWELLING UNIT

19.16.070 YARDS AND SETBACKS

19.16.080 HEIGHT LIMITS

19.16.090 MINIMUM DISTANCE BETWEEN STRUCTURES

19.16.100 PARKING

19.16.110 SIGNS

19.16.120 LANDSCAPING

19.16.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

19.16.010 PURPOSE AND APPLICATION

The purpose of the Estate (E) District is to designate areas suitable for larger lot residential living environments. Uses are limited to those typical of and compatible with quiet residential neighborhoods. The minimum lot size shall be one-quarter (1/4) acre (10,890 square feet) unless the E District is combined with the Lot Size Combining District (Chapter 19.54 of this title) where a larger minimum lot size is specified. The minimum lot size may be reduced when any E District is combined with the Cluster (CL) Combining District (Chapter 19.58 of this title). Agricultural uses permitted in the E District are accessory uses and shall not be established until a primary use is established.

19.16.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the E District:

A. AGRICULTURAL USES

- Breeding and raising animals pursuant to Section 19.16.130 of this chapter
- Growing of agricultural crops for domestic use of the resident/occupant.
- Community garden pursuant to Section 19.16.130 of this chapter.

B. RESIDENTIAL USES

- Accessory dwelling unit, pursuant to Chapter 19.90
- Manufactured home, mobilehome, or recreational vehicle, temporary, during construction of a single-family home pursuant to Section 19.16.130 of this chapter

- Manufactured home, pursuant to Section 19.16.130.E of this chapter
- Residential accessory structures
- Residential facility, serving six (6) or fewer persons
- Single-family dwelling, with a width greater than sixteen (16) feet

C. COMMERCIAL USES

1. Offices

- Temporary on-site real estate tract sales, including commercial coaches, pursuant to Subsection 19.16.130.D of this title

D. UTILITY AND COMMUNICATION FACILITIES

- Transmission lines and supporting, towers, poles, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title

E. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Solar energy electrical generator which is accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415

F. MISCELLANEOUS USES

- Day-care home, large family, pursuant to Chapter 19.96 of this title
- Day-care home, small family
- Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map
- Flood control facilities
- Garage or yard sales pursuant to Subsection C of Section 19.16.130 of this chapter
- Home occupation pursuant to Chapter 19.94 of this title
- Water storage or groundwater recharge facilities
- Water system, small or large

19.16.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the E District subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. AGRICULTURAL USES

1. Growing and Harvesting Crops

- Berry Crops
- Bush Crops
- Christmas trees
- Field crops, irrigated
- Greenhouses for growing flowers and horticultural specialties, including hydroponically grown plants, for wholesale, mail order or off-site sales
- Nursery, plant, wholesale only
- Nut and fruit trees
- Timber
- Vegetables and herbs
- Vine crops

2. Breeding and Raising Animals

- Birds, including doves, and other small fowl in excess of twenty-five (25)
- Homing, racing, or show pigeons, in excess of forty (40)
- Ostriches or emus

B. RESIDENTIAL USES

- Additional single-family dwellings, subject to the density limit set by Section 19.16.060 of this chapter, and not to exceed the maximum density permitted by the applicable General or Specific Plan

- Community care facility
- Manufactured home or mobilehome, pursuant to Section 19.16.130.E.6 of this chapter
- Rest home
- Retirement home
- Single-family dwelling, with a width of sixteen (16) feet or less
- Supportive or transitional housing

C. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Community recreational facilities
- Country club
- Equestrian establishment
- Golf course
- Golf driving range
- Park or playground
- Racetrack or test track, automobile, bicycle, horse, or motorcycle
- Recreational vehicle park
- Sports arena, indoor
- Sports arena, outdoor, excluding flea market or swap meet
- Swimming pool, public
- Tennis or swim club
- Trade fairs and exhibitions, temporary (fourteen- (14-) day maximum), excluding flea markets and swap meets

D. COMMERCIAL USES

1. Offices
 - Temporary on-site real estate sales/construction
2. Services

- Veterinary
- E. SERVICES
 - Ambulance
- F. TRANSPORTATION FACILITIES
 - Airport, private
 - Airport, public use
 - Heliport
- G. UTILITY AND COMMUNICATIONS FACILITIES
 - Radio, television, microwave, or commercial communications transmitter, receiver, or translator
 - Utility substation not specifically exempted by state law
- H. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES
 - Mineral exploration
 - Mining and mineral extraction pursuant to Chapter 19.100 of this title
 - Oil or gas exploration and production pursuant to Chapter 19.98 of this title
 - Wind-driven electrical generators, commercial or domestic
- I. WASTE FACILITIES
 - Sewage treatment plant
- J. INSTITUTIONAL USES
 - Cemetery, mausoleum, columbarium, or mortuary
 - Charitable or public service organization
 - Church
 - Club or lodge
 - Community or senior citizens center
 - Crematory in conjunction with a cemetery, mausoleum, columbarium, or mortuary
 - Library
 - Museum

- Public agency or public utility building and facilities
- Rehabilitation facilities
- Sanitarium
- Water treatment plant

K. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. General

- Preschool
- Elementary school
- Junior high school
- Senior high school
- College or university

2. Specialized Instruction

- Art, craft, music, dance classes

L. MISCELLANEOUS USES

- Animal shelter
- Community septic disposal system
- Day-care center, with or without extended overnight services
- Drainage sump
- Kennel or dog training facilities
- Railroad caboose and similar accessory structures
- Recreational vehicle or boat storage, private, and accessory to a residential development
- Rescue/Sanctuary Animal Facility, Large
- Skateboard ramps, noncommercial
- Whitewater rafting launch or landing site
- Wild animal keeping, including ostriches and llamas

19.16.040 PROHIBITED USES

All other uses not permitted by Sections 19.16.020 and 19.16.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the E District.

19.16.050 MINIMUM LOT SIZE

Except as otherwise provided in Chapter 19.58 of this title, no lot created within the E District shall contain less than one-quarter (1/4) acre (10,890 net square feet) or as specified by the Lot Size Combining District, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites.

19.16.060 MINIMUM LOT AREA PER DWELLING UNIT

Except as otherwise provided in Chapter 19.58 of this title, there shall be no more than one (1) dwelling unit per minimum lot size specified by the Lot Size Combining District with which the E District is combined.

19.16.070 YARDS AND SETBACKS

The following yard and setback requirements apply in the E District:

- A. **Front Yard.** Except as otherwise provided in Section 19.08.120 of this title, the front-yard minimum setback for all buildings shall be as follows:
1. Fifty-five (55) feet from the legal centerline of any existing or proposed public or private local street or access easements.
 2. Seventy (70) feet from the legal centerline of any existing or proposed secondary highway.
 3. Eighty (80) feet from the legal centerline of any existing or proposed major highway.
- In no case shall the front-yard minimum setback be less than twenty-five (25) feet from the right-of-way established by any Official or Specific Plan Line, street, or access easement.
- B. **Side Yard.** There shall be a side yard on each side of any building of not less than five (5) feet, except that on the street side of corner lots, buildings shall be set back a minimum of ten (10) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line. However, within the rear twenty-five (25) feet of all reverse corner lots, there shall be a minimum side yard of twenty-five (25) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line.
- C. **Rear Yard.** There shall be a rear yard of not less than five (5) feet, except that in the case of through lots, the designated rear yard shall be in accordance with the front-yard setback requirements.

19.16.080 HEIGHT LIMITS

The following height limits apply in the E District:

- A. Buildings shall not exceed three (3) stories or thirty-five (35) feet.
- B. Detached accessory structures shall not exceed two (2) stories or thirty-five (35) feet.
- C. Radio and television antennae, communication towers, chimneys, and other similar structures shall not exceed eighty (80) feet.

19.16.090 MINIMUM DISTANCE BETWEEN STRUCTURES

The following requirements apply to the minimum distance between structures in the E District:

- A. There shall be a minimum distance of ten (10) feet between residential buildings.
- B. There shall be a minimum distance of six (6) feet between a residential building and an accessory building or between accessory buildings, except that pens, coops, or other structures for housing animals shall be at least thirty (30) feet away from any off-site residential building or other building used for human habitation and at least one hundred (100) feet away from any public park, school, hospital, or similar institution.

19.16.100 PARKING

Off-street parking in the E District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.16.110 SIGNS

The following types of signs are permitted in the E District in accordance with the requirements of Chapter 19.84 of this title:

- A. Temporary real estate signs advertising the property for sale or rent, not to exceed six (6) square feet each, excluding the area of any vertical and/or horizontal support members
- B. Temporary subdivision signs
- C. Permanent subdivision signs
- D. Temporary construction signs
- E. Temporary political, religious, and civic campaign signs
- F. Institutional identification signs, when approved in conjunction with a conditional use permit

19.16.120 LANDSCAPING

No landscaping is required in the E District.

19.16.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

The following special review procedures and development standards apply in the E District:

- A. The breeding and raising of animals permitted pursuant to Section 19.16.020 of this chapter shall be limited to poultry, rabbits, and birds for domestic or hobby purposes, or similar small fowl and animals raised for food, scientific, or furbearing purposes, provided not more than twelve (12) of any one (1) or combination of such animals may be maintained on a single lot, except that a maximum of forty (40) pigeons may be kept within an enclosed structure. Animal enclosures shall be subject to the setback requirements specified in Subsection 19.16.090.B.
- B. A mobilehome or recreational vehicle permitted as a temporary dwelling pursuant to Section 19.16.020 of this chapter shall comply with the following standards:
 - 1. Building permits for construction of the conventional single-family residence shall be obtained prior to or concurrently with the installation permit for the mobilehome.
 - 2. The mobilehome shall be removed from the premises or the recreational vehicle shall be removed from the premises or placed in dead storage if:
 - a. Six (6) months have passed since the mobilehome or recreational vehicle was installed.
 - b. Seven (7) days have passed since the conventional dwelling unit was approved for occupancy.
 - c. The building permit has lapsed due to lack of activity.
 - 3. One (1) extension of time for a period not to exceed six (6) months may be granted by the Planning Director upon written request of the property owner. The extension of time may only be approved subject to the following conditions:
 - a. An active building permit is on file with the Kern County Engineering and Survey Services Department (Building Inspection Division).
 - b. The construction of the conventional dwelling unit on the site has progressed to a stage of inspection and approval of the framing, rough electrical, rough mechanical, and rough and top-out of plumbing of the dwelling.
 - 4. Any mobilehome or recreational vehicle permitted as a temporary dwelling in excess of a six- (6-) month period of time pursuant to Subsection B.3 of Section 19.16.130 of this chapter shall be removed or placed in dead storage if:
 - a. The extension of time has expired.
 - b. Seven (7) days have passed since the conventional dwelling unit was approved for occupancy.
 - c. The building permit has lapsed due to lack of activity.

- C. Garage or yard sales are permitted without special permit provided they meet the following standards:
1. Sales last no longer than three (3) days.
 2. Sales are held no more than twice yearly.
 3. Sales are conducted on the owner's or tenant's property. Multiple-family sales are permitted if they are held on the property of one (1) of the participants.
 4. No goods purchased for resale may be offered for sale.
 5. No consignment goods may be offered for sale.
 6. Directional signs may be placed on the street right-of-way.
 7. All directional and advertising signs shall be freestanding and removed after completion of the sale.
 8. All directional and advertising signs placed on private property shall have the owner's permission.
 9. No directional or advertising signs may be larger than two (2) feet by three (3) feet.
- D. Temporary on-site real estate tract sales offices are permitted without special permit provided they meet the following standards:
1. The office shall be permitted for recorded subdivision tracts only.
 2. No more than one (1) office shall be permitted within any subdivision tract.
 3. Only lots within the subject subdivision tract shall be marketed through the office.
 4. All signs shall conform with the requirements of Section 19.84.070.
 5. No construction equipment or materials storage shall be permitted.
 6. Upon sale of all lots within the residential tract, the site shall be converted to residential use.
- E. Manufactured homes shall be permitted provided that the proposed manufactured home complies with the following requirements:
1. The manufactured home shall be certified under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. - Section 5401 et seq.); and
 2. The manufactured home shall be installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code; and
 3. The manufactured home is no older than ten (10) years from the date application is made for an installation permit; and

4. The manufactured home has a width greater than sixteen (16) feet; and
 5. The manufactured home complies with the following architectural requirements:
 - a. A minimum three-twelfths (three (3) inches vertical to twelve (12) inches horizontal) roof pitch; and
 - b. Shingles customarily utilized in the construction of conventional single-family dwellings; and
 - c. A minimum one- (1-) foot eave around the entire perimeter of the manufactured home as measured from the vertical wall surface; and
 - d. Nonreflective siding material customarily utilized in the construction of conventional single-family dwellings which shall extend to ground level; and
 - e. Siding material utilized as skirting shall be the same in construction materials, composition, and color as the siding material utilized on the exterior wall surface of the manufactured home.
 6. Manufactured homes or mobilehomes not meeting all of the installation and architectural requirements specified in this section shall be permitted only upon approval of a conditional use permit, pursuant to Chapter 19.104.
- F. Notwithstanding the requirements of this chapter, the breeding and raising of up to two (2) large animals may be permitted with approval of a temporary animal permit subject to the following standards and conditions:
1. The applicant shall be sponsored by a bona fide organization, such as, but not limited to, Future Farmers of America, 4-H Club, Cow-Belles, or Junior Farmer.
 2. The animals can be kept in such a manner as to not create adverse impacts on adjacent properties.
 3. Animal keeping areas are cleaned daily.
 4. The animals are kept in good health.
 5. The written consent of each abutting property owner consenting to the granting of the Temporary Animal Permit must be obtained.
 6. The applicant shall allow inspection of animal maintenance facilities, when requested, by responsible County agencies.

The Temporary Animal Permit shall be for a maximum period of six (6) months from the effective date of the permit. No more than one (1) such permit shall be approved for any lot within a one- (1-) year time period.

- G. Community gardens are permitted subject to the issuance of a permit as provided for in Section 19.102.070 of this title and subject to the following requirements:

1. The lot or lots used for the garden are owned or leased by a property owner's association, homeowner's association, tenant's association, non-profit organization or public agency which has established an organizational entity and framework for administration of the garden.
2. The organizational entity that administers the garden shall establish and enforce rules pertaining to the use of the property and rights of membership. A copy of the adopted rules shall be filed with the Kern County Planning and Community Development Department, together with name and contact information of an individual who oversees the program. The adopted rules shall contain provisions requiring the removal of all structures and materials in the event of the dissolution of the administering entity.
3. A maximum of five (5) acres shall be used in conjunction with any community garden site established pursuant to this chapter. Larger garden sites may be accommodated through the conditional use permit provisions contained in Chapter 19.104 of this title.
4. Each community garden site shall be posted with a sign not exceeding sixteen (16) square feet and not exceeding a height of six (6) feet that identifies the site as a community garden and provides essential contact information.
5. No permanent buildings shall be permitted; however, temporary structures not exceeding 120 square feet each may be placed on site for the storage of tools, materials, and equipment used for on-site gardening, if authorized under the rules adopted by the organizational entity that administers the garden. The combined area of all such storage structures shall not exceed ten percent (10%) of the overall garden site area. Benches or picnic tables, composting bins, trash containers, garden art, and designated play areas for children may be provided for the benefit of community garden members, if provided for in the adopted rules governing the use of the site and rights of membership and if determined by the Planning Director to be clearly accessory and incidental to the community garden. Perimeter and individual plot fencing is permitted and shall not exceed a height of six (6) feet.
6. The community garden shall be operated and maintained in such a manner so that irrigation water is retained on site and there are no off-site erosion or sedimentation impacts.
7. There shall be no on-site sales except for produce grown on site. One temporary produce stand not exceeding an area of 600 square feet may be permitted for each community garden site, if provided for in the adopted rules governing the use of the site and rights of membership and considered by the Planning Director pursuant to Section 19.102.070. Up to two (2) temporary on-site signs not exceeding a combined total of forty-eight (48) square feet to advertise the sale of produce may be authorized in conjunction with a request for a temporary produce stand, as determined by the Planning Director.
8. The Planning Director may impose reasonable conditions in conjunction with approval of a community garden permit that are deemed necessary to safeguard public health, safety, and general welfare.

9. If public complaints arise from the operations of a community garden authorized by this title or if any such garden creates nuisance impacts on surrounding roads or properties, the Planning Director may serve written notice upon the community garden property owner and the responsible organizational entity to abate the problem. If the problem continues beyond a reasonable time period as set forth in the Planning Director's written order, the Planning Director may schedule a public hearing pursuant to Sections 19.102.020 and 19.102.090 of this title. The Planning Director shall consider whether or not the community garden may continue to operate and may modify conditions or impose additional conditions deemed necessary to safeguard the public health, safety, and general welfare. If the Planning Director orders the closure of the community garden, all structures, material, and produce shall be removed from the site within sixty (60) days of the effective date of said order. Any decision of the Planning Director may be appealed to the Board of Supervisors, subject to payment of the required filing fee and the applicable provisions specified in Section 19.102.110 of this title.
- H. Development in the E District shall also comply with the interpretations and provisions of Chapter 19.08 of this title.

C H A P T E R 19.18

LOW-DENSITY RESIDENTIAL (R-1) DISTRICT

SECTIONS:

19.18.010 PURPOSE AND APPLICATION

19.18.020 PERMITTED USES

19.18.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

19.18.040 PROHIBITED USES

19.18.050 MINIMUM LOT SIZE

19.18.060 MINIMUM LOT AREA PER DWELLING UNIT

19.18.070 YARDS AND SETBACKS

19.18.080 HEIGHT LIMITS

19.18.090 MINIMUM DISTANCE BETWEEN STRUCTURES

19.18.100 PARKING

19.18.110 SIGNS

19.18.120 LANDSCAPING

19.18.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

19.18.010 PURPOSE AND APPLICATION

The purpose of the Low-density Residential (R-1) District is to designate areas which will be suitable for traditional smaller lot, single-family homes and compatible uses. Maximum density is limited to ten (10) dwelling units per net acre. Typically, the R-1 District will be characterized by the typical single-family subdivision. However, innovative low-intensity projects are allowed in combination with the Cluster (CL) Combining District.

19.18.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the R-1 District:

A. AGRICULTURAL USES

- Breeding and raising animals pursuant to Section 19.18.130 of this chapter
- Growing of agricultural crops for domestic use of resident/occupant
- Community garden pursuant to Section 19.18.130 of this chapter.

B. RESIDENTIAL USES

- Accessory dwelling unit, pursuant to Chapter 19.90
- Condominium pursuant to Chapter 19.58 of this title
- Manufactured home, mobilehome, or recreational vehicle, temporary, during construction of a single-family home pursuant to Section 19.18.130 of this chapter

- Manufactured home, pursuant to Section 19.18.130.E of this chapter
 - Residential accessory structures
 - Residential facility, serving six (6) or fewer persons
 - Single-family dwelling, with a width greater than sixteen (16) feet
- C. RECREATIONAL, ENTERTAINMENT, AND TOURIST FACILITIES
- Community recreational facilities
- D. COMMERCIAL USES
1. Offices
 - Temporary on-site real estate tract sales, including commercial coaches, pursuant to Subsection 19.18.130.D of this title
- E. UTILITY AND COMMUNICATION FACILITIES
- Transmission lines and supporting towers, poles, pipelines, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title
- F. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES
- Solar energy electrical generator which is accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
 - Small wind energy system, pursuant to Section 19.08.415
- G. MISCELLANEOUS USES
- Day-care home, large family, pursuant to Chapter 19.96 of this title
 - Day-care home, small family
 - Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map
 - Garage or yard sales pursuant to Subsection C of Section 19.18.130 of this chapter
 - Home occupation pursuant to Chapter 19.94 of this title

- Water storage or groundwater recharge facilities
- Water system, small or large

19.18.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the R-1 District subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. RESIDENTIAL USES

- Additional single-family dwellings, not to exceed a density of one (1) dwelling unit per four thousand three hundred and fifty-six (4,356) square feet (net) and not to exceed the maximum density permitted by the applicable General or Specific Plan. A maximum of two (2) manufactured homes may be permitted on any one (1) lot, and one (1) of the manufactured homes shall be owner occupied
- Community care facility
- Manufactured home or mobilehome, pursuant to Section 19.18.130.E.6 of this chapter
- Rest home
- Retirement home
- Single-family dwelling, with a width of sixteen (16) feet or less
- Supportive or transitional housing

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Country club
- Golf course
- Golf driving range
- Park or playground
- Swimming pool, public
- Tennis or swim club

C. COMMERCIAL USES

1. Offices

- Temporary on-site real estate sales/construction
- 2. Services
 - Ambulance
- D. UTILITY AND COMMUNICATIONS FACILITIES
 - Radio, television, microwave, or commercial communications transmitter, receiver, or translator
 - Utility substation
- E. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES
 - Mineral exploration
 - Mining and mineral extraction pursuant to Chapter 19.100 of this title
 - Oil or gas exploration and production pursuant to Chapter 19.98 of this title
 - Wind-driven electrical generators, commercial or domestic
- F. WASTE FACILITIES
 - Sewage treatment plant
- G. INSTITUTIONAL USES
 - Cemetery, mausoleum, columbarium, or mortuary
 - Charitable or public service organization
 - Church
 - Club or lodge
 - Community or senior citizens center
 - Convalescent hospital
 - Crematory in conjunction with a cemetery, mausoleum, columbarium, or mortuary
 - Hospital
 - Library
 - Museum
 - Public agency or public utility buildings and facilities

- Rehabilitation facilities
- Sanitarium
- Water treatment plant

H. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. General

- Preschool
- Elementary school
- Junior high school
- Senior high school
- College or university

I. MISCELLANEOUS USES

- Community septic disposal system
- Day-care center, with or without extended overnight services
- Drainage sump
- Flood control facilities
- Railroad caboose and similar accessory structures
- Recreational vehicle or boat storage, private, and accessory to a residential development
- Skateboard ramps, noncommercial

19.18.040 PROHIBITED USES

All other uses not permitted by Sections 19.18.020 and 19.18.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the R-1 District.

19.18.050 MINIMUM LOT SIZE

Except as otherwise provided in Chapter 19.58 of this title, no lot created within the R-1 District shall contain less than six thousand (6,000) net square feet, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company, or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites.

19.18.060 MINIMUM LOT AREA PER DWELLING UNIT

Except as otherwise provided in Section 19.18.030 of this chapter and Chapter 19.58 of this title, there shall be no more than one (1) dwelling unit per legal lot in the R-1 District.

19.18.070 YARDS AND SETBACKS

The following yard and setback requirements apply in the R-1 District:

- A. **Front Yard.** Except as otherwise provided in Section 19.08.120 of this title, the front-yard minimum setback for all buildings shall be as follows:
1. Fifty-five (55) feet from the legal centerline of any existing or proposed public or private local street or access easements.
 2. Seventy (70) feet from the legal centerline of any existing or proposed secondary highway.
 3. Eighty (80) feet from the legal centerline of any existing or proposed major highway.
- In no case shall the front-yard minimum setback be less than twenty-five (25) feet from the right-of-way established by any Official or Specific Plan Line, street, or access easement.
- B. **Side Yard.** There shall be a side yard on each side of any building of not less than five (5) feet, except that on the street side of corner lots, buildings shall be set back a minimum of ten (10) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line. However, within the rear twenty-five (25) feet of all reverse corner lots, there shall be a minimum side yard of twenty-five (25) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line.
- C. **Rear Yard.** There shall be a rear yard of not less than five (5) feet, except that in the case of through lots, the designated rear yard shall be in accordance with the front-yard setback requirements.

19.18.080 HEIGHT LIMITS

The following height limits apply in the R-1 District:

- A. Buildings shall not exceed three (3) stories or thirty-five (35) feet.
- B. Detached accessory structures shall not exceed two (2) stories or thirty-five (35) feet.
- C. Radio and television antennae, communication towers, chimneys, and other similar structures shall not exceed eighty (80) feet.

19.18.090 MINIMUM DISTANCE BETWEEN STRUCTURES

The following requirements apply to the minimum distance between structures in the R-1 District:

- A. There shall be a minimum distance of ten (10) feet between residential buildings.

- B. There shall be a minimum distance of six (6) feet between a residential building and an accessory building or between accessory buildings, except that pens, coops, other structures for housing animals, and the animals themselves shall be at least thirty (30) feet away from any off-site residential building or other building used for human habitation and at least one hundred (100) feet away from any public park, school, hospital, or similar institution.

19.18.100 PARKING

Off-street parking shall be provided in the R-1 District in accordance with the requirements of Chapter 19.82 of this title.

19.18.110 SIGNS

The following types of signs are permitted in the R-1 District in accordance with the requirements of Chapter 19.84 of this title:

- A. Temporary real estate signs advertising the property for sale or rent, not to exceed six (6) square feet each, excluding the area of any vertical and/or horizontal support members
- B. Temporary subdivision signs
- C. Permanent subdivision signs
- D. Temporary construction signs
- E. Temporary political, religious, and civic campaign signs
- F. Institutional identification signs, approved in conjunction with a conditional use permit

19.18.120 LANDSCAPING

No landscaping is required in the R-1 District.

19.18.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

The following special review procedures and development standards apply in the R-1 District:

- A. The breeding and raising of animals permitted pursuant to Section 19.18.020 of this chapter shall be limited to poultry, rabbits, and birds for domestic or hobby purposes, or similar small fowl and animals raised for food, scientific, or furbearing purposes, provided not more than twelve (12) of any one (1) or combination of such animals may be maintained on a single lot, except that a maximum of forty (40) pigeons may be kept within an enclosed structure. Animal enclosures shall be subject to the setback requirements specified in Subsection 19.18.090.B.
- B. A mobilehome or recreational vehicle permitted as a temporary dwelling pursuant to Section 19.18.020 of this chapter shall comply with the following standards:

1. Building permits for construction of the conventional single-family residence shall be obtained prior to or concurrently with the installation permit for the mobilehome.
 2. The mobilehome shall be removed from the premises or the recreational vehicle shall be removed from the premises or placed in dead storage if:
 - a. Six (6) months have passed since the mobilehome or recreational vehicle was installed.
 - b. Seven (7) days have passed since the conventional dwelling unit was approved for occupancy.
 - c. The building permit has lapsed due to lack of activity.
 3. One (1) extension of time for a period not to exceed six (6) months may be granted by the Planning Director upon written request of the property owner. The extension of time may only be approved subject to the following conditions:
 - a. An active building permit is on file with the Kern County Engineering and Survey Services Department (Building Inspection Division).
 - b. The construction of the conventional dwelling unit on the site has progressed to a stage of inspection and approval of the framing, rough electrical, rough mechanical, and rough and top-out of plumbing of the dwelling.
 4. Any mobilehome or recreational vehicle permitted as a temporary dwelling in excess of a six- (6-) month period of time pursuant to Section 19.18.130 of this chapter shall be removed or placed in dead storage if:
 - a. The extension of time has expired.
 - b. Seven (7) days have passed since the conventional dwelling unit was approved for occupancy.
 - c. The building permit has lapsed due to lack of activity.
- C. Garage or yard sales are permitted without special permit provided they meet the following standards:
1. Sales last no longer than three (3) days.
 2. Sales are held no more than twice yearly.

3. Sales are conducted on the owner's or tenant's property. Multiple-family sales are permitted if they are held on the property of one (1) of the participants.
 4. No goods purchased for resale may be offered for sale.
 5. No consignment goods may be offered for sale.
 6. Directional signs may be placed on the street right-of-way.
 7. All directional and advertising signs shall be freestanding and removed after completion of the sale.
 8. All directional and advertising signs placed on private property shall have the owner's permission.
 9. No directional or advertising signs may be larger than two (2) feet by three (3) feet.
- D. Temporary on-site real estate tract sales offices are permitted without special permit provided they meet the following standards:
1. The office shall be permitted for recorded subdivision tracts only.
 2. No more than one (1) office shall be permitted within any subdivision tract.
 3. Only lots within the subject subdivision tract shall be marketed through the office.
 4. All signs shall conform with the requirements of Section 19.84.070.
 5. No construction equipment or materials storage shall be permitted.
 6. Upon sale of all lots within the residential tract, the site shall be converted to residential use.
- E. Manufactured homes shall be permitted provided that the proposed manufactured home complies with the following requirements:
1. The manufactured home shall be certified under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. - Section 5401 et seq.); and
 2. The manufactured home shall be installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code; and
 3. The manufactured home is no older than ten (10) years from the date application is made for an installation permit; and
 4. The manufactured home has a width greater than sixteen (16) feet; and
 5. The manufactured home complies with the following architectural requirements:
 - a. A minimum three-twelfths (three (3) inches vertical to twelve (12) inches horizontal) roof pitch; and

- b. Shingles customarily utilized in the construction of conventional single-family dwellings; and
 - c. A minimum one- (1-) foot eave around the entire perimeter of the manufactured home as measured from the vertical wall surface; and
 - d. Nonreflective siding material customarily utilized in the construction of conventional single-family dwellings which shall extend to ground level; and
 - e. Siding material utilized as skirting shall be the same in construction materials, composition, and color as the siding material utilized on the exterior wall surface of the manufactured home.
 - 6. Manufactured homes or mobilehomes not meeting all of the installation and architectural requirements specified in this section shall be permitted only upon approval of a conditional use permit, pursuant to Chapter 19.104.
- F. Community gardens are permitted subject to the issuance of a permit as provided for in Section 19.102.070 of this title and subject to the following requirements:
- 1. The lot or lots used for the garden are owned or leased by a property owner's association, homeowner's association, tenant's association, non-profit organization or public agency which has established an organizational entity and framework for administration of the garden.
 - 2. The organizational entity that administers the garden shall establish and enforce rules pertaining to the use of the property and rights of membership. A copy of the adopted rules shall be filed with the Kern County Planning and Community Development Department, together with name and contact information of an individual who oversees the program. The adopted rules shall contain provisions requiring the removal of all structures and materials in the event of the dissolution of the administering entity.
 - 3. A maximum of five (5) acres shall be used in conjunction with any community garden site established pursuant to this chapter. Larger garden sites may be accommodated through the conditional use permit provisions contained in Chapter 19.104 of this title.
 - 4. Each community garden site shall be posted with a sign not exceeding sixteen (16) square feet and not exceeding a height of six (6) feet that identifies the site as a community garden and provides essential contact information.
 - 5. No permanent buildings shall be permitted; however, temporary structures not exceeding 120 square feet each may be placed on site for the storage of tools, materials, and equipment used for on-site gardening, if authorized under the rules adopted by the organizational entity that administers the garden. The combined area of all such storage structures shall not exceed ten percent (10%) of the overall garden site area. Benches or picnic tables, composting bins, trash containers, garden art, and designated play areas for children may be provided for the benefit

of community garden members, if provided for in the adopted rules governing the use of the site and rights of membership and if determined by the Planning Director to be clearly accessory and incidental to the community garden. Perimeter and individual plot fencing is permitted and shall not exceed a height of six (6) feet.

6. The community garden shall be operated and maintained in such a manner so that irrigation water is retained on site and there are no off-site erosion or sedimentation impacts.
 7. There shall be no on-site sales except for produce grown on site. One temporary produce stand not exceeding an area of 600 square feet may be permitted for each community garden site, if provided for in the adopted rules governing the use of the site and rights of membership and considered by the Planning Director pursuant to Section 19.102.070. Up to two (2) temporary on-site signs not exceeding a combined total of forty-eight (48) square feet to advertise the sale of produce may be authorized in conjunction with a request for a temporary produce stand, as determined by the Planning Director.
 8. The Planning Director may impose reasonable conditions in conjunction with approval of a community garden permit that are deemed necessary to safeguard public health, safety, and general welfare.
 9. If public complaints arise from the operations of a community garden authorized by this title or if any such garden creates nuisance impacts on surrounding roads or properties, the Planning Director may serve written notice upon the community garden property owner and the responsible organizational entity to abate the problem. If the problem continues beyond a reasonable time period as set forth in the Planning Director's written order, the Planning Director may schedule a public hearing pursuant to Sections 19.102.020 and 19.102.090 of this title. The Planning Director shall consider whether or not the community garden may continue to operate and may modify conditions or impose additional conditions deemed necessary to safeguard the public health, safety, and general welfare. If the Planning Director orders the closure of the community garden, all structures, material, and produce shall be removed from the site within sixty (60) days of the effective date of said order. Any decision of the Planning Director may be appealed to the Board of Supervisors, subject to payment of the required filing fee and the applicable provisions specified in Section 19.102.110 of this title.
- G. Development in the R-1 District shall also comply with the interpretations and provisions of Chapter 19.08 of this title.

CHAPTER 19.20

MEDIUM-DENSITY RESIDENTIAL (R-2) DISTRICT

SECTIONS:

- 19.20.010 PURPOSE AND APPLICATION**
- 19.20.020 PERMITTED USES**
- 19.20.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.20.040 PROHIBITED USES**
- 19.20.050 MINIMUM LOT SIZE**
- 19.20.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.20.070 YARDS AND SETBACKS**
- 19.20.080 HEIGHT LIMITS**
- 19.20.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.20.100 PARKING**
- 19.20.110 SIGNS**
- 19.20.120 LANDSCAPING**
- 19.20.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.20.010 PURPOSE AND APPLICATION

The purpose of the Medium-density Residential (R-2) District is to designate areas for single-family, duplex, and other medium-density, multifamily residential uses. The maximum density allowed is sixteen (16) dwelling units per net acre. While single-family houses and duplexes typify this district, other innovative housing techniques, including clustering and zero lot line developments, are permitted in combination with the Cluster (CL) Combining District.

19.20.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the R-2 District in accordance with the standards and procedures set out in Chapter 19.80 of this title:

A. RESIDENTIAL USES

- Accessory dwelling unit, pursuant to Chapter 19.90
- Apartment
- Condominium
- Duplex
- Manufactured home, one (1) per lot, pursuant to Section 19.20.130.D of this chapter
- Quadruplex

- Residential accessory structures
 - Residential facility, serving six (6) or fewer persons
 - Single-family dwelling
 - Triplex
- B. RECREATIONAL, ENTERTAINMENT, AND TOURIST FACILITIES
- Community recreational facilities
- C. COMMERCIAL USES
1. Offices
- Temporary on-site real estate tract sales, including commercial coaches, pursuant to Subsection 19.20.130.C of this title
- D. UTILITY AND COMMUNICATION FACILITIES
- Transmission lines and supporting towers, poles, pipelines, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company under the jurisdiction of the California Public Utilities Commission, pursuant to Section 19.08.090 of this title
- E. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES
- Solar energy electrical generator which is accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
 - Small wind energy system, pursuant to Section 19.08.415
- F. MISCELLANEOUS USES
- Community garden pursuant to Section 19.20.130 of this chapter.
 - Construction trailer, temporary, during construction activity only
 - Day-care center, not to exceed a capacity of one (1) child for every three (3) dwelling units located on the property, where the lot contains a minimum of three (3) dwelling units
 - Day-care home, large family, pursuant to Chapter 19.96 of this title
 - Day-care home, small family, when located within a detached single-family dwelling

- Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map, or if accessory to a permitted use
- Garage or yard sales pursuant to Subsection B of Section 19.20.130 of this chapter
- Home occupation pursuant to Chapter 19.94 of this title
- Water storage or groundwater recharge facilities
- Water system, small or large

19.20.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the R-2 District in accordance with the standards set out in Chapter 19.80 of this title and subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. RESIDENTIAL USES

- Boarding or rooming house
- Community care facility
- Emergency shelter
- Manufactured home or mobilehome, maximum of two (2) per lot, pursuant to Section 19.20.130.D.6 of this chapter (see Section 19.20.020.A)
- Rest home
- Retirement home
- Supportive or transitional housing

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Country club
- Golf course
- Golf driving range
- Park or playground
- Swimming pool, public
- Tennis or swim club

C. COMMERCIAL USES

- 1. Offices
 - Temporary on-site real estate sales/construction
- 2. Services
 - Ambulance
- D. TRANSPORTATION FACILITIES
 - Auto parking garage or lot, when located within five hundred (500) feet of the business or businesses it is intended to serve
- E. UTILITY AND COMMUNICATIONS FACILITIES
 - Radio, television, microwave, or commercial communications transmitter, receiver, or translator
 - Utility substation
- F. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES
 - Mineral exploration
 - Mining and mineral extraction pursuant to Chapter 19.100 of this title
 - Oil or gas exploration and production pursuant to Chapter 19.98 of this title
 - Wind-driven electrical generators, commercial or domestic
- G. WASTE FACILITIES
 - Sewage treatment plant
- H. INSTITUTIONAL
 - Cemetery, mausoleum, columbarium, or mortuary
 - Charitable or public service organization
 - Church
 - Club or lodge
 - Community or senior citizens center
 - Crematory in conjunction with a cemetery, mausoleum, columbarium, or mortuary

- Library
- Museum
- Public agency or public utility buildings and facilities
- Rehabilitation facilities
- Sanitarium
- Water treatment plant

I. EDUCATIONAL INSTITUTIONS AND SCHOOLS

General

- Preschool
- Elementary school
- Junior high school
- Senior high school
- College or university

J. MISCELLANEOUS USES

- Community septic disposal system
- Day-care center, with or without extended overnight services
- Drainage sump
- Flood control facilities
- Recreational vehicle or boat storage, private, and accessory to a residential development

19.20.040 PROHIBITED USES

All other uses not permitted by Sections 19.20.020 and 19.20.030 of this chapter are prohibited in the R-2 District.

19.20.050 MINIMUM LOT SIZE

Except as otherwise provided in Chapter 19.58 of this title, no lot created within the R-2 District shall contain less than six thousand (6,000) net square feet, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company, or

mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites.

19.20.060 MINIMUM LOT AREA PER DWELLING UNIT

Except as otherwise provided in Chapter 19.58 of this title, there shall be a minimum of two thousand seven hundred and twenty-two (2,722) net square feet of lot area per dwelling unit in the R-2 District.

19.20.070 YARDS AND SETBACKS

The following yard and setback requirements apply in the R-2 District:

- A. **Front Yard.** Except as otherwise provided in Section 19.08.120 of this title, the front-yard minimum setback for all buildings shall be as follows:

1. Fifty-five (55) feet from the legal centerline of any existing or proposed public or private local street or access easement.
2. Seventy (70) feet from the legal centerline of any existing or proposed secondary highway.
3. Eighty (80) feet from the legal centerline of any existing or proposed major highway.

In no case shall the front-yard minimum setback be less than twenty-five (25) feet from the right-of-way established by any Official or Specific Plan Line, street, or access easement.

- B. **Side Yard.** There shall be a side yard on each side of any building of not less than five (5) feet, except that on the street side of corner lots, buildings shall be set back a minimum of ten (10) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line. However, within the rear twenty-five (25) feet of all reverse corner lots, there shall be a minimum side yard of twenty-five (25) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line.

- C. **Rear Yard.** There shall be a rear yard of not less than five (5) feet, except that in the case of through lots, the designated rear yard shall be in accordance with the front-yard setback requirements.

19.20.080 HEIGHT LIMITS

The following height limits apply in the R-2 District:

- A. Buildings shall not exceed three (3) stories or thirty-five (35) feet.
- B. Detached accessory structures shall not exceed two (2) stories or thirty-five (35) feet.
- C. Radio and television antennae, communication towers, chimneys, and other similar structures shall not exceed eighty (80) feet.

19.20.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Minimum distance between structures in the R-2 District shall be as follows:

- A. There shall be a minimum distance of ten (10) feet between residential buildings.
- B. There shall be a minimum distance of six (6) feet between a residential building and an accessory building or between accessory buildings.

19.20.100 PARKING

Off-street parking shall be provided in the R-2 District in accordance with the requirements of Chapter 19.82 of this title.

19.20.110 SIGNS

The following types of signs are permitted in the R-2 District in accordance with the requirements of Chapter 19.84 of this title:

- A. Apartment identification signs, not exceeding thirty-six (36) square feet
- B. Temporary real estate signs advertising the property for sale or rent, not to exceed six (6) square feet each, excluding the area of any vertical and/or horizontal support members
- C. Temporary subdivision signs
- D. Permanent subdivision identification signs
- E. Temporary construction signs
- F. Temporary political, religious, and civic campaign signs
- G. Institutional identification signs, approved in conjunction with a conditional use permit

19.20.120 LANDSCAPING

Landscaping in the R-2 District shall be provided in accordance with the requirements of Chapter 19.86 of this title.

19.20.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

The following special review procedures and development standards apply in the R-2 District:

- A. All development in the R-2 District shall comply with the minimum standards set out in Chapter 19.80 of this title except for one (1) single-family dwelling.
- B. Garage or yard sales are permitted without special permit provided they meet the following standards:

1. Sales last no longer than three (3) days.
 2. Sales are held no more than twice yearly.
 3. Sales are conducted on the owner's or tenant's property. Multiple-family sales are permitted if they are held on the property of one (1) of the participants.
 4. No goods purchased for resale may be offered for sale.
 5. No consignment goods may be offered for sale.
 6. Directional signs may be placed on the street right-of-way.
 7. All directional and advertising signs shall be freestanding and removed after completion of the sale.
 8. All directional and advertising signs placed on private property shall have the owner's permission.
 9. No directional or advertising signs may be larger than two (2) feet by three (3) feet.
- C. Temporary on-site real estate tract sales offices are permitted without special permit provided they meet the following standards:
1. The office shall be permitted for recorded subdivision tracts only.
 2. No more than one (1) office shall be permitted within any subdivision tract.
 3. Only lots within the subject subdivision tract shall be marketed through the office.
 4. All signs shall conform with the requirements of Section 19.84.070.
 5. No construction equipment or materials storage shall be permitted.
 6. Upon sale of all lots within the residential tract, the site shall be converted to residential use.
- D. Manufactured homes shall be permitted provided that the proposed manufactured home complies with the following requirements:
1. The manufactured home shall be certified under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. - Section 5401 et seq.); and
 2. The manufactured home shall be installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code; and
 3. The manufactured home is no older than ten (10) years from the date application is made for an installation permit; and

4. The manufactured home has a width greater than sixteen (16) feet; and
 5. The manufactured home complies with the following architectural requirements:
 - a. A minimum three-twelfths (three (3) inches vertical to twelve (12) inches horizontal) roof pitch; and
 - b. Shingles customarily utilized in the construction of conventional single-family dwellings; and
 - c. A minimum one- (1-) foot eave around the entire perimeter of the manufactured home as measured from the vertical wall surface; and
 - d. Nonreflective siding material customarily utilized in the construction of conventional single-family dwellings which shall extend to ground level; and
 - e. Siding material utilized as skirting shall be the same in construction materials, composition, and color as the siding material utilized on the exterior wall surface of the manufactured home.
 6. Manufactured homes or mobilehomes not meeting all of the installation and architectural requirements specified in this section shall be permitted only upon approval of a conditional use permit, pursuant to Chapter 19.104.
- E. Community gardens are permitted subject to the issuance of a permit as provided for in Section 19.102.070 of this title and subject to the following requirements:
1. The lot or lots used for the garden are owned or leased by a property owner's association, homeowner's association, tenant's association, non-profit organization or public agency which has established an organizational entity and framework for administration of the garden.
 2. The organizational entity that administers the garden shall establish and enforce rules pertaining to the use of the property and rights of membership. A copy of the adopted rules shall be filed with the Kern County Planning and Community Development Department, together with name and contact information of an individual who oversees the program. The adopted rules shall contain provisions requiring the removal of all structures and materials in the event of the dissolution of the administering entity.
 3. A maximum of five (5) acres shall be used in conjunction with any community garden site established pursuant to this chapter. Larger garden sites may be accommodated through the conditional use permit provisions contained in Chapter 19.104 of this title.
 4. Each community garden site shall be posted with a sign not exceeding sixteen (16) square feet and not exceeding a height of six (6) feet that identifies the site as a community garden and provides essential contact information.

5. No permanent buildings shall be permitted; however, temporary structures not exceeding 120 square feet each may be placed on site for the storage of tools, materials, and equipment used for on-site gardening, if authorized under the rules adopted by the organizational entity that administers the garden. The combined area of all such storage structures shall not exceed ten percent (10%) of the overall garden site area. Benches or picnic tables, composting bins, trash containers, garden art, and designated play areas for children may be provided for the benefit of community garden members, if provided for in the adopted rules governing the use of the site and rights of membership and if determined by the Planning Director to be clearly accessory and incidental to the community garden. Perimeter and individual plot fencing is permitted and shall not exceed a height of six (6) feet.
 6. The community garden shall be operated and maintained in such a manner so that irrigation water is retained on site and there are no off-site erosion or sedimentation impacts.
 7. There shall be no on-site sales except for produce grown on site. One temporary produce stand not exceeding an area of 600 square feet may be permitted for each community garden site, if provided for in the adopted rules governing the use of the site and rights of membership and considered by the Planning Director pursuant to Section 19.102.070. Up to two (2) temporary on-site signs not exceeding a combined total of forty-eight (48) square feet to advertise the sale of produce may be authorized in conjunction with a request for a temporary produce stand, as determined by the Planning Director.
 8. The Planning Director may impose reasonable conditions in conjunction with approval of a community garden permit that are deemed necessary to safeguard public health, safety, and general welfare.
 9. If public complaints arise from the operations of a community garden authorized by this title or if any such garden creates nuisance impacts on surrounding roads or properties, the Planning Director may serve written notice upon the community garden property owner and the responsible organizational entity to abate the problem. If the problem continues beyond a reasonable time period as set forth in the Planning Director's written order, the Planning Director may schedule a public hearing pursuant to Sections 19.102.020 and 19.102.090 of this title. The Planning Director shall consider whether or not the community garden may continue to operate and may modify conditions or impose additional conditions deemed necessary to safeguard the public health, safety, and general welfare. If the Planning Director orders the closure of the community garden, all structures, material, and produce shall be removed from the site within sixty (60) days of the effective date of said order. Any decision of the Planning Director may be appealed to the Board of Supervisors, subject to payment of the required filing fee and the applicable provisions specified in Section 19.102.110 of this title.
- F. Development in the R-2 District shall also comply with the interpretations and provisions of Chapter 19.08 of this title.

CHAPTER 19.22
HIGH-DENSITY RESIDENTIAL (R-3) DISTRICT

SECTIONS:

- 19.22.010 PURPOSE AND APPLICATION**
- 19.22.020 PERMITTED USES**
- 19.22.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.22.040 PROHIBITED USES**
- 19.22.050 MINIMUM LOT SIZE**
- 19.22.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.22.070 YARDS AND SETBACKS**
- 19.22.080 HEIGHT LIMITS**
- 19.22.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.22.100 PARKING**
- 19.22.110 SIGNS**
- 19.22.120 LANDSCAPING**
- 19.22.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.22.010 PURPOSE AND APPLICATION

The purpose of the High-density Residential (R-3) District is to designate areas appropriate for a variety of medium-density to high-density residential living environments, including apartments, townhouses, and condominiums. The maximum allowable density is twenty-nine (29) dwelling units per net acres. The minimum allowable density is twenty (20) dwelling units per gross acre. The R-3 District may only be applied to those urban areas of the County which have adequate utility, street, and public facility capacity.

19.22.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the R-3 District in accordance with the standards and procedures set out in Chapter 19.80 of this title:

A. RESIDENTIAL USES

- Accessory dwelling unit, pursuant to Chapter 19.90
- Apartment
- Bed and breakfast inn
- Boarding or rooming house
- Condominium
- Duplex
- Manufactured home, one (1) per lot, pursuant to Section 19.22.130.D of this chapter

- Quadruplex
 - Residential accessory structures
 - Residential facility
 - Residential hotel
 - Single-family dwelling
 - Supportive or transitional housing, including rehabilitation facilities
 - Townhouse
 - Triplex
- B. RECREATIONAL, ENTERTAINMENT, AND TOURIST FACILITIES
- Community recreation facilities
- C. COMMERCIAL USES
1. Offices
- Temporary on-site real estate tract sales, including commercial coaches, pursuant to Subsection 19.22.130.C of this title
- D. UTILITY AND COMMUNICATIONS FACILITIES
- Transmission lines and supporting towers, poles, pipelines and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company under the jurisdiction of the California Public Utilities Commission, pursuant to Section 19.08.090 of this title
- E. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES
- Solar energy electrical generator which is accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
 - Small wind energy system, pursuant to Section 19.08.415
- F. MISCELLANEOUS USES
- Community garden pursuant to Section 19.22.130 of this chapter.
 - Construction trailer, temporary, during construction activity only

- Day-care center not to exceed a capacity of one (1) child for every three (3) dwelling units located on the property, where the lot contains a minimum of three (3) dwelling units
- Day-care home, large family, pursuant to Chapter 19.96 of this title
- Day-care home, small family, when located within a detached single-family dwelling
- Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map, or if accessory to a permitted use
- Garage or yard sales pursuant to Subsection B of Section 19.22.130 of this chapter
- Home occupation pursuant to Chapter 19.94 of this title
- Water storage or groundwater recharge facilities
- Water system, small or large

19.22.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all those determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the R-3 District in accordance with the standards set out in Chapter 19.80 of this title and subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. RESIDENTIAL USES

- Boarding or rooming house, serving more than six (6) persons
- Community care facility
- Emergency shelter
- Fraternity or sorority house
- Manufactured home or mobilehome, maximum of two (2) per lot, pursuant to Section 19.22.130.D.6 of this chapter (see Section 19.22.020.A)
- Retirement or rest home

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Country club
- Golf course
- Golf driving range

- Park or playground
- Swimming pool, public
- Tennis or swim club
- C. COMMERCIAL USES
 - 1. Offices
 - Temporary on-site real estate sales/construction
 - 2. Services
 - Ambulance
- D. TRANSPORTATION FACILITIES
 - Auto parking garage or lot, when located within five hundred (500) feet of the business or businesses it is intended to serve
- E. UTILITY AND COMMUNICATIONS FACILITIES
 - Radio, television, microwave, or commercial communications transmitter, receiver, or translator
 - Utility substation
- F. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES
 - Mineral exploration
 - Mining and mineral extraction pursuant to Chapter 19.100 of this title
 - Oil or gas exploration and production pursuant to Chapter 19.98 of this title
 - Wind-driven electrical generators, commercial or domestic
- G. WASTE FACILITIES
 - Community septic disposal system
 - Sewage treatment plant
- H. INSTITUTIONAL USES
 - Cemetery, mausoleum, columbarium, or mortuary
 - Charitable or public service organization

- Church
- Club or lodge
- Community center or senior citizens center
- Crematory in conjunction with a cemetery, mausoleum, columbarium, or mortuary
- Library
- Museum
- Public agency or public utility buildings and facilities
- Sanitarium
- Water treatment plant

I. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. General
- Preschool
 - Elementary school
 - Junior high school
 - Senior high school
 - College or university

J. MISCELLANEOUS USES

- Day-care center, with or without extended overnight services
- Drainage sump
- Flood control facilities
- Recreational vehicle or boat storage, private, and accessory to a residential development

19.22.040 PROHIBITED USES

All other uses not permitted by Sections 19.22.020 and 19.22.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the R-3 District.

19.22.050 MINIMUM LOT SIZE

Except as otherwise provided in Chapter 19.58 of this title, no lot created within the R-3 District shall contain less than six thousand (6,000) net square feet, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company, or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites.

19.22.060 MINIMUM LOT AREA PER DWELLING UNIT

Except as otherwise provided in Chapter 19.58 of this title, there shall be a minimum of one thousand five hundred (1,500) net square feet of lot area per dwelling unit in the R-3 District.

19.22.070 YARDS AND SETBACKS

Yard and setback requirements in the R-3 District are as follows:

- A. **Front Yard.** Except as otherwise provided in Section 19.08.120 of this title, the front-yard minimum setback for all buildings shall be as follows:
 - 1. Forty-five (45) feet from the legal centerline of any existing or proposed public or private local street or access easement.
 - 2. Sixty (60) feet from the legal centerline of any existing or proposed secondary highway.
 - 3. Seventy (70) feet from the legal centerline of any existing or proposed major highway.

In no case shall the front-yard minimum setback be less than fifteen (15) feet from the right-of-way established by any Official or Specific Plan Line, street, or access easement.
- B. **Side Yard.** There shall be a side yard on each side of any building of not less than five (5) feet, except that on the street side of corner lots, buildings shall be set back a minimum of ten (10) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line. However, within the rear twenty-five (25) feet of all reverse corner lots, there shall be a minimum side yard of fifteen (15) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line.
- C. **Rear Yard.** There shall be a rear yard of not less than five (5) feet, except that in the case of through lots, the designated rear yard shall be in accordance with the front-yard setback requirements.

19.22.080 HEIGHT LIMITS

The following height limits apply in the R-3 District:

- A. Buildings shall not exceed four (4) stories or forty-five (45) feet.

- B. Detached accessory structures shall not exceed three (3) stories or forty-five (45) feet.
- C. Radio and television antennae, communication towers, chimneys, and other similar structures shall not exceed ninety (90) feet.
- D. Structures shall not exceed the maximum permitted heights in areas of protected military airspace as specified in Section 19.08.160.

19.22.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Requirements for minimum distance between structures in the R-3 District are as follows:

- A. There shall be a minimum distance of ten (10) feet between residential buildings.
- B. There shall be a minimum distance of six (6) feet between a residential building and an accessory building or between accessory buildings.

19.22.100 PARKING

Off-street parking in the R-3 District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.22.110 SIGNS

The following types of signs are permitted in the R-3 District in accordance with the requirements of Chapter 19.84 of this title:

- A. Apartment or bed and breakfast identification signs, not exceeding thirty-six (36) square feet
- B. Temporary real estate signs advertising the property for sale or rent, not to exceed eight (8) square feet, excluding the area of any vertical and/or horizontal support members
- C. Temporary subdivision signs
- D. Permanent subdivision signs
- E. Temporary construction signs
- F. Temporary political, religious, and civic campaign signs
- G. Institutional identification signs, approved in conjunction with a conditional use permit

19.22.120 LANDSCAPING

Landscaping in the R-3 District shall be provided in accordance with the requirements of Chapter 19.86 of this title.

19.22.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

The following special review procedures and development standards apply in the R-3 District:

- A. All development, except for one (1) single-family dwelling, in the R-3 District shall comply with the minimum standards set out in Chapter 19.80 of this title.
- B. Garage or yard sales are permitted without special permit provided they meet the following standards:
 - 1. Sales last no longer than three (3) days.
 - 2. Sales are held no more than twice yearly.
 - 3. Sales are conducted on the owner's or tenant's property. Multiple-family sales are permitted if they are held on the property of one (1) of the participants.
 - 4. No goods purchased for resale may be offered for sale.
 - 5. No consignment goods may be offered for sale.
 - 6. Directional signs may be placed on the street right-of-way.
 - 7. All directional and advertising signs shall be freestanding and removed after completion of the sale.
 - 8. All directional and advertising signs placed on private property shall have the owner's permission.
 - 9. No directional or advertising signs may be larger than two (2) feet by three (3) feet.
- C. Temporary on-site real estate tract sales offices are permitted without special permit provided they meet the following standards:
 - 1. The office shall be permitted for recorded subdivision tracts only.
 - 2. No more than one (1) office shall be permitted within any subdivision tract.
 - 3. Only lots within the subject subdivision tract shall be marketed through the office.
 - 4. All signs shall conform with the requirements of Section 19.84.070.
 - 5. No construction equipment or materials storage shall be permitted.
 - 6. Upon sale of all lots within the residential tract, the site shall be converted to residential use.
- D. Manufactured homes shall be permitted provided that the proposed manufactured home complies with the following requirements:
 - 1. The manufactured home shall be certified under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. - Section 5401 et seq.); and

2. The manufactured home shall be installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code; and
 3. The manufactured home is no older than ten (10) years from the date application is made for an installation permit; and
 4. The manufactured home has a width greater than sixteen (16) feet; and
 5. The manufactured home complies with the following architectural requirements:
 - a. A minimum three-twelfths (three (3) inches vertical to twelve (12) inches horizontal) roof pitch; and
 - b. Shingles customarily utilized in the construction of conventional single-family dwellings; and
 - c. A minimum one- (1-) foot eave around the entire perimeter of the manufactured home as measured from the vertical wall surface; and
 - d. Nonreflective siding material customarily utilized in the construction of conventional single-family dwellings which shall extend to ground level; and
 - e. Siding material utilized as skirting shall be the same in construction materials, composition, and color as the siding material utilized on the exterior wall surface of the manufactured home.
 6. Manufactured homes or mobilehomes not meeting all of the installation and architectural requirements specified in this section shall be permitted only upon approval of a conditional use permit, pursuant to Chapter 19.104.
- E. Community gardens are permitted subject to the issuance of a permit as provided for in Section 19.102.070 of this title and subject to the following requirements:
1. The lot or lots used for the garden are owned or leased by a property owner's association, homeowner's association, tenant's association, non-profit organization or public agency which has established an organizational entity and framework for administration of the garden.
 2. The organizational entity that administers the garden shall establish and enforce rules pertaining to the use of the property and rights of membership. A copy of the adopted rules shall be filed with the Kern County Planning and Community Development Department, together with name and contact information of an individual who oversees the program. The adopted rules shall contain provisions requiring the removal of all structures and materials in the event of the dissolution of the administering entity.
 3. A maximum of five (5) acres shall be used in conjunction with any community garden site established pursuant to this chapter. Larger garden sites may be accommodated through the conditional use permit provisions contained in Chapter 19.104 of this title.

4. Each community garden site shall be posted with a sign not exceeding sixteen (16) square feet and not exceeding a height of six (6) feet that identifies the site as a community garden and provides essential contact information.
5. No permanent buildings shall be permitted; however, temporary structures not exceeding 120 square feet each may be placed on site for the storage of tools, materials, and equipment used for on-site gardening, if authorized under the rules adopted by the organizational entity that administers the garden. The combined area of all such storage structures shall not exceed ten percent (10%) of the overall garden site area. Benches or picnic tables, composting bins, trash containers, garden art, and designated play areas for children may be provided for the benefit of community garden members, if provided for in the adopted rules governing the use of the site and rights of membership and if determined by the Planning Director to be clearly accessory and incidental to the community garden. Perimeter and individual plot fencing is permitted and shall not exceed a height of six (6) feet.
6. The community garden shall be operated and maintained in such a manner so that irrigation water is retained on site and there are no off-site erosion or sedimentation impacts.
7. There shall be no on-site sales except for produce grown on site. One temporary produce stand not exceeding an area of 600 square feet may be permitted for each community garden site, if provided for in the adopted rules governing the use of the site and rights of membership and considered by the Planning Director pursuant to Section 19.102.070. Up to two (2) temporary on-site signs not exceeding a combined total of forty-eight (48) square feet to advertise the sale of produce may be authorized in conjunction with a request for a temporary produce stand, as determined by the Planning Director.
8. The Planning Director may impose reasonable conditions in conjunction with approval of a community garden permit that are deemed necessary to safeguard public health, safety, and general welfare.
9. If public complaints arise from the operations of a community garden authorized by this title or if any such garden creates nuisance impacts on surrounding roads or properties, the Planning Director may serve written notice upon the community garden property owner and the responsible organizational entity to abate the problem. If the problem continues beyond a reasonable time period as set forth in the Planning Director's written order, the Planning Director may schedule a public hearing pursuant to Sections 19.102.020 and 19.102.090 of this title. The Planning Director shall consider whether or not the community garden may continue to operate and may modify conditions or impose additional conditions deemed necessary to safeguard the public health, safety, and general welfare. If the Planning Director orders the closure of the community garden, all structures, material, and produce shall be removed from the site within sixty (60) days of the effective date of said order. Any decision of the Planning Director may be appealed to the Board of Supervisors, subject to payment of the required filing fee and the applicable provisions specified in Section 19.102.110 of this title.

- F. Development in the R-3 District shall also comply with the interpretations and provisions of Chapter 19.08 of this title.

CHAPTER 19.26

MOBILEHOME PARK (MP) DISTRICT

SECTIONS:

- 19.26.010 PURPOSE AND APPLICATION**
- 19.26.020 PERMITTED USES**
- 19.26.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.26.040 PROHIBITED USES**
- 19.26.050 MINIMUM LOT SIZE**
- 19.26.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.26.070 YARDS AND SETBACKS**
- 19.26.080 HEIGHT LIMITS**
- 19.26.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.26.100 PARKING**
- 19.26.110 SIGNS**
- 19.26.120 LANDSCAPING**
- 19.26.130 SITE DEVELOPMENT PLAN REVIEW — REQUIRED**
- 19.26.140 SITE DEVELOPMENT PLAN REVIEW — APPLICATION — CONTENTS**
- 19.26.150 DEVELOPMENT STANDARDS AND CONDITIONS**
- 19.26.160 SCHOOL FACILITIES FEE REQUIREMENT**
- 19.26.170 STATE PERMIT REQUIREMENTS**
- 19.26.180 GARAGE OR YARD SALES — STANDARDS**
- 19.26.190 COMMUNITY GARDEN - STANDARDS**
- 19.26.200 PERMIT REVOCATION AND MODIFICATION**

19.26.010 PURPOSE AND APPLICATION

The sole purpose of the MP (Mobilehome Park) District is to designate areas for medium-density mobilehome living areas that are, or will be, subject to the California Mobilehome Parks Act, as set forth in Section 18200 et seq., of the California Health and Safety Code, and associated administrative regulations as set forth in Title 25, California Code of Regulations. Uses are limited to mobilehome parks with spaces available for rent, mobilehomes within a mobilehome park available for rent, accessory uses, and recreational vehicle parks. Recreational vehicle parks are subject to Section 18860 et seq., of the California Health and Safety Code and associated administrative regulations as set forth in Title 25, California Code of Regulations. Maximum density for a mobilehome park is regulated by the applicable General Plan land use category. Recreational vehicle parks are not subject to General Plan residential density requirements and may additionally be located outside of licensed mobilehome parks, where authorized as a conditionally permitted use by the underlying zoning district classification. Foundations for mobilehomes in mobilehome parks are permitted but not required.

19.26.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this chapter are permitted in the MP District:

A. RESIDENTIAL USES

- Manager, caretaker, or proprietor quarters
- Mobilehome
- Mobilehome park, including accessory laundry and storage facilities

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Community recreational facilities
- Recreational vehicle park, provided that the mobilehome park site abuts and gains entrance from a major or secondary (collector) highway as designated on the Kern County Circulation Plan, and further provided that the area of such recreational vehicle park does not exceed forty (40%) of the combined area of the mobilehome park and recreational vehicle park

C. MISCELLANEOUS USES

- Community garden pursuant to Section 19.26.190 of this chapter
- Day-care center for on-site care of children
- Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map
- Garage or yard sales pursuant to Section 19.26.180 of this chapter
- Home occupation pursuant to Chapter 19.94
- Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Water system, small

19.26.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the MP District with a conditional use permit:

A. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Recreational vehicle park, except as permitted by Subsection 19.26.020.B

B. MISCELLANEOUS USES

- Drainage sump

- Water system, large
- Water treatment plant

C. **RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES**

- Oil or gas exploration and production pursuant to Chapter 19.98 of this title

19.26.040 PROHIBITED USES

All other uses not expressly permitted by Sections 19.26.020 and 19.26.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the MP District.

19.26.050 MINIMUM LOT SIZE

There is no minimum lot size requirement in the MP District.

19.26.060 MINIMUM LOT AREA PER DWELLING UNIT

There is no requirement for minimum lot area per dwelling in the MP District, except that overall project density shall comply with the density and intensity standards of the applicable General Plan land use category.

19.26.070 YARDS AND SETBACKS

The following yard and setback requirements apply in the MP District:

- A. **Front Yard.** The front-yard minimum setback for mobilehome parks measured from the exterior boundary of the park shall be as follows:
 - 1. Thirty-five (35) feet from the legal centerline of any existing or proposed public or private local street.
 - 2. Fifty (50) feet from the legal centerline of any existing or proposed secondary highway.
 - 3. Sixty (60) feet from the legal centerline of any existing or proposed major highway.

In no case shall the front-yard minimum setback be less than five (5) feet from the right-of-way established by any Official or Specific Plan Line, street, or access easement.
- B. **Side Yard.** None, except that on the street side of a corner lot, the mobilehome park shall be set back in accordance with the front-yard setback requirements.
- C. **Rear Yard.** None, except that in the case of through lots, the designated rear yard shall be in accordance with the front-yard setback requirements.

19.26.080 HEIGHT LIMITS

The following height limits apply in the MP District:

- A. Mobilehomes and accessory structures thereto shall not exceed two (2) stories or twenty-five (25) feet.
- B. Community recreational facilities shall not exceed two (2) stories or thirty-five (35) feet.
- C. Radio and television antennae, communication towers, chimneys, and other similar structures shall not exceed eighty (80) feet.

19.26.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Minimum distance between structures in the MP District shall be as follows:

- A. The minimum distance between mobilehomes within a mobilehome park shall be as follows:
 - 1. Ten (10) feet from side to side
 - 2. Eight (8) feet from side to rear
 - 3. Six (6) feet from rear to rear
- B. There shall be a minimum distance of ten (10) feet between each building other than a mobilehome or mobilehome accessory structures.
- C. There shall be a minimum distance of ten (10) feet between a mobilehome and a building, excepting mobilehome accessory structures.

19.26.100 PARKING

Off-street parking in the MP District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.26.110 SIGNS

The following types of signs are permitted in the MP District in accordance with the requirements of Chapter 19.84 of this title:

- A. Temporary real estate signs advertising the mobilehome for sale or rent, not to exceed six (6) square feet each, excluding the area of any vertical and/or horizontal support members
- B. Permanent subdivision identification signs
- C. Temporary construction signs
- D. Temporary political, religious, or civic campaign signs
- E. One (1) pole sign pursuant to Section 19.84.030

19.26.120 LANDSCAPING

Landscaping in the MP District shall be provided in accordance with the requirements of Chapter 19.86 of this title.

19.26.130 SITE DEVELOPMENT PLAN REVIEW — REQUIRED

No use shall be established, no development shall occur, and no building or grading permit shall be issued for any use or development in the MP District until an application for site development plan review has been submitted to and approved by the Planning Director in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title.

19.26.140 SITE DEVELOPMENT PLAN REVIEW — APPLICATION — CONTENTS

An application for site development plan review shall include the following:

- A. Name and address of applicant
- B. Name(s) and address(es) of property owner(s)
- C. Assessor's parcel number(s)
- D. Legal description of the property
- E. A site development plan, drawn at the scale specified by the Planning Director, which includes the following information:
 - 1. Topography and proposed grading
 - 2. Proposed private access drives and parking areas
 - 3. Location of all mobilehome pads
 - 4. Location of all permanent buildings and structures
 - 5. Park, open space, and recreation areas
 - 6. Proposed landscaping
 - 7. North arrow
- F. Elevations of all permanent common buildings
- G. Phasing or development schedule
- H. A detailed description of facility improvements, including:
 - 1. Curb, gutter, sidewalks, and street widths

2. Water supply system
 3. Sewage collection and disposal system
 4. Public utilities
 5. Fencing
- I. Any reports, approvals, or requirements specified as mitigation measures by any environmental document for implementation of this district for specific parcels and a plan for compliance with the recommendations contained in such reports.

19.26.150 DEVELOPMENT STANDARDS AND CONDITIONS

Development within the MP District shall comply with the following minimum standards:

- A. Consistency With General Plan and/or Specific Plans. All development shall be consistent with the goals and policies of the County General Plan, with the uses and density/intensity standards of the applicable General Plan land use category, and with any applicable Specific Plan and its goals, policies, and standards.
- B. Access, Access Drives, and Parking
1. All access drives within a mobilehome park shall be not less than twenty-five (25) feet in width.
 2. Guest parking shall be distributed throughout the mobilehome park as required by Chapter 19.82 of this title.
 3. All vehicular parking areas and drives shall be surfaced and graded in accordance with the requirements for local streets as contained in the Kern County Subdivision Ordinance.
 4. All mobilehome spaces shall have frontage on internal private drives. No mobilehome space shall have direct access to a public street or public alley.
 5. All mobilehome park sites shall have access from an abutting improved and dedicated County street or highway.
- C. Public Street and Highway Dedications and Improvements
1. Street and highway dedications adjacent to mobilehome parks may be required by the Planning Director in accordance with the following standards:
 - a. If the park is adjacent to a major highway, as shown on the Kern County Circulation Plan, the owner shall dedicate or make an irrevocable offer of dedication of all property lying within fifty-five (55) feet of the centerline of such highway for public highway purposes, at no cost to the County.

- b. If the park is adjacent to a secondary highway, as shown on the Kern County Circulation Plan, the owner shall dedicate or make an irrevocable offer of dedication of all property lying within forty-five (45) feet of the centerline of such highway for public highway purposes, at no cost to the County.
 - c. If the park lies adjacent to the projected alignment of a planned local street which is necessary for circulation within the general area or neighborhood, the owner shall dedicate or make an irrevocable offer of dedication of all that property lying within thirty (30) feet of the centerline of such street for public street purposes, at no cost to the County.
 - d. If the park is adjacent to an adopted Specific Plan or Official Plan Line, the owner shall dedicate or make an irrevocable offer of dedication of all property lying within the specified right-of-way line for public highway purposes, at no cost to the County.
- 2. Improvements may be required by the Planning Director, at no cost to the County, in accordance with the following standards:
 - a. All developments within Type A Improvement Areas (see Appendix) shall provide road or street improvements to Type A Subdivision Standards. Developments in all other areas shall provide road or street improvements to Type B Subdivision Standards, unless Type A Subdivision Standards are required by any adopted Specific Plan in which the development is proposed, in which case Type A improvements shall be required. If the project site abuts a State highway, road improvements shall be provided as required by the California Department of Transportation.
 - 3. Required street and highway improvements shall include any necessary tie to existing pavement and shall be under permit of the County or the State Division of Highways, as appropriate. Existing pavement shall be saw cut at match point.

D. Recreational Areas and Facilities

- 1. If a mobilehome park contains ten (10) or more mobilehome spaces, or if a mobilehome park combined with a recreational vehicle park as a secondary use contains a combination of ten (10) or more mobilehome spaces and recreational vehicle spaces, an open area of land devoted to and landscaped for recreational use shall be provided within the park.
- 2. Such recreational area shall be no less than five thousand (5,000) square feet, plus an additional one hundred (100) square feet for each space in excess of twenty-five (25) spaces.
- 3. Required recreational areas may be divided into more than one (1) location, provided no single location contains less than one thousand (1,000) square feet.
- 4. No building or mobilehome shall occupy a required recreational area, excepting buildings and structures necessary or used and devoted to recreational uses, such as recreation buildings, swimming pools, swimming pool accessory buildings, saunas, playgrounds with or without equipment, picnic areas, or other improved open space areas.

5. No required front yard, side yard, or rear yard of the park, or any mobilehome space, recreational vehicle space, or storage area may be counted toward the requirement for recreational space.
6. The required recreational space shall be accessible to all occupants of the park and shall not be used for any other purpose than recreational use of the occupants of the park, except that such space may be used for any subsurface sewage effluent absorption facilities where approved by the Kern County Health Department.

E. Enclosures

1. Each mobilehome park shall be completely enclosed within a screening fence, hedge, or combination thereof, subject to the approval of the Planning Director as to design and materials.
2. Such enclosure may have driveway or pedestrian way openings, subject to approval by the Planning Director.
3. Within any required front yard, a required enclosure shall be four (4) feet in height, and shall be located a minimum of five (5) feet from the edge of the adjacent road right-of-way. The Director may authorize such an enclosure at a height of six (6) feet where it is determined that sight-distance hazards will not be created.
4. Within any other portion of the park, a required enclosure shall be six (6) feet in height, and shall be located a minimum of five (5) feet from the edge of the adjacent road right-of-way except that, where adjacent to a street-side side yard, the required enclosure shall be located a minimum of ten (10) feet from the edge of the adjacent road right-of-way.
5. When deemed necessary by the Planning Director, in order to maintain standards compatible with existing development of adjacent properties, specific types of fences may be required to be constructed.

F. Utility Installation

1. All public utility transmission lines located within the park shall be placed underground.
2. Utility connections to each mobilehome space shall be placed underground.

G. Drainage

1. A drainage system which meets the requirements of the Kern County Development Standards shall be installed prior to occupancy of the park and shall be continuously maintained in accordance with a plan approved by the Planning Director.

2. The plan shall include, but is not limited to, the following provisions:
 - a. All drainage originating on the park site shall be contained on the same site, unless a plan for acceptance of such drainage to off-site sumps has been approved by the Kern County Planning Department.
 - b. The method for transporting off-site drainage through a mobilehome park shall meet the criteria of the Kern County Flood Damage Prevention Ordinance.
 - c. In the event that any drainage sump area located within the park has a water holding capacity of more than eighteen (18) inches in depth, the area shall be completely enclosed within a chain link fence, six (6) feet in height with vertical redwood slats.

H. Water Distribution and Sewage Disposal Systems

1. A water distribution system shall be installed prior to occupancy of the park and shall be continuously maintained, in accordance with a plan approved by the Kern County Health Department and the Kern County Fire Department.
2. A sewage disposal system shall be installed prior to occupancy of the park and shall be continuously maintained, in accordance with a plan approved by the Kern County Health Department and the Regional Water Quality Control Board.

19.26.160 SCHOOL FACILITIES FEE REQUIREMENT

Thirty (30) days from the effective date of the ordinance from which this chapter derives, the approval of any mobilehome park under this chapter is conditioned upon the payment of any fees or the dedication of any land required by standards established under the Kern County School Facilities Ordinance (Chapter 17.52 of this code) which may be in effect with respect to the school district or any attendance area thereof in which such mobilehome park is located at the time final approval under this chapter is issued. Payment of any fees or the dedication of any land so required shall be completed by the owner of any such mobilehome park prior to issuance of a permit to construct, reconstruct, expand, or operate such mobilehome park as specified in the approval, except as otherwise authorized by the applicable school district(s).

19.26.170 STATE PERMIT REQUIREMENTS

The mobilehome park operator shall secure necessary building permits and an operating license from the State of California.

19.26.180 GARAGE OR YARD SALES — STANDARDS

Garage or yard sales are permitted without special permit provided they meet the following standards:

- A. Sales last no longer than three (3) days.
- B. Sales are held no more than twice yearly.
- C. Sales are conducted on the owner's or tenant's property. Multiple-family sales are permitted if they are held on the property of one (1) of the participants.

- D. No goods purchased for resale may be offered for sale.
- E. No consignment goods may be offered for sale.
- F. Directional signs may be placed on the street right-of-way.
- G. All directional and advertising signs shall be freestanding and removed after completion of the sale.
- H. All directional and advertising signs placed on private property shall have the owner's permission.
- I. No directional or advertising signs may be larger than two (2) feet by three (3) feet.

19.26.190 COMMUNITY GARDEN - STANDARDS

Community gardens are permitted subject to the issuance of a permit as provided for in Section 19.102.070 of this title and subject to the following requirements:

- 1. The lot or lots used for the garden are owned or leased by a property owner's association, homeowner's association, tenant's association, non-profit organization or public agency which has established an organizational entity and framework for administration of the garden.
- 2. The organizational entity that administers the garden shall establish and enforce rules pertaining to the use of the property and rights of membership. A copy of the adopted rules shall be filed with the Kern County Planning and Community Development Department, together with name and contact information of an individual who oversees the program. The adopted rules shall contain provisions requiring the removal of all structures and materials in the event of the dissolution of the administering entity.
- 3. A maximum of five (5) acres shall be used in conjunction with any community garden site established pursuant to this chapter. Larger garden sites may be accommodated through the conditional use permit provisions contained in Chapter 19.104 of this title.
- 4. Each community garden site shall be posted with a sign not exceeding sixteen (16) square feet and not exceeding a height of six (6) feet that identifies the site as a community garden and provides essential contact information.
- 5. No permanent buildings shall be permitted; however, temporary structures not exceeding 120 square feet each may be placed on site for the storage of tools, materials, and equipment used for on-site gardening, if authorized under the rules adopted by the organizational entity that administers the garden. The combined area of all such storage structures shall not exceed ten percent (10%) of the overall garden site area. Benches or picnic tables, composting bins, trash containers, garden art, and designated play areas for children may be provided for the benefit of community garden members, if provided for in the adopted rules governing the

use of the site and rights of membership and if determined by the Planning Director to be clearly accessory and incidental to the community garden. Perimeter and individual plot fencing is permitted and shall not exceed a height of six (6) feet.

6. The community garden shall be operated and maintained in such a manner so that irrigation water is retained on site and there are no off-site erosion or sedimentation impacts.
7. There shall be no on-site sales except for produce grown on site. One temporary produce stand not exceeding an area of 600 square feet may be permitted for each community garden site, if provided for in the adopted rules governing the use of the site and rights of membership and considered by the Planning Director pursuant to Section 19.102.070. Up to two (2) temporary on-site signs not exceeding a combined total of forty-eight (48) square feet to advertise the sale of produce may be authorized in conjunction with a request for a temporary produce stand, as determined by the Planning Director.
8. The Planning Director may impose reasonable conditions in conjunction with approval of a community garden permit that are deemed necessary to safeguard public health, safety, and general welfare.
9. If public complaints arise from the operations of a community garden authorized by this title or if any such garden creates nuisance impacts on surrounding roads or properties, the Planning Director may serve written notice upon the community garden property owner and the responsible organizational entity to abate the problem. If the problem continues beyond a reasonable time period as set forth in the Planning Director's written order, the Planning Director may schedule a public hearing pursuant to Sections 19.102.020 and 19.102.090 of this title. The Planning Director shall consider whether or not the community garden may continue to operate and may modify conditions or impose additional conditions deemed necessary to safeguard the public health, safety, and general welfare. If the Planning Director orders the closure of the community garden, all structures, material, and produce shall be removed from the site within sixty (60) days of the effective date of said order. Any decision of the Planning Director may be appealed to the Board of Supervisors, subject to payment of the required filing fee and the applicable provisions specified in Section 19.102.110 of this title.

19.26.200 PERMIT REVOCATION AND MODIFICATION

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this title.

CHAPTER 19.28
COMMERCIAL OFFICE (CO) DISTRICT

SECTIONS:

- 19.28.010 PURPOSE AND APPLICATION**
- 19.28.020 PERMITTED USES**
- 19.28.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.28.040 PROHIBITED USES**
- 19.28.050 MINIMUM LOT SIZE**
- 19.28.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.28.070 YARDS AND SETBACKS**
- 19.28.080 HEIGHT LIMITS**
- 19.28.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.28.100 PARKING**
- 19.28.110 SIGNS**
- 19.28.120 LANDSCAPING**
- 19.28.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.28.010 PURPOSE AND APPLICATION

The purpose of the Commercial Office (CO) District is to designate areas suitable for business and professional offices. The CO District may serve as a buffer between retail commercial and residential areas. The CO District may also be combined with the Cluster (CL) Combining District to achieve innovative, creative office or commercial development. Uses in the CO District are limited to low-intensity commercial activities and generally higher-density residential developments.

19.28.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the CO District in accordance with the standards and procedures set out in Chapter 19.80 of this title:

A. RESIDENTIAL USES

- Dwelling units located entirely above the ground floor of a commercial building as specified in Section 19.28.130.C
- Manager, caretaker, or proprietor quarters

B. COMMERCIAL USES

- 1. Offices
 - Business or professional

- Financial institution, including bank, savings and loan, or credit union
- Real estate
- Research and development
- 2. General Retail Sales
 - Art gallery
- 3. Services
 - Artist studio
 - Barber or beauty shop
 - Chiropractic or massage therapy
 - Clinic, medical or physical therapy, out-patient only
 - Interior decorator, provided there is no on-site sale of merchandise
 - Laboratory, medical, dental, optical, or biological
 - Packaging and mailing services
 - Photography studio
 - Telegraph
 - Ticket agency
 - Travel agency

C. UTILITY AND COMMUNICATIONS FACILITIES

- Transmission lines and supporting towers, poles, pipelines, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title

D. INSTITUTIONAL USES

- Church
- Community or senior citizens center
- Government office or building for administrative purposes

- Library
- Museum, indoor only

E. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. General

- Preschool
- Elementary school
- Junior high school
- Senior high school

2. Specialized Schools

- Art, craft, or music school
- Business or trade school, provided that all instruction is conducted within a building and that there is no outside storage of materials or supplies associated with the school
- Dance school
- Driving school
- Martial arts school
- Swim school

F. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Solar energy electrical generator which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415

G. MISCELLANEOUS USES

- Commercial coach, temporary, not exceeding six (6) months
- Community garden pursuant to Section 19.28.130 of this chapter
- Construction trailer, temporary, during construction activity only
- Day-care center, without extended overnight services

- Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map, or if accessory to a permitted use
- Studio, radio, television, or broadcasting
- Water storage or groundwater recharge facility
- Water system, small or large

19.28.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the CO District in accordance with the standards set out in Chapter 19.80 of this title and subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. RESIDENTIAL USES

- Apartment
- Bed and breakfast inn
- Boarding or rooming house
- Community care facility
- Condominium
- Duplex
- Fraternity or sorority house
- Mobilehome
- Quadruplex
- Rest home
- Retirement home
- Residential accessory structures
- Residential hotel
- Single-family dwelling
- Townhouse
- Triplex

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Circus or carnival, temporary
- Health club, indoor only
- Park or playground
- Swimming pool, public, indoor only
- Tennis club, indoor only

C. COMMERCIAL USES

1. Eating and Drinking Establishments
 - Restaurant, cafe, or coffee shop
2. Services
 - Ambulance

D. TRANSPORTATION FACILITIES

- Auto parking garage or lot
- Heliport

E. UTILITY AND COMMUNICATIONS FACILITIES

- Radio, television, microwave, or commercial communications transmitter, receiver, or translator
- Utility substation

F. INSTITUTIONAL USES

- Cemetery, mausoleum, columbarium, or mortuary
- Charitable or public service organization
- Club or lodge
- Convalescent hospital
- Crematory, when in conjunction with a cemetery, mausoleum, columbarium, or mortuary
- Fire or police station

- Hospital
- Labor union hall
- Post office
- Public agency or utility buildings and facilities
- Rehabilitation facilities
- Sanitarium

G. WASTE FACILITIES

- Community septic disposal system
- Sewage treatment plant
- Transfer station, small volume

H. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Oil and gas exploration and production pursuant to Chapter 19.98 of this title
- Wind-driven electrical generators, commercial or domestic

I. MISCELLANEOUS USES

- Commercial coach, exceeding six (6) months
- Day-care center, with extended overnight services
- Drainage sump
- Flood control facilities
- Water treatment plant

19.28.040 PROHIBITED USES

All other uses not permitted by Sections 19.28.020 and 19.28.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the CO District.

19.28.050 MINIMUM LOT SIZE

Except where otherwise provided in Chapter 19.58 of this title, no lot created within the CO District shall contain less than seven thousand five hundred (7,500) net square feet, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water

company, or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites.

19.28.060 MINIMUM LOT AREA PER DWELLING UNIT

There shall be a minimum of one thousand five hundred (1,500) square feet of lot area per dwelling unit in the CO District when dwellings are permitted with a conditional use permit.

19.28.070 YARDS AND SETBACKS

The following yard and setback requirements apply in the CO District:

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
 - 1. Forty (40) feet from the legal centerline of any existing or proposed public or private local street and access easement.
 - 2. Forty-five (45) feet from the legal centerline of any existing or proposed secondary highway.
 - 3. Fifty-five (55) feet from the legal centerline of any existing or proposed major highway.
- B. **Side Yard.** None required.
- C. **Rear Yard.** There shall be a rear yard of not less than twenty (20) feet, except that no rear yard shall be required where a public alley exists adjacent to the rear property line. The Planning Director may reduce rear yard requirements in accordance with the Kern County Fire Code if written approval is obtained from the Kern County Fire Chief.
- D. **Yards and Setbacks for Residential Development.** Yards and setbacks for residential developments shall be the same as those specified in Section 19.22.070 of this title. For developments containing both commercial and residential uses within the same building, yards and setbacks shall be as specified in Subsections A, B, and C of Section 19.28.070 of this chapter.
- E. In no case shall the buildings be located in any existing or future right-of-way established by any **Official or Specific Plan Line**, street, access easement, or adopted Circulation Element of the applicable General or Specific Plan.

19.28.080 HEIGHT LIMITS

The following height limits apply in the CO District:

- A. Buildings shall not exceed four (4) stories or forty-five (45) feet.
- B. Detached accessory structures shall not exceed three (3) stories or forty-five (45) feet.

- C. Radio and television antennae, communication towers, chimneys, and other similar structures shall not exceed ninety (90) feet.
- D. Structures shall not exceed the maximum permitted heights in areas of protected military airspace as specified in Section 19.08.160.

19.28.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Minimum distance between structures in the CO District shall be as follows:

- A. None required for nonresidential buildings.
- B. There shall be a minimum distance of ten (10) feet between residential buildings.
- C. There shall be a minimum distance of six (6) feet between a residential building and an accessory building or between accessory buildings.

19.28.100 PARKING

Off-street parking in the CO District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.28.110 SIGNS

- A. The following types of signs are permitted in the CO District in accordance with Chapter 19.84 of this title:
 - 1. Temporary real estate signs advertising the property for sale or rent, not to exceed sixteen (16) square feet, excluding the area of any vertical and/or horizontal support members
 - 2. Temporary subdivision signs
 - 3. Permanent subdivision identification signs, when approved in conjunction with a conditional use permit
 - 4. Temporary construction signs
 - 5. Temporary political, religious, or civic campaign signs
 - 6. Institutional identification signs
 - 7. Signs attached to buildings (on site only)
 - 8. Monument signs, not to exceed twenty-four (24) square feet in area each (on site only)

19.28.120 LANDSCAPING

Landscaping in the CO District shall be provided in accordance with the requirements of Chapter 19.86 of this title.

19.28.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

- A. All development in the CO District shall comply with the minimum requirements set out in Chapter 19.80 of this title.
- B. Development in the CO District shall comply with the interpretations and provisions of Chapter 19.08 of this title.
- D. Residential development shall be subject to the High-density Residential (R-3) District requirements as specified in Chapter 19.22 of this title.
- E. Community gardens are permitted subject to the issuance of a permit as provided for in Section 19.102.070 of this title and subject to the following requirements:
 - 1. The lot or lots used for the garden are owned or leased by a property owner's association, homeowner's association, tenant's association, non-profit organization or public agency which has established an organizational entity and framework for administration of the garden.
 - 2. The organizational entity that administers the garden shall establish and enforce rules pertaining to the use of the property and rights of membership. A copy of the adopted rules shall be filed with the Kern County Planning and Community Development Department, together with name and contact information of an individual who oversees the program. The adopted rules shall contain provisions requiring the removal of all structures and materials in the event of the dissolution of the administering entity.
 - 3. A maximum of five (5) acres shall be used in conjunction with any community garden site established pursuant to this chapter. Larger garden sites may be accommodated through the conditional use permit provisions contained in Chapter 19.104 of this title.
 - 4. Each community garden site shall be posted with a sign not exceeding sixteen (16) square feet and not exceeding a height of six (6) feet that identifies the site as a community garden and provides essential contact information.
 - 5. No permanent buildings shall be permitted; however, temporary structures not exceeding 120 square feet each may be placed on site for the storage of tools, materials, and equipment used for on-site gardening, if authorized under the rules adopted by the organizational entity that administers the garden. The combined area of all such storage structures shall not exceed ten percent (10%) of the overall garden site area. Benches or picnic tables, composting bins, trash containers, garden art, and designated play areas for children may be provided for the benefit of community garden members, if provided for in the adopted rules governing the use of the site and rights of membership and if determined by the Planning Director

to be clearly accessory and incidental to the community garden. Perimeter and individual plot fencing is permitted and shall not exceed a height of six (6) feet.

6. The community garden shall be operated and maintained in such a manner so that irrigation water is retained on site and there are no off-site erosion or sedimentation impacts.
7. There shall be no on-site sales except for produce grown on site. One temporary produce stand not exceeding an area of 600 square feet may be permitted for each community garden site, if provided for in the adopted rules governing the use of the site and rights of membership and considered by the Planning Director pursuant to Section 19.102.070. Up to two (2) temporary on-site signs not exceeding a combined total of forty-eight (48) square feet to advertise the sale of produce may be authorized in conjunction with a request for a temporary produce stand, as determined by the Planning Director.
8. The Planning Director may impose reasonable conditions in conjunction with approval of a community garden permit that are deemed necessary to safeguard public health, safety, and general welfare.
9. If public complaints arise from the operations of a community garden authorized by this title or if any such garden creates nuisance impacts on surrounding roads or properties, the Planning Director may serve written notice upon the community garden property owner and the responsible organizational entity to abate the problem. If the problem continues beyond a reasonable time period as set forth in the Planning Director's written order, the Planning Director may schedule a public hearing pursuant to Sections 19.102.020 and 19.102.090 of this title. The Planning Director shall consider whether or not the community garden may continue to operate and may modify conditions or impose additional conditions deemed necessary to safeguard the public health, safety, and general welfare. If the Planning Director orders the closure of the community garden, all structures, material, and produce shall be removed from the site within sixty (60) days of the effective date of said order. Any decision of the Planning Director may be appealed to the Board of Supervisors, subject to payment of the required filing fee and the applicable provisions specified in Section 19.102.110 of this title.

CHAPTER 19.30
NEIGHBORHOOD COMMERCIAL (C-1) DISTRICT

SECTIONS:

- 19.30.010 PURPOSE AND APPLICATION**
- 19.30.020 PERMITTED USES**
- 19.30.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.30.040 PROHIBITED USES**
- 19.30.050 MINIMUM LOT SIZE**
- 19.30.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.30.070 YARDS AND SETBACKS**
- 19.30.080 HEIGHT LIMITS**
- 19.30.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.30.100 PARKING**
- 19.30.110 SIGNS**
- 19.30.120 LANDSCAPING**
- 19.30.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.30.010 PURPOSE AND APPLICATION

The purpose of the Neighborhood Commercial (C-1) District is to designate areas for low-intensity commercial activities oriented to serving nearby residential areas. The C-1 District may also be combined with the Cluster (CL) Combining District to achieve innovative, creative office or commercial developments. Uses in the C-1 District typically include small retail, service-oriented commercial activities, including small shopping centers. The C-1 District generally will be located on major or secondary highways.

19.30.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the C-1 District in accordance with standards and procedures set out in Chapter 19.80 of this title:

A. RESIDENTIAL USES

- Bed and breakfast inn
- Dwelling units located entirely above the ground floor of a commercial building as specified in Subsection 19.30.130.C
- Manager, caretaker, or proprietor quarters
- Residential facility, serving twelve (12) or fewer persons

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Health club
- Pool or billiard parlor
- Tennis or swim club, indoor only
- Video games arcade

C. COMMERCIAL USES

1. Offices

- Business or professional
- Financial institution, including bank, savings and loan, or credit union
- Real estate
- Research and development

2. General Retail Sales

- Antiques, with no outside storage
- Appliances, including service and repair, provided there is no outside storage
- Art gallery
- Auto parts and accessories
- Bicycle, including rental and service
- Bookstore, general
- Christmas tree, temporary
- Clothing and apparel
- Drugs and pharmaceuticals
- Fireworks stand, temporary
- Florist
- Gift and card
- Hardware, general, excluding lumber sales and outside storage of materials

- Ice vending machine
 - Lawnmower, including repair, when located entirely within a building
 - Locksmith or key and lock shop
 - Music stores, excluding instrument repair
 - Newspaper or magazine stand
 - Shoes
 - Stationery and office supply
 - Tobacco
 - Variety
 - Video and audio tape sales and rentals
3. Food and Beverage Retail Sales
- Bakery, small
 - Convenience market
 - Drive-in food market or dairy
 - Foodstore
 - Specialized, including meat, vegetables, health foods, or candy
4. Eating and Drinking Establishments
- Bar, tavern, or cocktail lounge
 - Ice cream parlor
 - Restaurant, cafe, or coffee shop
 - Restaurant, fast-food
5. Services
- Artist studio
 - Auto service station, small
 - Barber or beauty shop

- Bath house, including sauna, spa, Turkish, steam, or tanning
- Chiropractic or massage therapy
- Clinic, medical or physical therapy, out-patient only
- Interior decorator
- Laboratory, medical, dental, optical, or biological
- Laundromat, self-service
- Laundry, drop off and pick up only
- Packaging and mailing services
- Pet grooming
- Photography studio
- Shoe repair
- Shoe-shine stand
- Tailor or dressmaker
- Tanning salons
- Taxidermist
- Telegraph
- Ticket agency
- Travel agency
- Smog inspection station
- Veterinary, household pets only, provided there are no outside kennels

D. UTILITY AND COMMUNICATIONS FACILITIES

- Transmission lines and supporting towers, poles, pipelines, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title
- Utility substation

E. INSTITUTIONAL USES

- Charitable or public service organization, office only
- Church
- Community or senior citizens center
- Government office or building
- Library
- Museum, indoor only
- Post office
- Public agency or utility buildings or facilities

F. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. General

- Preschool
- Elementary school
- Junior high school
- Senior high school

2. Specialized Schools

- Art, craft, or music school
- Business or trade school, provided that all instruction is conducted within a building and that there is no outside storage of materials or supplies associated with the school
- Dance school
- Driving school
- Martial arts school
- Swim school

G. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415

H. MISCELLANEOUS USES

- Commercial coach, temporary, not exceeding six (6) months
- Community garden pursuant to Section 19.30.130 of this chapter
- Construction trailer, temporary, during construction activities only
- Day-care center, without extended overnight services
- Drainage sump, when accessory to a permitted use
- Studio, radio, television, broadcasting
- Water storage or groundwater recharge facilities
- Water system, small or large

19.30.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the C-1 District in accordance with standards set out in Chapter 19.08 of this title and subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. RESIDENTIAL USES

- Apartment
- Boarding or rooming house
- Community care facility
- Condominium
- Duplex
- Emergency Shelter
- Fraternity or sorority house

- Mobilehome
- Quadruplex
- Rest home
- Retirement home
- Residential accessory structures
- Residential hotel
- Single-family dwelling
- Townhouse
- Triplex

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Card room
- Circus or carnival, temporary
- Miniature golf course
- Movie theater, drive-in
- Movie theater, walk-in
- Park or playground
- Swimming pool, public, outdoor only
- Tennis club, outdoor only
- Theater, live
- Trade fairs and exhibitions, temporary, fourteen- (14-) day maximum, excluding flea markets and swap meets

C. COMMERCIAL USES

1. General Retail Sales
 - Nursery, plant
2. Services

- Ambulance
- Auto wash
- Auto wash, self-service
- Miniwarehouse, for storage of personal household goods, provided there is no outside storage; excludes cargo containers and other temporary storage structures
- Printing, lithography or blue-printing
- Tattoo parlor and body piercing
- Veterinary, including veterinary hospital

D. TRANSPORTATION FACILITIES

- Auto parking garage or lot
- Heliport

E. UTILITY AND COMMUNICATIONS FACILITIES

- Radio, television, microwave, or commercial communications transmitter, receiver, or translator

F. INSTITUTIONAL USES

- Cemetery, mausoleum, columbarium, or mortuary
- Charitable or public service organization
- Club or lodge
- Convalescent hospital
- Crematory, in conjunction with a cemetery, mausoleum, columbarium, or mortuary
- Fire or police station
- Hospital
- Labor union hall
- Museum, with outdoor exhibits
- Rehabilitation facilities

- Sanitarium

G. WASTE FACILITIES

- Community septic disposal system
- Sewage treatment plant
- Transfer station, small volume

H. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Oil or gas exploration and production pursuant to Chapter 19.90 of this title
- Wind-driven electrical generators, commercial or domestic

I. MISCELLANEOUS USES

- Commercial coach, exceeding six (6) months
- Day-care center, with extended overnight services
- Drainage sump
- Flood control facilities
- Water treatment plant

19.30.040 PROHIBITED USES

All other uses not permitted by Sections 19.30.020 and 19.30.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the C-1 District.

19.30.050 MINIMUM LOT SIZE

Except as otherwise provided in Chapter 19.58 of this title, no lot created within the C-1 District shall contain less than seven thousand five hundred (7,500) net square feet, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company, or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites.

19.30.060 MINIMUM LOT AREA PER DWELLING UNIT

There shall be a minimum of one thousand five hundred (1,500) square feet of lot area per dwelling unit in the C-1 District when dwellings are permitted with a conditional use permit.

19.30.070 YARDS AND SETBACKS

The following yard and setback requirements apply in the C-1 District:

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
 - 1. Forty (40) feet from the legal centerline of any existing or proposed public or private local street and access easements.
 - 2. Forty-five (45) feet from the legal centerline of any existing or proposed secondary highway.
 - 3. Fifty-five (55) feet from the legal centerline of any existing or proposed major highway.
- B. **Side Yard.** None required.
- C. **Rear Yard.** There shall be a rear yard of not less than twenty (20) feet, except that no rear yard shall be required in the event that a public alley exists. The Planning Director may reduce rear yard requirements in accordance with the Kern County Fire Code if written approval is obtained from the Kern County Fire Chief.
- D. **Yards and Setbacks for Residential Developments.** Yards and setbacks for residential developments shall be the same as those specified in Section 19.22.070 of this title. For all developments containing both commercial and residential uses within the same building, yards and setbacks shall be as specified in Subsections A, B, and C of Section 19.30.070 of this chapter.
- E. In no case shall the buildings be located in any existing or future right-of-way established by any **Official or Specific Plan Line**, street, access easement, or adopted Circulation Element of the applicable General or Specific Plan.

19.30.080 HEIGHT LIMITS

The following height limits apply in the C-1 District:

- A. Buildings shall not exceed four (4) stories or forty-five (45) feet.
- B. Detached accessory structures shall not exceed three (3) stories or forty-five (45) feet.
- C. Radio and television antennae, communication towers, chimneys, and other similar structures shall not exceed ninety (90) feet.
- D. Structures shall not exceed the maximum permitted heights in areas of protected military airspace as specified in Section 19.08.160.

19.30.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Minimum distance between structures in the C-1 District shall be as follows:

- A. None required for nonresidential buildings.
- B. There shall be a minimum distance of ten (10) feet between residential buildings.

- C. There shall be a minimum distance of six (6) feet between a residential building and an accessory building or between accessory buildings.

19.30.100 PARKING

Off-street parking in the C-1 District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.30.110 SIGNS

- A. The following signs are permitted in the C-1 District in accordance with Chapter 19.84 of this title:
 - 1. Temporary real estate signs advertising the property for sale or rent, not to exceed sixteen (16) square feet, excluding the area of any vertical and/or horizontal support members
 - 2. Temporary subdivision signs
 - 3. Permanent subdivision identification signs, when approved in conjunction with a conditional use permit
 - 4. Temporary construction signs
 - 5. Temporary political, religious, or civic campaign signs
 - 6. Institutional signs
 - 7. Signs attached to buildings (on-site identification only)
 - 8. Monument signs, not to exceed forty-eight (48) square feet each (on-site identification only)
 - 9. Pole signs, not to exceed two hundred (200) square feet in area each (on-site identification only)
 - 10. Off-site advertising signs, when approved by conditional use permit

19.30.120 LANDSCAPING

Landscaping in the C-1 District shall be provided in accordance with the requirements of Chapter 19.86 of this title.

19.30.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

- A. All development in the C-1 District shall comply with the minimum standards set out in Chapter 19.80 of this title.

- B. Development in the C-1 District shall comply with the interpretations and provisions of Chapter 19.08 of this title.
- C. Residential development shall be subject to the High-density Residential (R-3) District requirements as specified in Chapter 19.22 of this title.
- D. Community gardens are permitted subject to the issuance of a permit as provided for in Section 19.102.070 of this title and subject to the following requirements:
 - 1. The lot or lots used for the garden are owned or leased by a property owner's association, homeowner's association, tenant's association, non-profit organization or public agency which has established an organizational entity and framework for administration of the garden.
 - 2. The organizational entity that administers the garden shall establish and enforce rules pertaining to the use of the property and rights of membership. A copy of the adopted rules shall be filed with the Kern County Planning and Community Development Department, together with name and contact information of an individual who oversees the program. The adopted rules shall contain provisions requiring the removal of all structures and materials in the event of the dissolution of the administering entity.
 - 3. A maximum of five (5) acres shall be used in conjunction with any community garden site established pursuant to this chapter. Larger garden sites may be accommodated through the conditional use permit provisions contained in Chapter 19.104 of this title.
 - 4. Each community garden site shall be posted with a sign not exceeding sixteen (16) square feet and not exceeding a height of six (6) feet that identifies the site as a community garden and provides essential contact information.
 - 5. No permanent buildings shall be permitted; however, temporary structures not exceeding 120 square feet each may be placed on site for the storage of tools, materials, and equipment used for on-site gardening, if authorized under the rules adopted by the organizational entity that administers the garden. The combined area of all such storage structures shall not exceed ten percent (10%) of the overall garden site area. Benches or picnic tables, composting bins, trash containers, garden art, and designated play areas for children may be provided for the benefit of community garden members, if provided for in the adopted rules governing the use of the site and rights of membership and if determined by the Planning Director to be clearly accessory and incidental to the community garden. Perimeter and individual plot fencing is permitted and shall not exceed a height of six (6) feet.
 - 6. The community garden shall be operated and maintained in such a manner so that irrigation water is retained on site and there are no off-site erosion or sedimentation impacts.
 - 7. There shall be no on-site sales except for produce grown on site. One temporary produce stand not exceeding an area of 600 square feet may be permitted for each community garden site, if provided for in the adopted rules governing the use of the site and rights of membership and considered by the Planning Director pursuant

to Section 19.102.070. Up to two (2) temporary on-site signs not exceeding a combined total of forty-eight (48) square feet to advertise the sale of produce may be authorized in conjunction with a request for a temporary produce stand, as determined by the Planning Director.

8. The Planning Director may impose reasonable conditions in conjunction with approval of a community garden permit that are deemed necessary to safeguard public health, safety, and general welfare.
9. If public complaints arise from the operations of a community garden authorized by this title or if any such garden creates nuisance impacts on surrounding roads or properties, the Planning Director may serve written notice upon the community garden property owner and the responsible organizational entity to abate the problem. If the problem continues beyond a reasonable time period as set forth in the Planning Director's written order, the Planning Director may schedule a public hearing pursuant to Sections 19.102.020 and 19.102.090 of this title. The Planning Director shall consider whether or not the community garden may continue to operate and may modify conditions or impose additional conditions deemed necessary to safeguard the public health, safety, and general welfare. If the Planning Director orders the closure of the community garden, all structures, material, and produce shall be removed from the site within sixty (60) days of the effective date of said order. Any decision of the Planning Director may be appealed to the Board of Supervisors, subject to payment of the required filing fee and the applicable provisions specified in Section 19.102.110 of this title.

CHAPTER 19.32
GENERAL COMMERCIAL (C-2) DISTRICT

SECTIONS:

- 19.32.010 PURPOSE AND APPLICATION**
- 19.32.020 PERMITTED USES**
- 19.32.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.32.040 PROHIBITED USES**
- 19.32.050 MINIMUM LOT SIZE**
- 19.32.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.32.070 YARDS AND SETBACKS**
- 19.32.080 HEIGHT LIMITS**
- 19.32.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.32.100 PARKING**
- 19.32.110 SIGNS**
- 19.32.120 LANDSCAPING**
- 19.32.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.32.010 PURPOSE AND APPLICATION

The purpose of the General Commercial (C-2) District is to designate areas for the widest range of retail commercial activities, including regional shopping centers and heavy commercial uses. The C-2 District may also be combined with the Cluster (CL) Combining District to achieve innovative, creative office or commercial development. The C-2 District should be located on major highways.

19.32.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in accordance with the standards and procedures set out in Chapter 19.80 of this title:

A. RESIDENTIAL USES

- Bed and breakfast inn
- Community care facility
- Dwelling units located entirely above the ground floor of a commercial building as specified in Subsection 19.32.130.C
- Emergency shelter
- Manager, caretaker, or proprietor quarters
- Retirement or rest home
- Supportive or transitional housing

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Batting cage
- Bingo parlor
- Bowling alley
- Circus or carnival, temporary, not to exceed four (4) days
- Dance hall, ballroom, or discotheque
- Golf driving range
- Health club
- Hotel or motel
- Miniature golf course
- Movie theater, walk-in
- Pool or billiard parlor
- Skateboard arenas, enclosed
- Skating rink, roller or ice
- Tennis or swim club
- Theater, live
- Video games arcade

C. COMMERCIAL USES

1. Offices
 - Business or professional
 - Financial, including bank, savings and loan, or credit union
 - Real estate
 - Research and development
2. General Retail Sales
 - Antiques, provided there is no outside display

- Appliances, including service and repair, provided there is no outside storage
- Art gallery
- Auto leasing
- Auto, new
- Auto parts and accessories
- Auto tire, including service, pursuant to Subsection 19.32.130.D
- Auto, used
- Bicycle, including rental and service
- Boat, including service and parts when incidental to sales
- Bookstore, general
- Christmas tree, temporary
- Clothing and apparel
- Computer, including service and repair
- Department store
- Drugs and pharmaceuticals
- Electric appliances, including service and repair
- Electric equipment, including service and repair
- Feed, provided there is no outside storage
- Fireworks stand, temporary
- Floor covering, drapery, or upholstery
- Florist
- Fruit stand
- Furniture
- Gardening and landscaping supply, provided there is no outside storage
- Gift and card

- Gun, including repair
- Hardware, general, including lumber sales, provided areas devoted to outside storage of materials are screened from public view
- Hobby supplies
- Home or office furnishings
- Ice vending machine
- Jewelry and watches
- Lapidary
- Lawnmower, including repair, when located entirely within a building
- Leather goods and luggage
- Locksmith or key and lock shop
- Military surplus, provided there is no outside storage
- Mobilehome, including rental and service
- Motorcycles, including service and repair
- Musical instruments (including repair)
- Newspaper or magazine stand
- Nursery, plant
- Office machines and equipment
- Paint and wallpaper
- Pawn shop
- Pet store
- Photographic supply or camera
- Plumbing supply, provided there is no outside storage
- Pottery
- Recreational vehicles, including service

- Shoes
- Sporting goods and athletic equipment
- Stationery and office supply
- Tobacco
- Toys
- Truck, including rental
- Used clothing and household goods, provided there is no outside storage
- Variety
- Video and audio tape sales and rentals

3. Food and Beverage Retail Sales

- Bakery
- Catering
- Convenience market
- Drive-in food market or dairy
- Farmers' market
- Food store
- Liquor store
- Specialized, including meat, vegetables, health foods, or candy

4. Eating and Drinking Establishments

- Bar, tavern, or cocktail lounge
- Ice cream parlor
- Restaurant, cafe, or coffee shop
- Restaurant, fast-food

5. Services

- Ambulance
- Appliance repair
- Artist studio
- Auto body repair and painting
- Auto rental
- Auto service or repair
- Auto service station
- Auto wash
- Auto wash, self-service
- Barber or beauty shop
- Bath house, including sauna, spa, Turkish, steam, or tanning
- Carpet cleaning
- Chiropractic or massage therapy
- Clinic, medical or physical therapy, out-patient only
- Equipment, small, rental
- Furniture cleaning, refinishing, or upholstery
- Interior decorator
- Janitorial service
- Laboratory, medical, dental, optical, or biological
- Laboratory, testing, classifying, or experimental, not involving the use of explosives or hazardous materials
- Laundromat, self-service
- Laundry, drop off and pick up only

- Miniwarehouse, for storage of personal household goods, provided there is no outside storage; excludes cargo containers and other temporary storage structures
- Mortuary or funeral parlor
- Packaging and mailing services
- Pest control, administrative offices only
- Pet grooming
- Photography studio
- Picture framing
- Printing, lithography, or blueprinting
- Shoe repair
- Shoe-shine stand
- Smog inspection station
- Tailor or dressmaker
- Tanning salons
- Tattoo parlor and body piercing
- Taxidermist
- Telegraph
- Ticket agency
- Travel agency
- Truck fueling station, without repair facilities
- Veterinary, household pets only, provided there are no outside kennels
- Wedding chapel

D. UTILITY AND COMMUNICATIONS FACILITIES

- Transmission lines and supporting towers, poles, pipelines, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and

operated by a public utility company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title

- Utility substation

E. INSTITUTIONAL USES

- Auditorium, public
- Charitable or public service organization
- Church
- Club or lodge
- Community or senior citizen's center
- Convalescent hospital
- Fire or police station
- Government office or building
- Hospital
- Labor union hall
- Library
- Museum, indoor only
- Public agency or utility buildings and facilities
- Post office
- Rehabilitation facilities
- Sanitarium

F. EDUCATIONAL INSTITUTIONS AND SCHOOLS

- 1. General
 - Preschool
 - Elementary school
 - Junior high school
 - Senior high school

2. Specialized Schools

- Art, craft, or music school
- Business or trade school, provided that all instruction is conducted within a building and that there is no outside storage of materials or supplies associated with the school
- Dance school
- Driving school
- Martial arts school
- Swim school

G. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415

H. MISCELLANEOUS USES

- Adult day-care
- Commercial coach, temporary, not exceeding six (6) months
- Community garden pursuant to Section 19.32.130 of this chapter
- Construction trailer, temporary, during construction activity only
- Day-care center, without extended overnight services
- Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map, or if accessory to a permitted use
- Flea market or swap meet, wholly conducted within an enclosed building
- Revival, temporary, not to exceed fourteen (14) days
- Studio, radio, television, recording, or movie
- Water storage or groundwater recharge facilities
- Water system, small or large

19.32.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in accordance with the standards set out in Chapter 19.80 of this title and subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. RESIDENTIAL USES

- Apartment
- Boarding or rooming house
- Fraternity or sorority house
- Mobilehome, maximum of two (2) per lot
- Residential accessory structures
- Residential hotel
- Single-family dwelling

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Amusement park
- Card room
- Circus or carnival
- Equestrian establishment
- Movie theater, drive-in
- Park or playground
- Racetrack or test track, automobile, motorcycle, or horse
- Recreational vehicle park
- Shooting range or gun club
- Skateboard arenas, unenclosed
- Sports arena, indoor
- Sports arena, outdoor

- Swimming pool, public
- Thermal pools and hot springs
- Trade fairs and exhibitions, temporary (fourteen- (14-) day maximum), excluding flea markets and swap meets
- Whitewater rafting launch or landing site

C. COMMERCIAL USES

1. Services

- Miniwarehouse, for storage of personal household goods and vehicles, including outside storage
- Veterinary, including veterinary hospital

D. INDUSTRIAL USES

- Contractor's storage yard, when accessory and incidental to a contractor's business office and wholly enclosed within a solid screening fence as approved by the Planning Director
- Feed and wood
- Photographic processing plant or wholesale supply
- Recyclable materials, collection and storage, provided there is no more than three thousand (3,000) square feet of outside storage, and all compression and bailing operations are conducted wholly within an enclosed structure

E. TRANSPORTATION FACILITIES

- Airport, private
- Airport, public use
- Auto parking garage or lot
- Bus depot
- Heliport
- Taxi depot, including service and storage

F. UTILITY AND COMMUNICATIONS FACILITIES

- Radio, television, microwave, or commercial communications transmitter, receiver, or translator

G. WASTE FACILITIES

- Community septic disposal system
- Sewage treatment plant
- Transfer station, small volume
- Waste-to-energy facility

H. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Oil or gas exploration and production pursuant to Chapter 19.98 of this title
- Wind-driven electrical generators, commercial or domestic

I. INSTITUTIONAL USES

- Cemetery, mausoleum, or columbarium
- Community or regional correctional and similar involuntary detention facilities
- Crematory, when in conjunction with a cemetery, mausoleum, columbarium, or mortuary
- Museum, with outdoor exhibits
- Zoo

J. EDUCATIONAL INSTITUTIONS AND SCHOOLS

- College or university

K. MISCELLANEOUS USES

- Cargo containers, when accessory to a permitted use
- Commercial coach, exceeding six (6) months
- Day-care center, with extended overnight services
- Drainage sump

- Flea market or swap meet, except within an enclosed building pursuant to Subsection 19.32.020.H of this title
- Flood control facilities
- Water treatment plant

19.32.040 PROHIBITED USES

All other uses not permitted by Sections 19.32.020 and 19.32.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the C-2 District.

19.32.050 MINIMUM LOT SIZE

Except as otherwise provided in Chapter 19.58 of this title, no lot created within the C-2 District shall contain less than seven thousand five hundred (7,500) net square feet, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company, or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites.

19.32.060 MINIMUM LOT AREA PER DWELLING UNIT

There shall be a minimum of one thousand five hundred (1,500) square feet of lot area per dwelling unit in the C-2 District when dwellings are permitted with a conditional use permit.

19.32.070 YARDS AND SETBACKS

Yard and setback requirements in the C-2 District are as follows:

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
 - 1. Forty (40) feet from the legal centerline of any existing or proposed public or private local street and access easements.
 - 2. Forty-five (45) feet from the legal centerline of any existing or proposed secondary highway.
 - 3. Fifty-five (55) feet from the legal centerline of any existing or proposed major highway.
- B. **Side Yard.** None required.
- C. **Rear Yard.** There shall be a rear yard of not less than twenty (20) feet, except that no rear yard shall be required in the event that a public alley exists. Rear yard requirements may be reduced in accordance with the Kern County Fire Code if written approval is obtained from the Kern County Fire Chief and Planning Director.
- D. **Yards and Setbacks for Residential Developments.** Yards and setbacks for residential developments shall be the same as those specified in Section 19.22.070 of this title. For

all developments containing both commercial and residential uses within the same building, yards and setbacks shall be as specified in Subsections A, B, and C of Section 19.32.070 of this chapter.

- E. In no case shall the buildings be located in any existing or future right-of-way established by any **Official or Specific Plan Line**, street, access easement, or adopted Circulation Element of the applicable General or Specific Plan.

19.32.080 HEIGHT LIMITS

The following height limits apply in the C-2 District:

- A. Buildings and structures shall not exceed six (6) stories or seventy-five (75) feet, unless the building is set back from each street, alley, and lot line at least one (1) foot for each three (3) feet of height above six (6) stories or seventy-five (75) feet.
- B. No building or structure shall exceed ten (10) stories or one hundred and thirty-five (135) feet.
- C. Buildings and structures shall not exceed the maximum permitted heights in areas of protected military airspace as specified in Section 19.08.160.

19.32.090 MINIMUM DISTANCE BETWEEN STRUCTURES

The minimum distance between structures in the C-2 District shall be as follows:

- A. None required for nonresidential buildings.
- B. There shall be a minimum distance of ten (10) feet between residential buildings.
- C. There shall be a minimum distance of six (6) feet between a residential building and an accessory building or between accessory buildings.

19.32.100 PARKING

Off-street parking in the C-2 District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.32.110 SIGNS

- A. The following signs are permitted in the C-2 District in accordance with the requirements of Chapter 19.84 of this title:
 - 1. Temporary real estate signs advertising the property for sale or rent, not to exceed sixteen (16) square feet, excluding the area of any vertical and/or horizontal support members
 - 2. Temporary subdivision signs

3. Permanent subdivision identification signs, when approved in conjunction with a conditional use permit
4. Temporary construction signs
5. Temporary political, religious, or civic campaign signs
6. Institutional signs
7. Signs attached to buildings
8. Monument signs, not to exceed forty-eight (48) square feet in area each
9. Pole signs, not to exceed two hundred and forty (240) square feet in area each and not exceeding a height of thirty-five (35) feet
10. Off-site advertising signs, not exceeding a height of thirty-five (35) feet

19.32.120 LANDSCAPING

Landscaping in the C-2 District shall be provided in accordance with the requirements of Chapter 19.86 of this title.

19.32.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

- A. All development in the C-2 District shall comply with the minimum standards set out in Chapter 19.80 of this title.
- B. Development in the C-2 District shall comply with the interpretations and provisions of Chapter 19.08 of this title.
- C. Residential development shall be subject to the High-density Residential (R-3) District requirements as specified in Chapter 19.22 of this title.
- D. Except as otherwise specified in this chapter, no outside storage shall be permitted except for company vehicles and items for retail sales, lease, or rental and which are clearly associated with an on-site business. This requirement shall not apply to those uses requiring a conditional use permit (Section 19.32.030), provided that outside storage was addressed as part of the permit application. Areas devoted to outside storage of tires shall be screened with a solid screening fence; fence design and materials shall be approved by the Director of the Kern County Planning and Community Development Department. Mounds or piles of tires shall not exceed the height of the screening fence.
- E. Community gardens are permitted subject to the issuance of a permit as provided for in Section 19.102.070 of this title and subject to the following requirements:
 1. The lot or lots used for the garden are owned or leased by a property owner's association, homeowner's association, tenant's association, non-profit organization

or public agency which has established an organizational entity and framework for administration of the garden.

2. The organizational entity that administers the garden shall establish and enforce rules pertaining to the use of the property and rights of membership. A copy of the adopted rules shall be filed with the Kern County Planning and Community Development Department, together with name and contact information of an individual who oversees the program. The adopted rules shall contain provisions requiring the removal of all structures and materials in the event of the dissolution of the administering entity.
3. A maximum of five (5) acres shall be used in conjunction with any community garden site established pursuant to this chapter. Larger garden sites may be accommodated through the conditional use permit provisions contained in Chapter 19.104 of this title.
4. Each community garden site shall be posted with a sign not exceeding sixteen (16) square feet and not exceeding a height of six (6) feet that identifies the site as a community garden and provides essential contact information.
5. No permanent buildings shall be permitted; however, temporary structures not exceeding 120 square feet each may be placed on site for the storage of tools, materials, and equipment used for on-site gardening, if authorized under the rules adopted by the organizational entity that administers the garden. The combined area of all such storage structures shall not exceed ten percent (10%) of the overall garden site area. Benches or picnic tables, composting bins, trash containers, garden art, and designated play areas for children may be provided for the benefit of community garden members, if provided for in the adopted rules governing the use of the site and rights of membership and if determined by the Planning Director to be clearly accessory and incidental to the community garden. Perimeter and individual plot fencing is permitted and shall not exceed a height of six (6) feet.
6. The community garden shall be operated and maintained in such a manner so that irrigation water is retained on site and there are no off-site erosion or sedimentation impacts.
7. There shall be no on-site sales except for produce grown on site. One temporary produce stand not exceeding an area of 600 square feet may be permitted for each community garden site, if provided for in the adopted rules governing the use of the site and rights of membership and considered by the Planning Director pursuant to Section 19.102.070. Up to two (2) temporary on-site signs not exceeding a combined total of forty-eight (48) square feet to advertise the sale of produce may be authorized in conjunction with a request for a temporary produce stand, as determined by the Planning Director.
8. The Planning Director may impose reasonable conditions in conjunction with approval of a community garden permit that are deemed necessary to safeguard public health, safety, and general welfare.

9. If public complaints arise from the operations of a community garden authorized by this title or if any such garden creates nuisance impacts on surrounding roads or properties, the Planning Director may serve written notice upon the community garden property owner and the responsible organizational entity to abate the problem. If the problem continues beyond a reasonable time period as set forth in the Planning Director's written order, the Planning Director may schedule a public hearing pursuant to Sections 19.102.020 and 19.102.090 of this title. The Planning Director shall consider whether or not the community garden may continue to operate and may modify conditions or impose additional conditions deemed necessary to safeguard the public health, safety, and general welfare. If the Planning Director orders the closure of the community garden, all structures, material, and produce shall be removed from the site within sixty (60) days of the effective date of said order. Any decision of the Planning Director may be appealed to the Board of Supervisors, subject to payment of the required filing fee and the applicable provisions specified in Section 19.102.110 of this title.

C H A P T E R 19.34
HIGHWAY COMMERCIAL (CH) DISTRICT

SECTIONS:

- 19.34.010 PURPOSE AND APPLICATION**
- 19.34.020 PERMITTED USES**
- 19.34.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.34.040 PROHIBITED USES**
- 19.34.050 MINIMUM LOT SIZE**
- 19.34.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.34.070 YARDS AND SETBACKS**
- 19.34.080 HEIGHT LIMITS**
- 19.34.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.34.100 PARKING**
- 19.34.110 SIGNS**
- 19.34.120 LANDSCAPING**
- 19.34.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.34.010 PURPOSE AND APPLICATION

The purpose of the Highway Commercial (CH) District is to designate areas for uses and services normally associated with the traveling public. The CH District shall be located adjacent to or in close proximity to major highways. The CH District may be combined with the Cluster (CL) Combining District to achieve innovative, creative commercial development. The CH District is intended to promote a unified grouping of travel-oriented uses, such as gas stations, restaurants, and motels. It is also intended to permit limited urban type uses in rural areas adjacent to highways with a minimum of encroachment on surrounding agricultural activities.

19.34.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the CH District in accordance with the standards and procedures set out in Chapter 19.80 of this title:

A. RESIDENTIAL USES

- Bed and breakfast inn
- Dwelling unit located entirely above the ground floor of a commercial building as specified in Section 19.34.130.C
- Emergency shelter
- Manager, caretaker, or proprietor quarters
- Supportive or transitional housing, including rehabilitation facilities

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Health club
- Hotel or motel
- Movie theater, walk-in
- Tennis and swim club

C. COMMERCIAL USES

1. Offices

- Business and professional
- Real estate

2. General Retail Sales

- Antiques, with no outside storage or displays
- Auto, new or used
- Auto tire, including service
- Bait and tackle shop
- Bicycle, including rental, service, and repair
- Boat sales
- Drugs and pharmaceuticals
- Fireworks stand, temporary
- Gift and card
- Gun sales, including repair, when accessory to a permitted use
- Ice vending machine
- Locksmith or key and lock shop
- Mobilehomes, including rental and service
- Motorcycles, including service and repair
- Photographic supply or camera

- Recreational vehicles, including service
 - Ticket agency
 - Variety
 - Video and audio tape sales and rentals
3. Food and Beverage Retail Sales
- Convenience market
 - Drive-in food market or dairy
 - Food store
 - Liquor store
 - Specialized, including meat, vegetables, health food, or candy
4. Eating and Drinking Establishments
- Bar, tavern, or cocktail lounge
 - Restaurant, cafe, or coffee shop
 - Restaurant, fast-food
5. Services
- Ambulance
 - Auto rental
 - Auto service or repair
 - Auto service station, large
 - Auto service station, small
 - Auto towing
 - Auto wash
 - Auto wash, self-service
 - Barber or beauty shop

- Packaging and mailing services
- Shoe-shine stand
- Smog inspection station
- Tattoo parlor and body piercing
- Telegraph
- Travel agency
- Truck fueling station, without repair facilities

D. TRANSPORTATION FACILITIES

- Auto parking garage or lot

E. INSTITUTIONAL USES

- Church
- Fire or police station
- Public agency or utility buildings and facilities

F. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Wind-driven electrical generator with a rated capacity of no greater than fifteen (15) kilowatts for on-site consumption of the electricity, provided the system can be safely erected and maintained in view of surrounding circumstances and conditions

G. UTILITY AND COMMUNICATION FACILITY

- Transmission lines and supporting towers, poles, pipelines, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title
- Small wind energy system, pursuant to Section 19.08.415

H. MISCELLANEOUS USES

- Commercial coach, temporary, not exceeding six (6) months

- Community garden pursuant to Section 19.34.130 of this chapter
- Construction trailer, temporary, during construction activity only
- Day-care center, without extended overnight services
- Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map, or if accessory to a permitted use
- Water system, small or large

19.34.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the CH District in accordance with the standards set out in Chapter 19.80 of this title and subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. RESIDENTIAL USES

- Apartment
- Mobilehome
- Single-family dwelling

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Amusement park
- Batting cage
- Campground
- Circus or carnival
- Golf course
- Miniature golf course
- Movie theater, drive-in
- Racetrack or test track, automobile, motorcycle, or horse
- Recreational vehicle park
- Sports arena, indoor
- Sports arena, outdoor

- Trade fairs and exhibitions, temporary (fourteen- (14-) day maximum), excluding flea markets and swap meets
- Whitewater rafting launch or landing site

C. COMMERCIAL USES

1. Food and Beverage Retail Sales
 - Fruit stand, temporary
2. Services
 - Equipment, heavy, and truck or trailer rental
 - Truck fueling station, with repairs

D. TRANSPORTATION FACILITIES

- Airport
- Bus depot
- Heliport
- Railroad station
- Taxi depot, including service and storage

E. UTILITY AND COMMUNICATIONS FACILITIES

- Communications equipment building
- Radio, television, microwave, or commercial communications transmitter, receiver, or translator
- Utility substation

F. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Oil or gas exploration and production
- Wind-driven electrical generators, commercial or domestic

G. WASTE FACILITIES

- Community septic disposal system
- Sewage treatment plant

- Transfer station, small
- Waste-to-energy facility
- H. INSTITUTIONAL USES
 - Auditorium, public
- I. EDUCATIONAL INSTITUTIONS AND SCHOOLS
 - 1. General
 - College or university
- J. MISCELLANEOUS
 - Cargo containers, when accessory to a permitted use
 - Commercial coach, in excess of six (6) months
 - Day-care center, with extended overnight services
 - Drainage sump
 - Water treatment plant

19.34.040 PROHIBITED USES

All other uses not permitted by Sections 19.34.020 and 19.34.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the CH District.

19.34.050 MINIMUM LOT SIZE

Except as otherwise provided in Chapter 19.58 of this title, no lot created within the CH District shall contain less than seven thousand five hundred (7,500) net square feet, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company, or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites.

19.34.060 MINIMUM LOT AREA PER DWELLING UNIT

There is no requirement regarding minimum lot area per dwelling unit in the CH District. Dwelling units are not permitted, except as accessory to a permitted use or with approval of a conditional use permit pursuant to Section 19.34.030.A.

19.34.070 YARDS AND SETBACKS

Yard and setback requirements in the CH District are as follows:

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
 - 1. Forty (40) feet from the legal centerline of any existing or proposed public or private local street.
 - 2. Forty-five (45) feet from the legal centerline of any existing or proposed secondary highway.
 - 3. Fifty-five (55) feet from the legal centerline of any existing or proposed major highway.
- B. **Side Yard.** None required.
- C. **Rear Yard.** There shall be a rear yard of not less than twenty (20) feet, except that no rear yard shall be required in the event that a public alley exists. Rear yard requirements may be reduced in accordance with the Kern County Fire Code if written approval is obtained from the Kern County Fire Chief and Planning Director.
- D. **Yards and Setbacks for Residential Development.** Yards and setbacks for residential developments shall be the same as those specified in Section 19.22.070 of this title. For developments containing both commercial and residential uses within the same building, yards and setbacks shall be as specified in Subsections A, B, and C of Section 19.34.070 of this chapter.
- E. In no case shall the buildings be located in any existing or future right-of-way established by any **Official or Specific Plan Line**, street, access easement, or adopted Circulation Element of the applicable General or Specific Plan.

19.34.080 HEIGHT LIMITS

The following height limits apply in the CH District:

- A. Buildings and structures shall not exceed three (3) stories or thirty-five (35) feet.
- B. Detached accessory structures shall not exceed two (2) stories or thirty-five (35) feet.
- C. Radio and television antennae, communication towers, chimneys, and other similar structures shall not exceed eighty (80) feet.

19.34.090 MINIMUM DISTANCE BETWEEN STRUCTURES

There is no minimum distance requirement between structures in the CH District.

19.34.100 PARKING

Off-street parking in the CH District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.34.110 SIGNS

- A. The following signs are permitted in the CH District in accordance with Chapter 19.84 of this title:
 - 1. Temporary real estate signs advertising the property for sale or rent, not to exceed sixteen (16) square feet, excluding the area of any vertical and/or horizontal support members
 - 2. Temporary construction signs
 - 3. Temporary political, religious, or civic campaign signs
 - 4. Institutional identification signs
 - 5. Wall signs attached to buildings
 - 6. Monument signs, not to exceed forty-eight (48) square feet each
 - 7. Pole signs, not to exceed two hundred and forty (240) square feet in area each and not exceeding a height of thirty-five (35) feet
 - 8. Off-site advertising signs, not exceeding a height of thirty-five (35) feet

19.34.120 LANDSCAPING

Landscaping in the CH District shall be provided in accordance with the requirements of Chapter 19.86 of this title.

19.34.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

- A. All development in the CH District shall comply with the minimum standards set out in Chapter 19.80 of this title.
- B. Development in the CH District shall comply with the interpretations and provisions of Chapter 19.08 of this title.
- C. Residential development shall be subject to the High-density Residential (R-3) District requirements as specified in Chapter 19.22 of this title.
- D. Community gardens are permitted subject to the issuance of a permit as provided for in Section 19.102.070 of this title and subject to the following requirements:
 - 1. The lot or lots used for the garden are owned or leased by a property owner's

association, homeowner's association, tenant's association, non-profit organization or public agency which has established an organizational entity and framework for administration of the garden.

2. The organizational entity that administers the garden shall establish and enforce rules pertaining to the use of the property and rights of membership. A copy of the adopted rules shall be filed with the Kern County Planning and Community Development Department, together with name and contact information of an individual who oversees the program. The adopted rules shall contain provisions requiring the removal of all structures and materials in the event of the dissolution of the administering entity.
3. A maximum of five (5) acres shall be used in conjunction with any community garden site established pursuant to this chapter. Larger garden sites may be accommodated through the conditional use permit provisions contained in Chapter 19.104 of this title.
4. Each community garden site shall be posted with a sign not exceeding sixteen (16) square feet and not exceeding a height of six (6) feet that identifies the site as a community garden and provides essential contact information.
5. No permanent buildings shall be permitted; however, temporary structures not exceeding 120 square feet each may be placed on site for the storage of tools, materials, and equipment used for on-site gardening, if authorized under the rules adopted by the organizational entity that administers the garden. The combined area of all such storage structures shall not exceed ten percent (10%) of the overall garden site area. Benches or picnic tables, composting bins, trash containers, garden art, and designated play areas for children may be provided for the benefit of community garden members, if provided for in the adopted rules governing the use of the site and rights of membership and if determined by the Planning Director to be clearly accessory and incidental to the community garden. Perimeter and individual plot fencing is permitted and shall not exceed a height of six (6) feet.
6. The community garden shall be operated and maintained in such a manner so that irrigation water is retained on site and there are no off-site erosion or sedimentation impacts.
7. There shall be no on-site sales except for produce grown on site. One temporary produce stand not exceeding an area of 600 square feet may be permitted for each community garden site, if provided for in the adopted rules governing the use of the site and rights of membership and considered by the Planning Director pursuant to Section 19.102.070. Up to two (2) temporary on-site signs not exceeding a combined total of forty-eight (48) square feet to advertise the sale of produce may be authorized in conjunction with a request for a temporary produce stand, as determined by the Planning Director.
8. The Planning Director may impose reasonable conditions in conjunction with approval of a community garden permit that are deemed necessary to safeguard public health, safety, and general welfare.
9. If public complaints arise from the operations of a community garden authorized

by this title or if any such garden creates nuisance impacts on surrounding roads or properties, the Planning Director may serve written notice upon the community garden property owner and the responsible organizational entity to abate the problem. If the problem continues beyond a reasonable time period as set forth in the Planning Director's written order, the Planning Director may schedule a public hearing pursuant to Sections 19.102.020 and 19.102.090 of this title. The Planning Director shall consider whether or not the community garden may continue to operate and may modify conditions or impose additional conditions deemed necessary to safeguard the public health, safety, and general welfare. If the Planning Director orders the closure of the community garden, all structures, material, and produce shall be removed from the site within sixty (60) days of the effective date of said order. Any decision of the Planning Director may be appealed to the Board of Supervisors, subject to payment of the required filing fee and the applicable provisions specified in Section 19.102.110 of this title.

C H A P T E R 19.36
LIGHT INDUSTRIAL (M-1) DISTRICT

SECTIONS:

- 19.36.010 PURPOSE AND APPLICATION**
- 19.36.020 PERMITTED USES**
- 19.36.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.36.040 PROHIBITED USES**
- 19.36.050 MINIMUM LOT SIZE**
- 19.36.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.36.070 YARDS AND SETBACKS**
- 19.36.080 HEIGHT LIMITS**
- 19.36.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.36.100 PARKING**
- 19.36.110 SIGNS**
- 19.36.120 LANDSCAPING**
- 19.36.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.36.010 PURPOSE AND APPLICATION

The purpose of the Light Industrial (M-1) District is to designate areas for wholesale commercial, storage, trucking, assembly-type manufacturing, and other similar industrial uses. Processing or fabrication will be limited to activities conducted within a building that does not emit fumes, odor, dust, smoke, or gas beyond the confines of the building within which the activities occur or produce significant levels of noise or vibration.

19.36.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the M-1 District in accordance with standards and procedures set out in Chapter 19.80 of this title:

A. AGRICULTURAL USES

- Berry and specialty crops, where accessory to a permitted use or a conditionally permitted use

B. RESIDENTIAL USES

- Emergency Shelter
- Manager, caretaker, or proprietor quarters, including a mobilehome
- Supportive or transitional housing, including rehabilitation facilities

C. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Batting cage
- Bingo parlor
- Bowling alley
- Circus or carnival, temporary, not to exceed four (4) days
- Dance hall, ballroom, or discotheque
- Golf driving range
- Health club
- Hotel or motel
- Miniature golf
- Movie theater, walk-in
- Pool or billiard parlor
- Skateboard arenas, enclosed
- Skating rink, roller or ice
- Tennis, swim, or athletic club
- Theater, live
- Video games arcade

D. COMMERCIAL USES

1. Offices
 - Business or professional
 - Financial institution, including bank, savings and loan, or credit union
 - Real estate
 - Research and development
2. General Retail Sales
 - Antiques

- Appliances, including service and repair
- Art gallery
- Auto leasing
- Auto, new
- Auto parts and accessories
- Auto tire, including service
- Auto, used
- Bicycle, including rental and service
- Boat, including service and parts
- Bookstore, general
- Christmas tree, temporary
- Clothing and apparel
- Computer, including service and repair
- Department store
- Drugs and pharmaceuticals
- Electric appliances, including service and repair
- Electric equipment, including service and repair
- Feed
- Fireworks stand, temporary
- Floor covering, drapery, or upholstery
- Florist
- Furniture
- Gardening and landscaping supply
- Gift and card
- Gun, including repair

- Hardware, general, including lumber sales
- Hobby supplies
- Home or office furnishings
- Ice vending machine
- Jewelry and watches
- Lapidary
- Lawnmower, including repair
- Leather goods and luggage
- Locksmith or key and lock shop
- Military surplus
- Mobilehomes, including rental and service
- Motorcycles, including rental and repair
- Musical instruments, including repair
- Newspaper or magazine stand
- Nursery, plant
- Office machines and equipment
- Paint and wallpaper
- Pawn shop
- Pet store
- Photographic supply or camera
- Plumbing supply
- Pottery
- Recreational vehicles, including service
- Shoes
- Sporting goods and athletic equipment

- Stationery and office supply
- Tobacco
- Toys
- Truck, including rental
- Used clothing and household goods
- Variety
- Video and audio tape sales and rentals

3. Food and Beverage Retail Sales

- Bakery
- Catering
- Convenience market
- Drive-in food market or dairy
- Farmers' market
- Food store
- Liquor store
- Specialized, including meat, vegetables, health foods, or candy

4. Eating and Drinking Establishments

- Bar, tavern, or cocktail lounge
- Ice cream parlor
- Restaurant, cafe, or coffee shop
- Restaurant, fast-food

5. Services

- Ambulance
- Appliance repair
- Artist studio

- Auto body repair and painting
- Auto rental
- Auto service or repair
- Auto service station
- Auto tire repair
- Auto towing
- Auto wash
- Auto wash, self-service
- Barber or beauty shop
- Bath house, including sauna, spa, Turkish, steam, or tanning
- Carpet cleaning
- Chiropractic or massage therapy
- Clinic, medical or physical therapy, out-patient only
- Equipment, heavy, or truck or trailer rental
- Equipment, small, rental
- Furniture cleaning, refinishing, or upholstery
- Interior decorator
- Janitorial service
- Laboratory, medical, dental, optical, or biological
- Laboratory, testing, classifying, or experimental, not involving the use of explosives or hazardous materials
- Laundromat, self-service
- Laundry, drop off and pick up only
- Miniwarehouse
- Mortuary or funeral parlor

- Packaging and mailing services
- Pest control, administrative offices only
- Pet grooming
- Photography studio
- Picture framing
- Printing, lithography, or blueprinting
- Shoe repair
- Shoe-shine stand
- Smog inspection station
- Tailor or dressmaker
- Tanning salon
- Tattoo parlor and body piercing
- Taxidermist
- Telegraph
- Ticket agency
- Travel agency
- Truck or heavy equipment repair, wholly enclosed within a building
- Truck fueling station
- Veterinary, including veterinary hospital
- Wedding chapel

E. INDUSTRIAL USES

1. Industrial Manufacturing or Assembly
 - Arts and craft products or supplies
 - Ceramics
 - Clothing or garments

- Electronic equipment
- Ice
- Manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, plastic compounds, precious or semiprecious metals or stones, shell, cured or finished wood, yarns, and paint, provided that none of the above employ a boiling process
- Pharmaceuticals
- Pipe, pipe product, and pipe filter, assembly only
- Plastic products, involving pre-manufactured plastic pellets or compounds and which do not employ a boiling process
- Shoes
- Soap, cold mix only
- Textiles

2. Industrial Storage

- Automobile
- Bottled gas
- Cargo containers
- Chemical storage when accessory to a permitted use
- Cold storage
- Contractor's storage yard
- Draying or freight
- Equipment and building material
- Feed and wood
- Lumber
- Mineral and ore storage and loading, with product storage and loading facilities wholly enclosed

- Moving and storage, yards or warehouse
- Petroleum
- Recreational vehicle
- Recyclable materials, collection and storage, provided there is no more than three thousand (3,000) square feet of outside storage and all compression and bailing operations are conducted wholly within an enclosed structure
- Truck and heavy equipment
- Warehouse

3. Other Industrial Uses

- Assaying
- Bakery, large
- Billboard sign fabrication and storage
- Light machining
- Photographic processing plant and/or wholesale supply
- Sheet metal shop
- Tire retreading
- Welding or blacksmith
- Well drilling service
- Wholesale distribution

F. TRANSPORTATION FACILITIES

- Auto parking garage or lot
- Bus depot, including service and storage
- Taxi depot, including service and storage

G. UTILITY AND COMMUNICATIONS FACILITIES

- Microwave relay station
- Public utility buildings and service yards

- Transmission lines and supporting towers, poles, microwave towers, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company or other company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title
- Utility substation

H. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Mineral exploration
- Oil or gas exploration and production pursuant to Section 19.98.030 of this title
- Production water injection wells for the purpose of disposing of production wastewater produced within the same oil field in which the injection well is located pursuant to Section 19.98.030 of this title
- Solar energy electrical generators not exceeding the amount of electricity consumed on site
- Small wind energy system, pursuant to Section 19.08.415

I. INSTITUTIONAL USES

- Auditorium, public
- Charitable or public service organization
- Church
- Club or lodge
- Fire or police station
- Government office or building
- Labor union hall
- Library
- Museum
- Post office

J. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. General

- Preschool
- Elementary school
- Junior high school
- Senior high school

2. Specialized Schools

- Art, craft, or music school
- Business or trade school
- Dance school
- Driving school
- Martial arts school
- Swim school

K. MISCELLANEOUS USES

- Auto auction, temporary, not to exceed four (4) days
- Commercial coach, when incidental to a permitted use
- Construction trailer, temporary, during construction activities only
- Day-care center, without extended overnight services
- Drainage sump
- Equipment auction, temporary, not to exceed four (4) days
- Flea market or swap meet, wholly conducted within an enclosed building
- Kennel
- Rescue/Sanctuary Animal Facility, Large
- Revival, temporary (not to exceed fourteen (14) days)
- Studio, radio, television, recording, or movie
- Water storage or groundwater recharge facilities
- Water system, small or large

19.36.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are all permitted in the M-1 District in accordance with the requirements of Chapter 19.80 of this title subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. RESIDENTIAL USES

- Dwelling units located entirely above the ground floor of a commercial building as specified in Section 19.36.020.A
- Single-family dwelling (including a mobilehome), one (1) per lot, not accessory to an industrial use

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Amusement park
- Card Room
- Circus or carnival
- Equestrian establishment
- Golf course
- Movie theater, drive-in
- Park or playground
- Racetrack or test track, automobile, bicycle, horse, or motorcycle
- Recreational vehicle park
- Shooting range or gun club
- Skateboard arenas, unenclosed
- Sports arena, indoor
- Sports arena, outdoor
- Swimming pool, public
- Trade fairs and exhibitions, temporary (fourteen- (14-) day maximum), excluding flea markets and swap meets
- Whitewater rafting launch or landing site

C. INDUSTRIAL USES

1. Industrial Manufacturing or Assembly

- Furniture
- Prefabricated buildings and structures
- Mobilehomes

2. Other Industrial Uses

- Asphaltic concrete batch plant
- Concrete batch plant
- Machine shop
- Metal or electroplating
- Newspaper, magazine, or book printing
- Pallets, including repair
- Powder coating, spray painting, and sandblasting, all enclosed

D. INDUSTRIAL STORAGE

- Chemical storage as main use
- Liquefied petroleum gas, bulk storage, or distribution in excess of two thousand (2,000) gallons capacity
- Recyclable materials, collection and storage
- Tire storage as a main use

E. TRANSPORTATION FACILITIES

- Airport, private
- Airport, public use
- Heliport
- Railroad station

F. UTILITY AND COMMUNICATIONS FACILITIES

- Radio, television, or commercial communications transmitter, receiver, or translator, except as specified in Subsection F of Section 19.36.020 of this chapter

G. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Electric power generating plant
- Mining and mineral extraction pursuant to Chapter 19.100 of this title
- Solar energy electrical generators, except as specified in Subsection H of Section 19.36.020 of this chapter
- Wind-driven electrical generators, commercial or domestic

H. WASTE FACILITIES

- Community septic disposal system
- Septage disposal site
- Septage storage and transfer site
- Sewage treatment plant
- Transfer station, small volume
- Waste-to-energy facility

I. INSTITUTIONAL USES

- Cemetery, mausoleum, or columbarium
- Community or regional correctional or similar involuntary detention facilities
- Crematory, when in conjunction with a cemetery, mausoleum, columbarium, or mortuary
- Zoo

J. EDUCATIONAL INSTITUTIONS AND SCHOOLS

- 1. Specialized Schools
 - Police/security training facility

K. MISCELLANEOUS USES

- Day-care center, with extended overnight services
- Flea market or swap meet, except within an enclosed building pursuant to Subsection 19.36.020.K of this title
- Flood control facilities
- Water treatment plant

19.36.040 PROHIBITED USES

All other uses not permitted by Sections 19.36.020 and 19.36.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the M-1 District.

19.36.050 MINIMUM LOT SIZE

There is no minimum lot size requirement in the M-1 District.

19.36.060 MINIMUM LOT AREA PER DWELLING UNIT

There is no requirement for minimum lot area per dwelling in the M-1 District.

19.36.070 YARDS AND SETBACKS

Yard and setback requirements in the M-1 District are as follows:

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
1. Forty (40) feet from the legal centerline of any existing or proposed public or private local street or access easements.
 2. Forty-five (45) feet from the legal centerline of any existing or proposed secondary highway.
 3. Fifty-five (55) feet from the legal centerline of any existing or proposed major highway.
- B. **Side Yard.** None required.
- C. **Rear Yard.** None required.
- D. In no case shall the buildings be located in any existing or future right-of-way established by any **Official or Specific Plan Line**, street, access easement, or adopted Circulation Element of the applicable General or Specific Plan.

19.36.080 HEIGHT LIMITS

The following height limits apply in the M-1 District:

- A. Buildings and structures shall not exceed six (6) stories or seventy-five (75) feet, unless the building is set back from each street, alley, and lot line at least one (1) foot for each three (3) feet of height above six (6) stories or seventy-five (75) feet.
- B. No building or structure shall exceed ten (10) stories or one hundred and thirty-five (135) feet.
- C. Buildings and structures shall not exceed the maximum permitted heights in areas of protected military airspace as specified in Section 19.08.160.

19.36.090 MINIMUM DISTANCE BETWEEN STRUCTURES

There is no requirement for minimum distance between structures in the M-1 District.

19.36.100 PARKING

Off-street parking in the M-1 District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.36.110 SIGNS

- A. The following signs are permitted in the M-1 District in accordance with the requirements of Chapter 19.84 of this title:
 - 1. Temporary real estate signs advertising the property for sale or rent, not to exceed sixteen (16) square feet, excluding the area of any vertical and/or horizontal support members
 - 2. Temporary subdivision signs
 - 3. Temporary construction signs
 - 4. Temporary political, religious, or civic campaign signs
 - 5. Institutional identification signs
 - 6. Signs attached to buildings
 - 7. Monument signs, not to exceed one hundred (100) square feet each
 - 8. Pole signs, not to exceed two hundred and forty (240) square feet each and not exceeding a height of thirty-five (35) feet
 - 9. Off-site advertising signs, not exceeding a height of thirty-five (35) feet

19.36.120 LANDSCAPING

Landscaping in the M-1 District shall be provided in accordance with the requirements of Chapter 19.86 of this title.

19.36.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

- A. Outdoor industrial storage yards in the M-1 District shall be completely enclosed by a solid screening fence not less than six (6) feet in height. The design and materials proposed shall be approved by the Planning Director.
- B. All development in the M-1 District shall comply with the minimum standards set out in Chapter 19.80 of this title.
- C. Development in the M-1 District shall comply with the interpretations and provisions of Chapter 19.08 of this title.

CHAPTER 19.38
MEDIUM INDUSTRIAL (M-2) DISTRICT

SECTIONS:

- 19.38.010 PURPOSE AND APPLICATION**
- 19.38.020 PERMITTED USES**
- 19.38.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.38.040 PROHIBITED USES**
- 19.38.050 MINIMUM LOT SIZE**
- 19.38.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.38.070 YARDS AND SETBACKS**
- 19.38.080 HEIGHT LIMITS**
- 19.38.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.38.100 PARKING**
- 19.38.110 SIGNS**
- 19.38.120 LANDSCAPING**
- 19.38.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.38.010 PURPOSE AND APPLICATION

The purpose of the Medium Industrial (M-2) District is to designate areas for general manufacturing, processing, and assembly activities. Uses may not produce fumes, odor, dust, smoke, gas, or vibrations extending beyond zoning district boundaries.

19.38.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the M-2 District in accordance with the standards and procedures of Chapter 19.80 of this title:

A. RESIDENTIAL USES

- Emergency shelter
- Manager, caretaker, or proprietor quarters, including a mobilehome

B. AGRICULTURAL USES

- 1. Agricultural Industries
 - Agricultural by-product processing
 - Animal products processing, limited to the slaughter, processing, or shipping of poultry and rabbits

- Brewery
- Cannery
- Cotton compress
- Cotton gin
- Creamery
- Flour mill
- Fruit, vegetable, and plant products processing, including packing, canning, preserving, and shipping
- Glucose processing
- Grain elevator or storage
- Honey extraction
- Lumber drying kiln
- Oil extraction, non mineral
- Saw or planing mill
- Winery

C. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Adult business
- Batting cage
- Bingo parlor
- Bowling alley
- Circus or carnival, temporary, not to exceed four (4) days
- Dance hall, ballroom, or discotheque
- Golf driving range
- Health club
- Hotel or motel

- Miniature golf
- Movie theater, walk-in
- Pool or billiard parlor
- Skateboard arenas
- Skating rink, roller or ice
- Tennis, swim, or athletic club
- Theater, live
- Video games arcade

D. COMMERCIAL USES

1. Offices

- Business or professional
- Financial institutions, including bank, savings and loan, or credit union
- Real estate
- Research and development

2. General Retail Sales

- Antiques
- Appliances, including service and repair
- Art gallery
- Auto leasing
- Auto, new
- Auto parts and accessories
- Auto tire, including service
- Auto, used
- Bicycle, including rental and service
- Boat, including service and parts

- Bookstore, general
- Christmas tree, temporary
- Clothing and apparel
- Computer, including service and repair
- Department store
- Drugs and pharmaceuticals
- Electric appliances, including service and repair
- Electric equipment, including service and repair
- Feed
- Fireworks stand, temporary
- Floor covering, drapery, or upholstery
- Florist
- Furniture
- Gardening and landscaping supply
- Gift and card
- Gun, including repair
- Hardware, general, including lumber sales
- Hobby supplies
- Home or office furnishings
- Ice vending machine
- Jewelry and watches
- Lapidary
- Lawnmower, including repair
- Leather goods and luggage
- Locksmith or key and lock shop

- Military surplus
- Mobilehome, including rental and service
- Motorcycles, including rental and repair
- Musical instruments, including repair
- Newspaper or magazine stand
- Nursery, plant
- Office machines and equipment
- Paint and wallpaper
- Pawn shop
- Pet store
- Photographic supply or camera
- Plumbing supply
- Pottery
- Recreational vehicles, including service
- Shoes
- Sporting goods and athletic equipment
- Stationery and office supply
- Tobacco
- Toys
- Truck, including rental
- Used clothing and household goods
- Variety
- Video and audio tape sales and rentals

3. Food and Beverage Retail Sales

- Bakery

- Catering
- Convenience market
- Drive-in food market or dairy
- Farmers' market
- Food store
- Liquor store
- Specialized, including meat, vegetables, health food, or candy

4. Eating and Drinking Establishments

- Bar, tavern, or cocktail lounge
- Ice cream parlor
- Restaurant, cafe, or coffee shop
- Restaurant, fast-food

5. Services

- Ambulance
- Artist studio
- Auto rental
- Auto service or repair, including body and paint shop
- Auto service station
- Auto tire repair
- Auto towing
- Auto wash
- Auto wash, self-service
- Barber or beauty shop
- Bath house, including sauna, spa, Turkish, steam, or tanning
- Carpet cleaning

- Chiropractic or massage therapy
- Clinic, medical or physical therapy, out-patient only
- Equipment, heavy, or truck or trailer rental
- Equipment, small, rental
- Furniture cleaning, refinishing, or upholstery
- Interior decorator
- Janitorial service
- Laboratory, medical, dental, optical, or biological
- Laboratory, testing, classifying, or experimental, not involving the use of explosives
- Laundromat, self-service
- Laundry, dry cleaning and dyeing plants
- Miniwarehouse
- Mortuary or funeral parlor
- Packaging and mailing services
- Pest control
- Pet grooming
- Photography studio
- Picture framing
- Printing, lithography, or blueprinting
- Shoe repair
- Shoe-shine stand
- Smog inspection station
- Tailor or dressmaker
- Tanning salon

- Tattoo parlor and body piercing
- Taxidermist
- Telegraph
- Ticket agency
- Travel agency
- Truck fueling station
- Truck service and repair
- Veterinary, including veterinary hospital
- Wedding chapel

E. INDUSTRIAL USES

1. Industrial Manufacturing or Assembly

- Aircraft, assembly, when conducted wholly within a building
- Alcohol distillery
- Auto/truck, assembly, when conducted wholly within a building
- Batteries
- Building material
- Cabinet shop
- Carpet and mattress
- Ceramics
- Clothing, garments, or shoes
- Concrete blocks
- Cosmetics, perfumes, or toiletries
- Drugs and pharmaceuticals
- Electronic equipment
- Ethanol

- Fiberglass or silicone products
- Food or beverage products
- Furniture
- Ice
- Mobilehome, modular home, or recreational vehicle
- Musical instruments
- Neon signs
- Paint mixing, not employing a boiling process
- Pallets, including repair
- Paper or pulp
- Plastics, assembly and extrusion
- Prefabricated buildings and structures
- Soap, cold mix only
- Soil amendments, not involving liquid chemical blending or organic materials
- Steel fabrication, excluding smelting
- Textiles
- Toy manufacturing and assembly
- Trusses
- Wind-driven electrical generators, manufacture or assembly

2. Industrial Storage

- Automobile
- Bottled gas
- Cargo containers
- Chemical storage, when accessory to a permitted use

- Cold storage
- Contractor's storage yard
- Draying or freight
- Equipment and building materials
- Feed and wood yards
- Liquefied petroleum gas, bulk storage or distribution in excess of two thousand (2,000) gallons capacity, when located at least one-half (1/2) mile from property zoned or designated for residential use and at least one-half (1/2) mile from existing residential development with a density greater than one (1) dwelling unit per acre and at least one-half (1/2) mile from any motel or hotel
- Lumber
- Mineral and ore storage and loading, with product storage and loading facilities wholly enclosed
- Moving and storage
- Petroleum
- Recreational vehicle
- Recyclable materials, collection and storage, provided there is no more than three thousand (3,000) square feet of outside storage and all compression and bailing operations are conducted wholly within an enclosed structure
- Truck and heavy equipment
- Warehouse

3. Other Industrial Uses

- Assaying
- Bakery
- Beverage bottling works
- Billboard sign fabrication and storage
- Boat building and major repair
- Electroplating, when conducted wholly within an enclosed building

- Machine shop
- Metal extrusion
- Newspaper, magazine, or book printing
- Oilfield service yard
- Photographic processing plant or wholesale supply
- Powder coating and spray painting, enclosed
- Sandblasting, if incidental to another permitted use and conducted wholly within an enclosed building
- Sheet metal shop
- Tire retreading
- Welding or blacksmith
- Well drilling service
- Wholesale distribution

F. TRANSPORTATION FACILITIES

- Auto parking garage or lot
- Bus depot, including service and storage
- Railroad freight classification or switching yard
- Railroad station
- Taxi depot, including service and storage

G. UTILITY AND COMMUNICATIONS FACILITIES

- Microwave relay station
- Transmission lines and supporting towers, poles, microwave towers, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company or other company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title
- Utility substation

H. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Cogeneration facility or steam generators, not primarily intended for production oil or gas, excluding coal fired
- Electrical power generating plant, excluding nuclear or coal
- Mineral exploration
- Oil or gas exploration and production pursuant to Chapter 19.98 of this title
- Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415

I. INSTITUTIONAL USES

- Auditorium, public
- Charitable or public service organization
- Church
- Fire or police station
- Government office or building
- Library
- Museum
- Public agency or public utility buildings and facilities

J. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. Specialized Schools
 - Business or trade schools

K. MISCELLANEOUS USES

- Auto or equipment auction, temporary, not to exceed four (4) days
- Commercial coach, when incidental to a permitted use
- Construction trailer, temporary, during construction activity only

- Day-care center, without extended overnight services
- Drainage sump
- Kennel
- Rescue/Sanctuary Animal Facility, Large
- Revival, temporary, not to exceed fourteen (14) days
- Studio, radio, television, recording, or movie
- Water storage or groundwater recharge facilities
- Water system, small or large

19.38.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are all permitted in the M-2 District in accordance with the requirements of Chapter 19.80 of this title and subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. AGRICULTURAL USES

1. Breeding and Raising Animals
 - Beef cattle or livestock feed lot, stockyard, auction, or sales yard
2. Agricultural Industries
 - Animal products processing, including slaughter, meat packing, canning, processing, and shipping
 - Fertilizer, bulk storage and distribution
 - Tanning, curing, or storing animal hides

B. RESIDENTIAL USES

- Single-family dwelling (including a mobilehome) , one (1) per lot, not accessory to an industrial use
- Supportive and transitional housing, including rehabilitation facilities

C. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Card Room
- Circus or carnival
- Golf course

- Racetrack or test track, automobile, bicycle, horse, or motorcycle
- Shooting range or gun club
- Trade fairs and exhibitions, temporary (fourteen- (14-) day maximum), excluding flea markets and swap meets

D. INDUSTRIAL USES

1. Industrial Manufacturing or Assembly

- Acetylene or other gas
- Chemical blending or manufacture
- Oil refining

2. Industrial Storage

- Chemical storage as a main use
- Explosives, permanent
- Liquefied petroleum gas, bulk storage or distribution in excess of two thousand (2,000) gallons capacity
- Log storage
- Minerals and ore storage and loading, unenclosed
- Recyclable materials, collection and storage
- Salvage or junk yard
- Tire storage as a main use
- Vehicle wrecking yard

3. Other Industrial Uses

- Asphalt batch plant
- Concrete batch plant
- Construction or demolition waste material collection, recovery, or recycling
- Sandblasting, unenclosed
- Tire recycling

E. TRANSPORTATION FACILITIES

- Airport, private
- Airport, public use
- Heliport

F. UTILITY AND COMMUNICATIONS FACILITIES

- Radio, television, or commercial communications transmitter, receiver, or translator, except as provided in Subsection G of Section 19.38.020 of this chapter

G. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Cogeneration facility or steam generators
- Mining and mineral extraction pursuant to Chapter 19.100 of this title
- Ore reduction
- Potash manufacture
- Rock, gravel, sand, concrete, aggregate, or soils crushing, processing, or distribution
- Solar energy electrical generators when not accessory to a permitted or conditionally permitted use
- Wind generators, commercial

H. WASTE FACILITIES

- Community septic disposal system
- Greenwaste collection, recovery, and composting
- Nonhazardous oil production water disposal facility
- Nonhazardous oilfield waste treatment or recycling
- Nonhazardous oily or liquid waste treatment or recycling
- Sanitary landfill, private landfill or monofill
- Septage disposal site
- Septage storage and transfer site
- Sewage treatment plant
- Soil reclamation or remediation for soils contaminated with nonhazardous materials

- Transfer station, large or small

- Waste-to-energy facility

I. INSTITUTIONAL USES

- Cemetery, mausoleum, or columbarium

- Community or regional correctional or similar involuntary detention facilities

- Crematory, when in conjunction with a cemetery, mausoleum, columbarium, or mortuary

J. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. Specialized Schools

- Police/security training facility

K. MISCELLANEOUS

- Auction yards

- Day-care center, with extended overnight services

- Flea market or swap meet

- Flood control facilities

- Water treatment plant

19.38.040 PROHIBITED USES

All other uses not permitted by Sections 19.38.020 and 19.38.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the M-2 District.

19.38.050 MINIMUM LOT SIZE

There is no minimum lot size requirement in the M-2 District.

19.38.060 MINIMUM LOT AREA PER DWELLING UNIT

There is no requirement for minimum lot area per dwelling unit in the M-2 District.

19.38.070 YARDS AND SETBACKS

The following yard and setback requirements apply in the M-2 District:

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
 - 1. Forty (40) feet from the legal centerline of any existing or proposed public or private local street or access easements.
 - 2. Forty-five (45) feet from the legal centerline of any existing or proposed secondary highway.
 - 3. Fifty-five (55) feet from the legal centerline of any existing or proposed major highway.
- B. **Side Yard.** None required.
- C. **Rear Yard.** None required.
- D. In no case shall the buildings be located in any existing or future right-of-way established by any **Official or Specific Plan Line**, street, access easement, or adopted Circulation Element of the applicable General or Specific Plan.

19.38.080 HEIGHT LIMITS

The following height limits apply in the M-2 District:

- A. Buildings and structures shall not exceed six (6) stories or one hundred (100) feet, unless the building is set back from each street, alley, and lot line at least one (1) foot for each three (3) feet of height above six (6) stories or seventy-five (75) feet.
- B. No building or structure shall exceed ten (10) stories or one hundred and thirty-five (135) feet.
- C. Buildings and structures shall not exceed the maximum permitted heights in areas of protected military airspace as specified in Section 19.08.160.

19.38.090 MINIMUM DISTANCE BETWEEN STRUCTURES

There is no required minimum distance between structures in the M-2 District.

19.38.100 PARKING

Off-street parking in the M-2 District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.38.110 SIGNS

- A. The following signs are permitted in the M-2 District in accordance with the requirements of Chapter 19.84 of this title:
1. Temporary real estate signs advertising the property for sale or rent, not to exceed sixteen (16) square feet each, excluding the area of any vertical and/or horizontal support members
 2. Temporary subdivision signs
 3. Temporary construction signs
 4. Temporary political, religious, or civic campaign signs
 5. Institutional identification signs
 6. Signs attached to buildings
 7. Monument signs, not to exceed one hundred (100) square feet each
 8. Pole signs, not to exceed three hundred (300) square feet in area each and not exceeding a height of fifty (50) feet
 9. Off-site advertising signs, not exceeding a height of thirty-five (35) feet
 10. Oilfield identification signs

19.38.120 LANDSCAPING

Landscaping in the M-2 District shall be provided in accordance with the requirements of Chapter 19.86 of this title.

19.38.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

- A. All development in the M-2 District shall comply with the minimum standards set out in Chapter 19.80 of this title.
- B. Development in the M-2 District shall comply with the interpretations and provisions of Chapter 19.08 of this title.

CHAPTER 19.40
HEAVY INDUSTRIAL (M-3) DISTRICT

SECTIONS:

- 19.40.010 PURPOSE AND APPLICATION**
- 19.40.020 PERMITTED USES**
- 19.40.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.40.040 PROHIBITED USES**
- 19.40.050 MINIMUM LOT SIZE**
- 19.40.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.40.070 YARDS AND SETBACKS**
- 19.40.080 HEIGHT LIMITS**
- 19.40.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.40.100 PARKING**
- 19.40.110 SIGNS**
- 19.40.120 LANDSCAPING**
- 19.40.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.40.010 PURPOSE AND APPLICATION

The purpose of the Heavy Industrial (M-3) District is to designate areas suitable for heavy manufacturing and industrial uses which have the greatest potential for producing undesirable or adverse by-products, including traffic, noise, odors, dust, and vibrations. The M-3 District should be located in places substantially removed from residential areas.

19.40.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the M-3 District in accordance with the standards and procedures set out in Chapter 19.80 of this title:

A. RESIDENTIAL USES

- Manager, caretaker, or proprietor quarters, including a mobilehome

B. AGRICULTURAL USES

1. Agricultural Industries

- Agricultural by-product processing
- Alcohol distillery
- Animal products processing, including slaughter

- Brewery
- Cannery
- Cotton compress
- Cotton gin
- Creamery
- Dead animal and fat rendering
- Fertilizer, bulk storage and distribution
- Flour mill
- Fruit, vegetable, and plant products processing, including packing, canning, preserving, and shipping
- Garbage or offal reduction
- Glucose processing
- Grain elevator or storage
- Honey extraction
- Lumber drying kiln
- Oil extraction, non mineral
- Saw or planing mill
- Tanning, curing, or storing animal hides
- Tobacco processing
- Winery

C. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Adult business
- Batting cage
- Bingo parlor
- Bowling alley

- Circus or carnival, temporary, not to exceed four (4) days
- Dance hall, ballroom, or discotheque
- Golf driving range
- Health club
- Hotel or motel
- Miniature golf
- Movie theater, walk-in
- Pool or billiard parlor
- Skating rink, roller or ice
- Tennis, swim, or athletic club
- Theater, live
- Video games arcade

D. COMMERCIAL USES

1. Offices

- Business or professional
- Financial institution, including bank, savings and loan, or credit union
- Real estate
- Research and development

2. General Retail Sales

- Antiques
- Appliances, including service and repair
- Art gallery
- Auto leasing
- Auto, new
- Auto parts and accessories

- Auto tire, including service
- Auto, used
- Bicycle, including rental and service
- Boat, including service and parts
- Bookstore, general
- Christmas tree, temporary
- Clothing and apparel
- Computer, including service and repair
- Department store
- Drugs and pharmaceuticals
- Electric appliances, including service and repair
- Electric equipment, including service and repair
- Feed
- Fireworks stand, temporary
- Floor covering, drapery, or upholstery
- Florist
- Furniture
- Gardening and landscaping supply
- Gift and card
- Gun, including repair
- Hardware, general
- Hobby supplies
- Home or office furnishings
- Ice vending machine
- Jewelry and watches

- Lapidary
- Lawnmower, including repair
- Leather goods and luggage
- Locksmith or key and lock shop
- Military surplus
- Mobilehomes, including rental and service
- Motorcycles, including rental and repair
- Musical instruments, including repair
- Newspaper or magazine stand
- Nursery, plant
- Office machines and equipment
- Paint and wallpaper
- Pawn shop
- Pet store
- Photographic supply or camera
- Plumbing supply
- Pottery
- Recreational vehicles, including service
- Shoes
- Sporting goods and athletic equipment
- Stationery and office supply
- Tobacco
- Toys
- Truck, includes rental
- Used clothing and household goods

- Variety
- Video and audio tape sales and rentals
- 3. Food and Beverage Retail Sales
 - Bakery
 - Catering
 - Convenience market
 - Drive-in food market or dairy
 - Farmers' market
 - Food store
 - Liquor store
 - Specialized, including meat, vegetables, health foods, or candy
- 4. Eating and Drinking Establishments
 - Bars, taverns, or cocktail lounges
 - Ice cream parlor
 - Restaurant, cafe, or coffee shop
 - Restaurant, fast-food
- 5. Services
 - Ambulance
 - Artist studio
 - Auto body repair and painting
 - Auto rental
 - Auto service/repair
 - Auto service station
 - Auto tire repair
 - Auto towing

- Auto wash
- Auto wash, self-service
- Barber or beauty shop
- Bath house, including sauna, spa, Turkish, steam, or tanning
- Carpet cleaning
- Chiropractic or massage therapy
- Clinic, medical or physical therapy, out-patient only
- Equipment, heavy, or truck or trailer rental
- Equipment, small, rental
- Furniture cleaning, refinishing, or upholstery
- Gardening and landscaping
- Interior decorator
- Janitorial service
- Laboratory, medical, dental, optical, or biological
- Laboratory, testing, classifying, or experimental, not involving the use of explosives
- Laundromat, self-service
- Laundry, dry cleaning, pressing, and dyeing
- Miniwarehouse
- Mortuary or funeral parlor
- Packaging and mailing services
- Pest control, administrative offices only
- Pet grooming
- Photography studio
- Picture framing

- Printing, lithography, or blueprinting
- Shoe repair
- Shoe-shine stand
- Smog inspection station
- Tailor or dressmaker
- Tanning salon
- Tattoo parlor and body piercing
- Taxidermist
- Telegraph
- Ticket agency
- Travel agency
- Truck fueling station
- Truck service and repair
- Veterinary, including veterinary hospital
- Wedding chapel

E. INDUSTRIAL USES

1. Industrial Manufacturing or Assembly

- Acetylene or other gas
- Acids
- Aircraft, assembly
- Ammonia or chlorine
- Asphalt
- Automobile or truck assembly
- Bag cleaning
- Batteries

- Blast furnace or smelting
- Boiler works
- Brick, tile, or terra cotta products
- Building materials
- Cabinet shop
- Candle
- Carbon
- Carpet and mattress
- Celluloid or pyroxylin
- Cement
- Ceramics
- Chemical blending or manufacturing
- Clothing, garments, or shoes
- Coal, wood, or tar distillation
- Coke ovens
- Concrete blocks
- Cosmetics, perfumes, or toiletries
- Creosote
- Detergent
- Disinfectant
- Drugs and pharmaceuticals
- Electronic appliance
- Electronic equipment
- Ethanol
- Fertilizer

- Fiberglass or silicone products
- Food or beverage products
- Furniture
- Glass
- Glue
- Ice
- Iron, steel, or other metals
- Linoleum or oiled products
- Machinery
- Metal, glass, or paper recycling facility
- Mobilehome, modular home, or recreational vehicle
- Musical instruments
- Neon signs
- Oil refining
- Ore reduction
- Paint, shellac, turpentine, or similar products
- Paint mixing
- Pallets, including repair
- Paper or pulp
- Plastic
- Potash
- Prefabricated buildings and structures
- Rolling mill
- Rubber
- Saw mills

- Smelting
- Soap
- Sodium compounds
- Soil amendments, not involving organic materials
- Starch
- Steel fabrication
- Stove or shoe polish
- Tar products
- Textiles
- Tobacco processing
- Toy manufacturing and assembly
- Trusses
- Wind-driven electrical generators, manufacture or assembly

2. Industrial Storage

- Automobile
- Bottled gas
- Cargo containers
- Chemical storage
- Cold storage
- Contractor's storage yard
- Draying or freight
- Equipment and building materials
- Feed and wood yards
- Liquefied petroleum gas, bulk storage or distribution in excess of two thousand (2,000) gallons capacity, when located at least one-half (1/2) mile from property zoned or designated for residential use and at

least one-half (1/2) mile from existing residential development with a density greater than one (1) dwelling unit per acre and at least one-half (1/2) mile from any motel or hotel

- Log storage
- Lumber
- Mineral and ore storage and loading, with product storage and loading facilities wholly enclosed
- Moving and storage
- Petroleum
- Recreational vehicle
- Recyclable materials, collection and storage
- Truck and heavy equipment
- Warehouse

3. Other Industrial Uses

- Asphaltic batch plant
- Assaying
- Bakery
- Beverage bottling works
- Billboard sign fabrication and storage
- Boat building and major repair
- Concrete batch plant
- Electroplating
- Machine shop
- Metal extrusion
- Newspaper, magazine, or book printing
- Oilfield service yard

- Photographic processing plant or wholesale supply
- Powder coating and spray painting, enclosed
- Sandblasting, if incidental to another permitted use and conducted wholly within an enclosed building
- Sheet metal shop
- Tire retreading or recycling
- Welding or blacksmith
- Well drilling service
- Wholesale distribution

F. TRANSPORTATION FACILITIES

- Auto parking garage or lot
- Bus depot, including service and storage
- Railroad freight classification or switching yard
- Railroad station
- Taxi depot, including service and storage

G. UTILITY AND COMMUNICATIONS FACILITIES

- Microwave relay station
- Transmission lines and supporting towers, poles, microwave towers, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company or other company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title
- Utility substation

H. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Cogeneration facility or steam generators, not primarily intended for production oil or gas, excluding coal fired
- Electrical distribution stations
- Electrical power generating plants, excluding nuclear and coal

- Mineral exploration
- Oil or gas exploration and production pursuant to Chapter 19.98 of this title
- Rock, gravel, sand, concrete, aggregate, or soils crushing, processing, or distribution
- Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415
- Wind-driven electrical generators when accessory to a permitted or conditionally permitted use where:
 1. The annual amount of power generated does not exceed the total on-site annual power demand.
 2. The wind generators are located a minimum distance of one (1) times the overall machine height from any property line.
 3. The parcel on which the wind generators will be erected does not abut a residential zoning district.
 4. The wind generator(s) will be located a minimum of one (1) times the overall height to any off-site dwelling.
 5. The proposed height of the wind turbines does not exceed the maximum heights specified in Figure 19.08.160.

I. WASTE FACILITIES

- Burning of pre-chipped tires as a source of fuel in conjunction with a permitted or conditionally permitted industrial use
- Transfer station, small volume

J. INSTITUTIONAL USES

- Auditorium, public
- Charitable or public service organization
- Church
- Fire or police station

- Government office or building
- Library
- Museum
- Public agency or utility buildings and facilities

K. EDUCATIONAL INSTITUTIONS AND SCHOOLS

- 1. Specialized Schools
 - Business or trade schools

L. MISCELLANEOUS USES

- Auto or equipment auction, temporary, not to exceed four (4) days
- Commercial coach, when incidental to a permitted use
- Construction trailer, temporary, during construction activity only
- Drainage sump
- Kennel
- Massage parlor
- Rescue/Sanctuary Animal Facility, Large
- Revival, temporary, not to exceed fourteen (14) days
- Studio, radio, television, recording, or movie
- Water system, small or large

19.40.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are all permitted in accordance with the standards set out in Chapter 19.80 of this title and subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. AGRICULTURAL USES

- 1. Breeding and Raising Animals
 - Beef cattle or livestock feed lot, stockyard, auction, or sales yard

B. RESIDENTIAL USES

- Emergency shelter
- Single-family dwelling (including a mobilehome), one (1) per lot, not accessory to an industrial use

C. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Card Room
- Circus or carnival
- Golf course
- Racetrack or test track, automobile, bicycle, horse, or motorcycle
- Shooting range or gun club
- Trade fairs and exhibitions, temporary (fourteen- (14-) day maximum), excluding flea markets and swap meets

D. INDUSTRIAL USES

1. Industrial Manufacturing or Assembly

- Explosives or ammunition, including storage

2. Industrial Storage

- Explosives or ammunition
- Liquefied petroleum gas, bulk storage or distribution in excess of two thousand (2,000) gallons capacity
- Mineral and ore storage and loading, unenclosed
- Salvage or junk yard
- Tire storage
- Vehicle wrecking yard

3. Other Industrial Uses

- Chemical recycling
- Construction or demolition waste material collection, recovery, or recycling
- Sandblasting, unenclosed

E. TRANSPORTATION FACILITIES

- Airport, private
- Airport, public use
- Heliport

F. UTILITY AND COMMUNICATIONS FACILITIES

- Radio, television, or commercial communications transmitter, receiver, or translator, except as specified in Subsection G of Section 19.40.020 of this chapter

G. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Cogeneration facility or steam generators
- Electrical power generating plant, nuclear or coal powered
- Mining and mineral extraction pursuant to Chapter 19.100 of this title
- Solar energy electrical generators when not accessory to a permitted or conditionally permitted use
- Wind-driven electrical generators, commercial
- Wind-driven electrical generators when accessory to a permitted or conditionally permitted use which do not comply with the installation standards specified in Section 19.12.020.E.

H. WASTE FACILITIES

- Burning of waste-derived fuels when in conjunction with a permitted or conditionally permitted industrial use, except for pre-chipped tires
- Community septic disposal system
- Greenwaste collection, recovery, and composting
- Hazardous waste disposal facility
- Medical waste treatment, fully enclosed
- Nonhazardous oil production and/or oily waste disposal facility
- Nonhazardous oilfield waste treatment or recycling
- Nonhazardous oily or liquid waste treatment or recycling

- Research, development, or testing of alternative fuel burning processes, temporary
- Sanitary landfill, private landfill or monofill
- Septage disposal site
- Septage storage and transfer site
- Sewage treatment plant
- Soil reclamation or remediation for soils contaminated with nonhazardous materials
- Transfer station, large volume
- Waste-to-energy facility

I. INSTITUTIONAL USES

- Cemetery, mausoleum, or columbarium
- Crematory, when in conjunction with a cemetery, mausoleum, columbarium, or mortuary

J. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. Specialized Schools
 - Police/security training facility

K. MISCELLANEOUS USES

- Auction yards
- Flea market and swap meet
- Water treatment plant

19.40.040 PROHIBITED USES

All other uses not permitted by Sections 19.40.020 and 19.40.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the M-3 District.

19.40.050 MINIMUM LOT SIZE

There is no minimum lot size requirement in the M-3 District.

19.40.060 MINIMUM LOT AREA PER DWELLING UNIT

There is no requirement for minimum lot area per dwelling unit in the M-3 District. Dwellings are not permitted, except as accessory to a permitted use.

19.40.070 YARDS AND SETBACKS

The following yard and setback requirements apply in the M-3 District:

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
 - 1. Forty (40) feet from the legal centerline of any existing or proposed public or private local street.
 - 2. Forty-five (45) feet from the legal centerline of any existing or proposed secondary highway.
 - 3. Fifty-five (55) feet from the legal centerline of any existing or proposed major highway.
- B. **Side Yard.** None required.
- C. **Rear Yard.** None required.
- D. In no case shall the buildings be located in any existing or future right-of-way established by any **Official or Specific Plan Line**, street, access easement, or adopted Circulation Element of the applicable General or Specific Plan.

19.40.080 HEIGHT LIMITS

The following height limits apply in the M-3 District:

- A. Buildings and structures shall not exceed thirteen (13) stories or one hundred and fifty (150) feet.
- B. Building and structures shall be set back from each street, alley, and lot line at least one (1) foot for each three (3) feet of height above six (6) stories or seventy-five (75) feet.
- C. Buildings and structures shall not exceed the maximum permitted heights in areas of protected military airspace as specified in Section 19.08.160.

19.40.090 MINIMUM DISTANCE BETWEEN STRUCTURES

There is no requirement for minimum distance between structures in the M-3 District.

19.40.100 PARKING

Off-street parking in the M-3 District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.40.110 SIGNS

- A. The following signs are permitted in the M-3 District in accordance with the requirements of Chapter 19.84 of this title:
1. Temporary real estate signs advertising the property for sale or rent, not to exceed sixteen (16) square feet each, excluding the area of any vertical and/or horizontal support members
 2. Temporary subdivision signs
 3. Temporary construction signs
 4. Temporary political, religious, or civic campaign signs
 5. Institutional identification signs
 6. Signs attached to buildings
 7. Monument signs, not to exceed one hundred (100) square feet in area each
 8. Pole signs, not to exceed three hundred (300) square feet in area each and not exceeding a height of fifty (50) feet
 9. Off-site advertising signs, not exceeding a height of thirty-five (35) feet
 10. Oilfield identification signs

19.40.120 LANDSCAPING

Landscaping shall be provided in accordance with the requirements of Chapter 19.86 of this title.

19.40.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

- A. All development in the M-3 District shall comply with the minimum requirements of Chapter 19.80 of this title.
- B. Development in the M-3 District shall comply with the interpretations and provisions of Chapter 19.08 of this title.

C H A P T E R 19.42
RECREATION-FORESTRY (RF) DISTRICT

SECTIONS:

- 19.42.010 PURPOSE AND APPLICATION**
- 19.42.020 PERMITTED USES**
- 19.42.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.42.040 PROHIBITED USES**
- 19.42.050 MINIMUM LOT SIZE**
- 19.42.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.42.070 YARDS AND SETBACKS**
- 19.42.080 HEIGHT LIMITS**
- 19.42.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.42.100 PARKING**
- 19.42.110 SIGNS**
- 19.42.120 LANDSCAPING**
- 19.42.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.42.010 PURPOSE AND APPLICATION

The purpose of the Recreation-Forestry (RF) District is to designate lands for the conservation and use of natural resources and for compatible recreational uses. Non resource-related uses are limited to uses that will not adversely affect the primary resource use or uses to which the land is devoted.

19.42.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the RF District:

A. RESIDENTIAL USES

- Accessory dwelling unit, pursuant to Chapter 19.90
- Manufactured home, pursuant to Section 19.42.130.D of this chapter
- Residential accessory structures
- Residential facility, serving six (6) or fewer persons
- Single-family dwelling, with a width greater than sixteen (16) feet

B. AGRICULTURAL USES

1. Growing and Harvesting Crops

- Christmas trees
- Community garden pursuant to Section 19.42.130 of this chapter
- Growing of agricultural crops for domestic use of the resident/occupant
- Timber

2. Breeding and Raising Animals

- Beekeeping
- Poultry and rabbits pursuant to Section 19.42.130 of this title
- Horses, donkeys, mules, llamas, hogs, sheep, goats, dairy stock, and beef cattle pursuant to Section 19.42.130 of this title
- Ostrich and emus pursuant to Section 19.42.130
- Birds, including show or racing pigeons, and other small fowl pursuant to Section 19.42.130 of this title
- Fish and frogs

C. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Boat dock, private
- Fishing or fly casting pond
- Park or playground

D. UTILITY AND COMMUNICATIONS FACILITIES

- Transmission lines and supporting towers, poles, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company or other company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title. Microwave towers are also permitted pursuant to this section provided that there is a minimum setback of three hundred (300) feet from a dwelling.
- Utility substation

E. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Mineral exploration
- Oil or gas exploration and production pursuant to Section 19.98.030 of this title

- Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415

F. INSTITUTIONAL USES

- Charitable or public service organization
- Museum, when associated with a wildlife or nature preserve

G. MISCELLANEOUS USES

- Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map, or if accessory to a permitted use
- Flood control facilities
- Garage or yard sales pursuant to Subsection C of Section 19.42.130 of this chapter
- Home occupation pursuant to Chapter 19.94 of this title
- Hunting or fishing club, not involving buildings or structures
- Water storage or groundwater recharge facilities
- Water system, small or large
- Wildlife or nature preserve

19.42.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are all permitted in the RF District subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. RESIDENTIAL USES

- Additional single-family dwellings, not to exceed a density of one (1) dwelling unit per five (5) gross acres. A maximum of two (2) mobilehomes may be permitted on any one (1) lot, and one (1) of the mobilehomes shall be owner occupied.
- Community care facility
- Logging camp

- Manufactured home or mobilehome, pursuant to Section 19.42.130.D.6 of this chapter
- Rest home
- Retirement home
- Single-family dwelling, with a width of sixteen (16) feet or less

B. AGRICULTURAL USES

- 1. Agricultural Industries
 - Saw or planing mill

C. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Bed and breakfast inn
- Camp, private
- Campground
- Community recreational facilities
- Equestrian establishments
- Golf course
- Golf driving range
- Lakes, private, for recreational skiing or boating
- Lodge
- Marina, public
- Racetrack or test track, automobile, bicycle, horse, or motorcycle
- Recreational vehicle park
- Recreational vehicle, travel trailer, and boat storage
- Retreat, church or nonprofit organization owned and operated
- Shooting range, gun club, simulated war games, or similar activities
- Snow park and skiing facilities

- Thermal pools and hot springs
 - Trade fairs and exhibitions, temporary (fourteen- (14-) day maximum), excluding flea markets and swap meets
 - Whitewater rafting launch or landing site
- D. TRANSPORTATION FACILITIES
- Airport, private
 - Airport, public use
 - Heliport
- E. UTILITY AND COMMUNICATIONS FACILITIES
- Radio, television, or commercial communications transmitter, receiver, or translator, including microwave towers less than three hundred (300) feet from a dwelling, except as specified in Subsection D of Section 19.42.020 of this chapter
- F. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES
- Dam, hydro
 - Mining and mineral extraction pursuant to Chapter 19.100 of this title
 - Solar energy electrical generators when not accessory to a permitted or conditionally permitted use
 - Wind-driven electrical generators, commercial or domestic
- G. WASTE FACILITIES
- Septage disposal site
 - Transfer station, small or large
 - Waste-to-energy facility
- H. INSTITUTIONAL USES
- Cemetery
 - Community or regional correctional or similar involuntary detention facilities
 - Church
 - Museum
 - Public agency or public utility buildings and facilities

- Rehabilitation facilities

- Zoo

I. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. General

- Preschool

- Elementary school

- Junior high school

- Senior high school

- College or university

J. MISCELLANEOUS USES

- Animal shelter

- Drainage sump

- Hunting or fishing club

- Kennel or dog training facilities

- Logging contractor

- Railroad caboose and similar accessory structures

- Rescue/Sanctuary Animal Facility, Large

- Wild animal keeping

19.42.040 PROHIBITED USES

All other uses not permitted by Sections 19.42.020 and 19.42.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the RF District.

19.42.050 MINIMUM LOT SIZE

No lot created within the RF District shall contain less than five (5) gross acres, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company, or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites.

19.42.060 MINIMUM LOT AREA PER DWELLING UNIT

Except as specified in Section 19.42.030, there shall be no more than one (1) principal single-family dwelling per legal lot in the RF District.

19.42.070 YARDS AND SETBACKS

Yard and setback requirements in the RF District are as follows:

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
 - 1. Fifty-five (55) feet from the legal centerline of any existing or proposed local street or access easement.
 - 2. Seventy (70) feet from the legal centerline of any existing or proposed secondary highway.
 - 3. Eighty (80) feet from the legal centerline of any existing or proposed major highway.

In no case shall the front-yard minimum setback be less than twenty-five (25) feet from the right-of-way established by any Official or Specific Plan Line, street or access easement.
- B. **Side Yard.** There shall be a side yard on each side of any building of not less than ten (10) feet.
- C. **Rear Yard.** There shall be a rear yard of not less than five (5) feet.
- D. In no case shall the buildings be located in any existing or future right-of-way established by any Official or Specific Plan Line, street, access easement, or adopted Circulation Element of the applicable General or Specific Plan.

19.42.080 HEIGHT LIMITS

The following height limits apply in the RF District:

- A. Buildings shall not exceed three (3) stories or thirty-five (35) feet.
- B. Detached accessory structures shall not exceed two (2) stories or thirty-five (35) feet.
- C. Radio and television antennae, communication towers, chimneys, and other similar structures shall not exceed eighty (80) feet.

19.42.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Minimum distance between structures in the RF District shall be as follows:

- A. There shall be a minimum of ten (10) feet between residential buildings.

- B. There shall be a minimum of six (6) feet between a residential building and an accessory building or between accessory buildings.

19.42.100 PARKING

Off-street parking in the RF District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.42.110 SIGNS

- A. The following signs are permitted in accordance with the requirements of Chapter 19.84 of this title:
 - 1. Temporary real estate signs advertising property for sale or rent, not to exceed sixteen (16) square feet, excluding the area of any vertical and/or horizontal support members
 - 2. Temporary construction signs
 - 3. Agricultural signs
 - 4. Institutional identification signs, when approved in conjunction with a conditional use permit

19.42.120 LANDSCAPING

Landscaping is not required in the RF District.

19.42.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

The following special review procedures and development standards apply in the RF District:

- A. The breeding and raising of birds, including show or racing pigeons, poultry, and rabbits shall be limited to domestic or hobby purposes only, and they shall not be raised for commercial purposes.
- B. The breeding and raising of animals pursuant to Section 19.42.020 of this chapter shall be limited to one (1) horse, donkey, mule, cow, dairy stock, sheep, goat, hog, ostrich, emu, or other similar animal per one-quarter (1/4) acre of lot area.
- C. Garage or yard sales are permitted without special permit provided they meet the following standards:
 - 1. Sales last no longer than three (3) days.
 - 2. Sales are held no more than twice yearly.
 - 3. Sales are conducted on the owner's or tenant's property. Multiple-family sales are permitted if they are held on the property of one (1) of the participants.

4. No goods purchased for resale may be offered for sale.
 5. No consignment goods may be offered for sale.
 6. Directional signs may be placed on the street right-of-way.
 7. All directional and advertising signs shall be freestanding and removed after completion of the sale.
 8. All directional and advertising signs placed on private property shall have the owner's permission.
 9. No directional or advertising signs may be larger than two (2) feet by three (3) feet.
- D. Manufactured homes shall be permitted provided that the proposed manufactured home complies with the following requirements:
1. The manufactured home shall be certified under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. - Section 5401 et seq.); and
 2. The manufactured home shall be installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code; and
 3. The manufactured home is no older than ten (10) years from the date application is made for an installation permit; and
 4. The manufactured home has a width greater than sixteen (16) feet; and
 5. The manufactured home complies with the following architectural requirements:
 - a. A minimum three-twelfths (three (3) inches vertical to twelve (12) inches horizontal) roof pitch; and
 - b. Shingles customarily utilized in the construction of conventional single-family dwellings; and
 - c. A minimum one- (1-) foot eave around the entire perimeter of the manufactured home as measured from the vertical wall surface; and
 - d. Nonreflective siding material customarily utilized in the construction of conventional single-family dwellings which shall extend to ground level; and
 - e. Siding material utilized as skirting shall be the same in construction materials, composition, and color as the siding material utilized on the exterior wall surface of the manufactured home.

6. Manufactured homes or mobilehomes not meeting all of the installation and architectural requirements specified in this section shall be permitted only upon approval of a conditional use permit, pursuant to Chapter 19.104.
- E. Community gardens are permitted subject to the issuance of a permit as provided for in Section 19.102.070 of this title and subject to the following requirements:
1. The lot or lots used for the garden are owned or leased by a property owner's association, homeowner's association, tenant's association, non-profit organization or public agency which has established an organizational entity and framework for administration of the garden.
 2. The organizational entity that administers the garden shall establish and enforce rules pertaining to the use of the property and rights of membership. A copy of the adopted rules shall be filed with the Kern County Planning and Community Development Department, together with name and contact information of an individual who oversees the program. The adopted rules shall contain provisions requiring the removal of all structures and materials in the event of the dissolution of the administering entity.
 3. A maximum of five (5) acres shall be used in conjunction with any community garden site established pursuant to this chapter. Larger garden sites may be accommodated through the conditional use permit provisions contained in Chapter 19.104 of this title.
 4. Each community garden site shall be posted with a sign not exceeding sixteen (16) square feet and not exceeding a height of six (6) feet that identifies the site as a community garden and provides essential contact information.
 5. No permanent buildings shall be permitted; however, temporary structures not exceeding 120 square feet each may be placed on site for the storage of tools, materials, and equipment used for on-site gardening, if authorized under the rules adopted by the organizational entity that administers the garden. The combined area of all such storage structures shall not exceed ten percent (10%) of the overall garden site area. Benches or picnic tables, composting bins, trash containers, garden art, and designated play areas for children may be provided for the benefit of community garden members, if provided for in the adopted rules governing the use of the site and rights of membership and if determined by the Planning Director to be clearly accessory and incidental to the community garden. Perimeter and individual plot fencing is permitted and shall not exceed a height of six (6) feet.
 6. The community garden shall be operated and maintained in such a manner so that irrigation water is retained on site and there are no off-site erosion or sedimentation impacts.
 7. There shall be no on-site sales except for produce grown on site. One temporary produce stand not exceeding an area of 600 square feet may be permitted for each community garden site, if provided for in the adopted rules governing the use of the site and rights of membership and considered by the Planning Director pursuant to Section 19.102.070. Up to two (2) temporary on-site signs not exceeding a combined total of forty-eight (48) square feet to advertise the sale of produce may

be authorized in conjunction with a request for a temporary produce stand, as determined by the Planning Director.

8. The Planning Director may impose reasonable conditions in conjunction with approval of a community garden permit that are deemed necessary to safeguard public health, safety, and general welfare.
 9. If public complaints arise from the operations of a community garden authorized by this title or if any such garden creates nuisance impacts on surrounding roads or properties, the Planning Director may serve written notice upon the community garden property owner and the responsible organizational entity to abate the problem. If the problem continues beyond a reasonable time period as set forth in the Planning Director's written order, the Planning Director may schedule a public hearing pursuant to Sections 19.102.020 and 19.102.090 of this title. The Planning Director shall consider whether or not the community garden may continue to operate and may modify conditions or impose additional conditions deemed necessary to safeguard the public health, safety, and general welfare. If the Planning Director orders the closure of the community garden, all structures, material, and produce shall be removed from the site within sixty (60) days of the effective date of said order. Any decision of the Planning Director may be appealed to the Board of Supervisors, subject to payment of the required filing fee and the applicable provisions specified in Section 19.102.110 of this title.
- F. Development in the RF District shall also comply with the interpretations and provisions of Chapter 19.08 of this title.

CHAPTER 19.44
OPEN SPACE (OS) DISTRICT

SECTIONS:

- 19.44.010 PURPOSE AND APPLICATION**
- 19.44.020 PERMITTED USES**
- 19.44.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.44.040 PROHIBITED USES**
- 19.44.050 MINIMUM LOT SIZE**
- 19.44.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.44.070 YARDS AND SETBACKS**
- 19.44.080 HEIGHT LIMITS**
- 19.44.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.44.100 PARKING**
- 19.44.110 SIGNS**
- 19.44.120 LANDSCAPING**
- 19.44.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.44.010 PURPOSE AND APPLICATION

The purpose of the Open Space (OS) District is to designate lands in public or private ownership that are essentially unimproved and should remain in open space use for the preservation of identified scenic values, habitat for endangered plants or animals, unique geologic features, natural resources, passive recreational values, or for the protection of public health and safety. The OS District may also be utilized as an Interim District in conjunction with County-initiated changes in zoning district classification for those properties designated as "Commercial" or "Industrial" by the Kern County General Plan or adopted Specific Plan, where the current zoning district classification for those properties is inconsistent with said "Commercial" or "Industrial" designations.

19.44.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the OS District:

- A. AGRICULTURAL USES
 - 1. Breeding and Raising Animals
 - Beef cattle or animal grazing
- B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES
 - Hiking or equestrian trails

C. UTILITY AND COMMUNICATIONS FACILITIES

- Transmission lines and supporting towers, poles, pipelines, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title

D. MISCELLANEOUS USES

- Hunting or fishing club, not including buildings or structures
- Wildlife or nature preserve, not involving structures

19.44.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are all permitted in the OS District subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Park
- Roads or trails for motor driven vehicles, excluding race courses

B. INSTITUTIONAL USES

- Public service uses

C. TRANSPORTATION FACILITIES

- Auto parking lot

D. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Oil or gas exploration and production pursuant to Chapter 19.98 of this title

E. MISCELLANEOUS USES

- Restrooms and shelters
- Scientific study sites for the systematic exploration and classification of archaeological, anthropological, or historic artifacts or remains

19.44.040 PROHIBITED USES

All other uses not permitted by Sections 19.44.020 and 19.44.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the OS District.

19.44.050 MINIMUM LOT SIZE

There is no minimum lot size required in the OS District; provided, however, that no lot zoned Open Space (OS) may be divided or separated in any manner, except in the case of a conveyance or dedication of land to a government agency, public entity, or public utility for public purposes or public utility purposes.

19.44.060 MINIMUM LOT AREA PER DWELLING UNIT

There is no requirement for minimum lot area per dwelling unit in the OS District. Dwellings are not permitted.

19.44.070 YARDS AND SETBACKS

There are no yard and setback requirements in the OS District.

19.44.080 HEIGHT LIMITS

There are no height limits required in the OS District.

19.44.090 MINIMUM DISTANCE BETWEEN STRUCTURES

There is no requirement for minimum distance between structures in the OS District.

19.44.100 PARKING

Off-street parking shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.44.110 SIGNS

The following signs are permitted in the OS District in accordance with the requirements of Chapter 19.84 of this title:

- A. Institutional identification signs identifying a permitted use on the property. Such signs shall be limited to monument signs not to exceed one hundred (100) square feet in area and not to exceed fifteen (15) feet in height
- B. Temporary real estate signs advertising the property for sale or rent, not to exceed eight (8) square feet each, excluding the area of any vertical and/or horizontal support members

19.44.120 LANDSCAPING

Landscaping is not required in the OS District.

19.44.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

Development in the OS District shall comply with the interpretations and provisions of Chapter 19.08 of this title.

CHAPTER 19.45

PARK AND RECREATION (PR) DISTRICT

SECTIONS:

- 19.45.010 PURPOSE AND APPLICATION**
- 19.45.020 PERMITTED USES**
- 19.45.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.45.040 PROHIBITED USES**
- 19.45.050 MINIMUM LOT SIZE**
- 19.45.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.45.070 YARDS AND SETBACKS**
- 19.45.080 HEIGHT LIMITS**
- 19.45.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.45.100 PARKING**
- 19.45.110 SIGNS**
- 19.45.120 LANDSCAPING AND SCREENING**
- 19.45.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.45.010 PURPOSE AND APPLICATION

The purpose of the PR (Park and Recreation) District is to designate areas for permanent recreational open space use serving the neighborhood, community, or region. The PR District is intended to apply to existing or future sites intended for and dedicated to publicly owned and maintained park sites or for privately owned facilities that are to be accessible to the general public. The PR District is compatible with all residential, commercial, industrial, and public use Specific Plan and General Plan land use designations.

19.45.020 PERMITTED USES

- A. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES
 - Parks for passive recreational use, as specified in Section 19.45.130
 - Playgrounds
 - Community or senior citizens center

19.45.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

- A. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES
 - Active recreational use facilities, as specified in Section 19.45.130
 - Athletic fields for soccer, baseball, softball, football, or similar types of organized team sports that include backstops, bleachers, goal posts, non-turf playing surfaces or other improvements

- Basketball, racquetball, tennis, or volleyball courts with night lighting to accommodate nighttime use
- BMX bicycle race tracks
- Campgrounds, when accessory to a permitted or conditionally permitted use
- Museums
- Off-highway vehicle (OHV) facilities
- Paintball fields
- Riding stables
- Skateboard ramps and training facilities located within 150 feet of a dwelling or equipped with night lighting to accommodate nighttime use
- Sports stadium or arena
- Swimming pools
- Zoo

19.45.040 PROHIBITED USES

All other uses not permitted by Sections 19.45.020 and 19.45.030, or which are not specified as allowable accessory uses by Section 19.45.130 are prohibited.

19.45.050 MINIMUM LOT SIZE

There is no minimum lot size required in the PR District; however, no lot zoned PR may be divided except for conveyances to a public entity.

19.45.060 MINIMUM LOT AREA PER UNIT

There is no requirement for minimum lot area per dwelling unit in the PR District. Dwellings are not permitted except for a caretaker's dwelling, in which case two (2) parking spaces shall be provided.

19.45.070 YARDS AND SETBACKS

Playgrounds and active-use courts, such as basketball, handball, or racquetball courts, shall be located no closer than twenty-five (25) feet from the front property line. Yards and setbacks for uses requiring a conditional use permit shall be as specified in the conditions of approval. Except for fences, walls, walkways, approved signs, landscape-related materials, and park related service utilities and their associated enclosures, no permanent structures shall be permitted within five (5) feet of any exterior property line.

19.45.080 HEIGHT LIMITS

The following height limits apply in the PR District:

- A. The maximum permitted height for all buildings and structures, including light standards, shall be twenty-five (25) feet, except as otherwise authorized in conjunction with approval of a conditionally permitted use.
- B. Buildings and structures shall not exceed the maximum permitted heights in areas of protected military airspace as specified in Section 19.08.160.

19.45.090 MINIMUM DISTANCE BETWEEN STRUCTURES

None, except as required for compliance with adopted building codes.

19.45.100 PARKING

Off-street parking is not required for passive park sites consisting of two and one-half (2 1/2) gross acres or less where the park site abuts a publicly maintained road or highway, except for those containing indoor swimming pools and community or senior citizens centers, for which off-street parking shall be provided as set forth in Chapter 19.82 of this title. Passive park sites greater than two and one-half (2 1/2) gross acres or for sites that do not abut a publicly maintained road shall provide a minimum of three (3) parking spaces per acre. Off-street parking for active recreational uses shall be provided in accordance with the requirements of Chapter 19.82 of this title, or as otherwise specified in the conditions of approval.

19.45.110 SIGNS

Institutional or facility identification signs shall be limited to monument or wooden signs not exceeding two hundred (200) square feet in area and not to exceed fifteen (15) feet. Within publicly owned and maintained park and recreation facilities, other types of signs may be permitted as authorized by the public agency with jurisdiction. For privately owned facilities, other types of signs shall be permitted as authorized by the Planning Director as part of an overall master signage program for the facility.

19.45.120 LANDSCAPING AND SCREENING

Landscaping in the PR District shall be provided in accordance with the requirements of Chapter 19.86 of this title. Where the site abuts a residential zoning district, a six- (6-) foot-high solid wooden fence, masonry wall, or similar solid screening fence or wall approved by the Director of the Kern County Parks and Recreation Department, shall be constructed.

19.45.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

- A. All development in the PR District shall comply with the minimum standards set out in Chapter 19.80 of this title, except as otherwise provided for in this chapter. Deviations from the requirements of Chapter 19.80 may be permitted for uses requiring approval of a conditional use permit, as specified in the conditions of approval. Additionally, for privately owned park sites, the proposed development shall be reviewed and approved by the Director of the Kern County Parks and Recreation Department.

- B. Passive recreational uses may include any of the following: turf playfields with no improvements; botanical gardens; community gardens; bicycle, equestrian, or pedestrian trails; restrooms; playgrounds, sports courts without night lighting; tables; benches; Frisbee disk courses; skateboard ramps; picnic shelters; shade structures; cooking grills; horseshoe pits; oval running tracks; dog parks, spray parks; decorative ponds, small office, and storage buildings; trash or maintenance equipment or other structures and uses determined by the Planning Director to be consistent with the intent of this subsection.

Passive recreational use sites shall additionally be subject to the following standards:

1. Passive recreational use sites equipped with restroom facilities shall be provided with drinking fountains.
 2. Passive recreational use site lighting shall be limited to security lighting and lighting for landscaping areas or pathways and shall be subject to Chapter 19.81 of this title. Additionally, light standards shall not exceed a height of twenty-five (25) feet and shall be mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that off-site light spillover onto any residentially zoned (E, R-1, R-2, R-3) property is minimized in accordance with Section 19.81.040.G.1 of this title.
 3. Amplified sound speakers, public address systems, and live bands shall be permitted only upon the express written approval of the public agency with jurisdiction.
 4. Trash containers shall be provided and trash shall be regularly collected and removed from the site.
 5. Skateboard ramps and riding facilities shall be located no closer than one hundred and fifty (150) feet to any off-site residence and shall not include lighting for nighttime use.
- C. Active recreational uses require approval of a conditional use permit and include: archery ranges; lakes for swimming or boating; concession stands, sports stadiums, arenas, or buildings; swimming pools; amusement rides; floodlight standards or buildings with a height in excess of twenty-five (25) feet; and, those uses specified under Section 19.45.030.

CHAPTER 19.46
NATURAL RESOURCE (NR) DISTRICT

SECTIONS:

- 19.46.010 PURPOSE AND APPLICATION**
- 19.46.020 PERMITTED USES**
- 19.46.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.46.040 PROHIBITED USES**
- 19.46.050 MINIMUM LOT SIZE**
- 19.46.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.46.070 YARDS AND SETBACKS**
- 19.46.080 HEIGHT LIMITS**
- 19.46.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.46.100 PARKING**
- 19.46.110 SIGNS**
- 19.46.120 LANDSCAPING**
- 19.46.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.46.010 PURPOSE AND APPLICATION

The purpose of the Natural Resource (NR) District is to designate lands that contain productive or potentially productive petroleum, mineral, or timber resources and to prevent the encroachment of incompatible uses onto such lands. Uses in the NR District are limited to resource exploration, production and transportation, and to compatible activities. The minimum lot size shall be five (5) gross acres unless the NR District is combined with the Lot Size Combining District where a larger minimum lot size is specified. No final tract map subdivisions are permitted in the NR District. The NR District may be applied only in areas designated Map Codes 8.2, 8.3, 8.4, and 8.5 by the Kern County General Plan and in areas designated "Extensive Agriculture" or "Mineral and Petroleum" by the Metropolitan Bakersfield 2010 General Plan.

19.46.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the NR District:

- A. RESIDENTIAL USES
 - Manager, caretaker, or proprietor quarters, including a mobilehome
- B. AGRICULTURAL USES
 - 1. Growing and Harvesting Crops
 - Berry crops

- Bush crops
- Christmas trees
- Field crops, dryland
- Field crops, irrigated
- Flowers and horticultural specialties, wholesale only
- Nursery, plant, wholesale only
- Nut and fruit trees
- Timber
- Vegetables
- Vine crops

2. Breeding and Raising Animals

- Bee keeping
- Beef cattle or livestock grazing
- Fish and frogs
- Horses, donkeys, mules, hogs, sheep, goats, or dairy stock
- Poultry, including the hatching, breeding, raising, butchering, processing, or shipping of chickens, turkeys, other fowl, or poultry, including eggs
- Rabbits and fur-bearing animals

C. INDUSTRIAL USES

1. Industrial Storage

- Bottled gas, when accessory to on-site production
- Cargo containers, when accessory and incidental to a permitted use
- Firewood
- Oilfield-related contractor's storage yard*
- Petroleum, when accessory to on-site production

2. Other Industrial Uses

- Oilfield service yards*

* These uses shall be subject to development standards and a plot plan review pursuant to Sections 19.80.030 and 19.80.040 of this title.

D. UTILITY AND COMMUNICATIONS FACILITIES

- Transmission lines and supporting towers, poles, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company or other company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title. Microwave towers are also permitted pursuant to this section provided that there is a minimum setback of three hundred (300) feet from any dwelling.
- Utility substation

E. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Accessory structures and equipment storage for natural resource extraction or processing uses
- Explosives storage, temporary, subject to approval by the Kern County Fire Department
- Mineral exploration
- Oil or gas exploration and production pursuant to Chapter 19.98 of this title
- Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415

F. MISCELLANEOUS USES

- Commercial coach, when incidental to a permitted use
- Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map, or if accessory to a permitted use
- Garage or yard sales pursuant to Subsection A of Section 19.46.130 of this chapter
- Hunting or fishing club, not involving buildings or structures
- Water storage or groundwater recharge facilities
- Water system, small or large
- Wildlife or nature preserve

19.46.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the NR District subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. RESIDENTIAL USES

- Farm labor or nonfarm-related employer owned housing for employees associated with a permitted use or a conditionally permitted use
- Logging camp
- Single-family dwelling (including a mobilehome), one (1) per lot, not accessory to a permitted or conditionally permitted use

B. AGRICULTURAL USES

1. Agricultural Industries

- Agricultural chemical, storage, and repackaging
- Agricultural pesticide and herbicide, blending and distribution
- Agricultural services laboratory
- Agricultural trucking facilities
- Animal product processing, including slaughter
- Commercial livestock feed storage and sales
- Contract harvesting
- Dead animal and fat rendering
- Farm machinery and equipment repair
- Fertilizer manufacture and storage
- Saw or planing mill
- Soil amendment, blending and distribution

C. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Boat dock, private
- Equestrian establishment

- Park or playground
- Racetrack or test track, automobile, bicycle, horse, or motorcycle
- Recreational vehicle park
- Trade fairs and exhibitions, temporary (fourteen- (14-) day maximum), excluding flea markets and swap meets

D. INDUSTRIAL USES

1. Industrial Manufacturing or Assembly

- Brick manufacturing
- Cement
- Concrete block manufacturing
- Ethanol plant, not involving the outside storage of feedstock
- Oil refining
- Mining products milling
- Powder coating, spray painting, and sandblasting

2. Industrial Storage

- Liquefied petroleum gas, bulk storage or distribution, in excess of two thousand (2,000) gallons capacity
- Mining, oilfield, or logging-related truck and heavy equipment parking and storage

E. TRANSPORTATION FACILITIES

- Airport, private
- Airport, public use
- Heliport

F. UTILITY AND COMMUNICATIONS FACILITIES

- Radio, television, or commercial communications transmitter, receiver, or translator, including microwave towers less than three hundred (300) feet from a dwelling, except as specified in Subsection D of Section 19.46.020 of this chapter

G. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Cogeneration facility or steam generators
- Concrete or asphalt batch plant
- Electric power generating plant
- Explosives storage
- Mining and mineral extraction pursuant to Chapter 19.100 of this title
- Rock, gravel, sand, concrete, aggregate, or soils crushing, processing, or distribution
- Solar energy electrical generators when not accessory to a permitted or conditionally permitted use
- Wind-driven electrical generators, commercial or domestic

H. WASTE FACILITIES

- Hazardous waste disposal facility
- Nonhazardous oil production and/or oily waste disposal facility
- Nonhazardous oilfield waste treatment or recycling
- Sanitary landfill, private landfill or monofill
- Septage storage and transfer site
- Sewage sludge, animal waste, or greenwaste composting
- Sewage treatment plant
- Soil reclamation or remediation for soils contaminated with nonhazardous materials
- Transfer station, large
- Transfer station, small

I. INSTITUTIONAL USES

- Cemetery
- Charitable or public service organization
- Community or regional correctional or similar involuntary detention facilities

- Community or senior citizens center
- Museum
- Public agency or public utility buildings or facilities

J. EDUCATIONAL INSTITUTIONS AND SCHOOLS

- Preschool
- Elementary school
- Junior high school
- Senior high school
- College or university

K. MISCELLANEOUS USES

- Animal shelter
- Corporate or administrative offices in conjunction with, and accessory to, a use permitted or conditionally permitted in this chapter
- Drainage sump
- Hunting or fishing club
- Kennel or dog training facilities
- Rescue/Sanctuary Animal Facility, Large
- Wild animal keeping

19.46.040 PROHIBITED USES

All other uses not permitted by Sections 19.46.020 and 19.46.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the NR District, including final map subdivisions.

19.46.050 MINIMUM LOT SIZE

No portion of any lot within the NR District shall contain less than five (5) gross acres or as otherwise specified by the Lot Size Combining District, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company, or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites.

19.46.060 MINIMUM LOT AREA PER DWELLING UNIT

Except for employee housing and dwellings accessory or incidental to a permitted or conditionally permitted use on the property, there shall be no more than one (1) single-family dwelling per legal lot in the NR District.

19.46.070 YARDS AND SETBACKS

The following yard and setback requirements apply in the NR District:

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
1. Fifty-five (55) feet from the legal centerline of any existing or proposed public or private local street or access easements.
 2. Seventy (70) feet from the legal centerline of any existing or proposed secondary highway.
 3. Eighty (80) feet from the legal centerline of any existing or proposed major highway.
- In no case shall the minimum front-yard setback be less than twenty-five (25) feet from the right-of-way established by any Official or Specific Plan Line, street, or access easement.
- B. **Side Yard.** There shall be a side yard on each side of any building of not less than five (5) feet, except that on the street side of corner lots, buildings shall have a side yard of not less than ten (10) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line.
- C. **Rear Yard.** There shall be a rear yard of not less than five (5) feet, except that in the case of through lots, the designated rear yard shall be in accordance with the front-yard setback requirements.
- D. In no case shall the buildings be located in any existing or future right-of-way established by any **Official or Specific Plan Line**, street, access easement, or adopted Circulation Element of the applicable General or Specific Plan.

19.46.080 HEIGHT LIMITS

The following height limits apply in the NR District:

- A. No building or permanent structure shall exceed six (6) stories or seventy-five (75) feet in height, except as otherwise authorized in conjunction with approval of a conditionally permitted use.
- B. Buildings and structures shall not exceed the maximum permitted heights in areas of protected military airspace as specified in Section 19.08.160.

19.46.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Minimum distance between structures in the NR District shall be as follows:

- A. There shall be a minimum of ten (10) feet between residential buildings.

- B. There shall be a minimum of six (6) feet between a residential building and an accessory building or between accessory buildings.

19.46.100 PARKING

Off-street parking in the NR District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.46.110 SIGNS

- A. The following signs are permitted in the NR District in accordance with the requirements of Chapter 19.84 of this title:
 - 1. Temporary real estate signs advertising the property for sale or rent, not to exceed sixteen (16) square feet, excluding the area of any vertical and/or horizontal support members
 - 2. Temporary construction signs
 - 3. Temporary political, religious, and civic campaign signs
 - 4. Agricultural signs
 - 5. Signs attached to buildings
 - 6. Monument signs, not to exceed one hundred (100) square feet in area each
 - 7. Pole signs, not to exceed two hundred (200) square feet in area each
 - 8. Oilfield identification signs
- B. The maximum permitted area of all signs shall not exceed three (3) square feet for each lineal foot of street frontage.

19.46.120 LANDSCAPING

Landscaping is not required in the NR District, except where the proposed use is subject to a plot plan review pursuant to Chapter 19.80.

19.46.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

The following special review procedures and development standards apply in the NR District:

- A. Garage or yard sales are permitted without special permit provided they meet the following standards:
 - 1. Sales last no longer than three (3) days.
 - 2. Sales are held no more than twice yearly.
 - 3. Sales are conducted on the owner's or tenant's property. Multiple-family sales are permitted if they are held on the property of one (1) of the participants.
 - 4. No goods purchased for resale may be offered for sale.
 - 5. No consignment goods may be offered for sale.
 - 6. Directional signs may be placed on the street right-of-way.
 - 7. All directional and advertising signs shall be freestanding and removed after completion of the sale.
 - 8. All directional and advertising signs placed on private property shall have the owner's permission.
 - 9. No directional or advertising signs may be larger than two (2) feet by three (3) feet.
- B. Development in the NR District shall comply with the interpretations and provisions of Chapter 19.08 of this title.

CHAPTER 19.48
DRILLING ISLAND (DI) DISTRICT

SECTIONS:

- 19.48.010 PURPOSE AND APPLICATION**
- 19.48.020 PERMITTED USES**
- 19.48.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.48.040 PROHIBITED USES**
- 19.48.050 MINIMUM LOT SIZE**
- 19.48.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.48.070 YARDS AND SETBACKS**
- 19.48.080 HEIGHT LIMITS**
- 19.48.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.48.100 PARKING**
- 19.48.110 SIGNS**
- 19.48.120 LANDSCAPING**
- 19.48.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.48.010 PURPOSE AND APPLICATION

The purpose of the Drilling Island (DI) District is to designate single lots and relatively small areas within the boundaries of final map subdivisions and mobilehome parks that contain productive or potentially productive petroleum resources to promote the development of such resources in a manner compatible with surrounding development. Uses in the DI District are limited to petroleum and gas exploration, production and transportation, and to compatible open space and recreational uses.

19.48.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the DI District:

A. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Park or playground, not involving permanent buildings or structures, where no on-site oil or gas production or storage facilities are present.

B. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Oil or gas exploration and production pursuant to Section 19.98.050 of this title
- Solar energy electrical generator which is accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand

19.48.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the DI District with a conditional use permit:

A. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

— Park or playground

B. MISCELLANEOUS USES

— Auto parking lot

— Recreational vehicle or boat storage, private, when contiguous to, and for the benefit of, a residential development

— Solar energy electrical generators when not accessory to a permitted or conditionally permitted use

— Subdivision drainage sump, provided that mineral rights owners have given written consent

19.48.040 PROHIBITED USES

All other uses not permitted by Sections 19.48.020 and 19.48.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the DI District.

19.48.050 MINIMUM LOT SIZE

No portion of any lot within the DI District shall contain less than two and one-half (2 1/2) gross acres.

19.48.060 MINIMUM LOT AREA PER DWELLING UNIT

There is no requirement for minimum lot area per dwelling unit in the DI District. Dwellings are not permitted.

19.48.070 YARDS AND SETBACKS

Pursuant to Subsection A of Section 19.98.050 of this title, no oil or gas well shall be drilled within one hundred (100) feet of the right-of-way of any public highway, proposed public highway, Official Plan Line, or Specific Plan Line in the DI District.

19.48.080 HEIGHT LIMITS

Height limits in the DI District are as follows:

A. None on derricks and other equipment used during the exploration and drilling phase of development.

B. Pumping units shall not exceed eighty (80) feet in height.

19.48.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Minimum distance between structures in the DI District shall be per the requirements of Section 19.98.050 of this title.

19.48.100 PARKING

There is no minimum requirement for parking in the DI District; provided, however, that all vehicle parking and maneuvering areas shall be treated and maintained with oiled sand or a similar dust binding material.

19.48.110 SIGNS

The following signs are permitted in the DI District in accordance with the requirements of Chapter 19.84 of this title:

- A. Directional, warning signs, and identification signs, not to exceed two (2) square feet each
- B. Temporary real estate signs advertising the property for sale or rent, not to exceed six (6) square feet each, excluding the area of any vertical and/or horizontal support members

19.48.120 LANDSCAPING

Landscaping in the DI District shall be as approved by the Planning Director in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title.

19.48.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

- A. All drilling and other hydrocarbon development activity in the DI District shall be carried out in accordance with the standards and procedures set out in Section 19.98.060 of this title. All activities subject to an Oil and Gas Conformity Review or Minor Activity Review shall comply with the provisions of Section 19.98.060 of the title.
- B. Development in the DI District shall comply with the interpretations and provisions of Chapter 19.08 of this title.

C H A P T E R 19.50

FLOODPLAIN PRIMARY (FPP) DISTRICT

SECTIONS:

19.50.010 PURPOSE AND APPLICATION

19.50.020 PERMITTED USES

19.50.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

19.50.040 PROHIBITED USES

19.50.050 MINIMUM LOT SIZE

19.50.060 MINIMUM LOT AREA PER DWELLING UNIT

19.50.070 YARDS AND SETBACKS

19.50.080 HEIGHT LIMITS

19.50.090 MINIMUM DISTANCE BETWEEN STRUCTURES

19.50.100 PARKING

19.50.110 SIGNS

19.50.120 LANDSCAPING

19.50.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

19.50.010 PURPOSE AND APPLICATION

- A. The purpose of the Floodplain Primary (FPP) District is to protect the public health and safety and minimize property damage by designating areas that are subject to flooding with high velocities or depths and by establishing reasonable restrictions on land use in such areas. The FPP District shall be applied to those areas lying within the "Floodway" as shown on the Flood Boundary Floodway Map (FBFM) or within the "Designated Floodway" on the State of California's Board of Reclamation's Kern River Designated Floodway Studies, or other maps where engineering studies have been made and adopted by the Kern County Board of Supervisors. Uses in the FPP District are limited to those low intensity uses not involving buildings, structures, and other activities that might adversely affect or be adversely affected by flow of water in the floodway.
- B. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by manmade or natural causes, such as bridge openings restricted by debris. This chapter does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This chapter shall not create liability on the part of the County of Kern or any officer or employee thereof for any flood damage that may result from reliance on this chapter or any administrative decisions lawfully made hereunder.

19.50.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the FPP District:

A. AGRICULTURAL USES

1. Growing and Harvesting Crops

- Berry crops
- Bush crops
- Field crops, dryland
- Field crops, irrigated
- Flowers and horticulture specialties
- Vegetables
- Vine crops

2. Breeding and Raising Animals

- Beef cattle or livestock grazing, excluding fencing and other related facilities which may obstruct flood flows

B. UTILITY AND COMMUNICATION FACILITIES

- Transmission lines for gas, electricity, telephone, or telegraph service owned and operated by a public utility company, not including building, structure, or development which may obstruct flood flows

C. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Oil or gas exploration and production pursuant to Subsection C of Section 19.50.130 of this chapter

D. MISCELLANEOUS USES

- Flood control facilities
- Hunting or fishing club, not involving buildings or structures
- Water storage or groundwater recharge facilities
- Wildlife or nature preserve, not involving buildings or structures

19.50.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this chapter are permitted in the FPP District subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. RECREATIONAL, ENTERTAINMENT, AND TOURIST FACILITIES

- Campground, private, not involving buildings or structures
- Fishing or fly casting pond, not involving buildings or structures
- Golf course, not involving buildings or structures
- Golf driving range, not involving buildings or structures
- Hiking or equestrian trail
- Lakes, private, for recreational skiing or boating, not involving buildings or structures
- Park or playground, not involving buildings or structures
- Roads or trails for motor driven vehicles
- Whitewater rafting launch or landing site, not involving buildings or structures

B. RESIDENTIAL USES

- Single-family dwelling or manufactured home where the development would not encroach into the channel in such a manner so as to obstruct the natural flow of waters and which will not result in any public or private health or safety hazard, as determined by the Floodplain Administrator and the Director of the Kern County Environmental Health Services Department.

C. TRANSPORTATION FACILITIES

- Auto parking lot, not involving buildings or structures

D. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Mining and mineral extraction pursuant to Chapter 19.100

19.50.040 PROHIBITED USES

All other uses not permitted by Sections 19.50.020 and 19.50.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the FPP District, including:

- A. Buildings, structures, mobilehomes, other improvements or accessory uses, or development that would encroach into the channel and obstruct the natural flow of waters within a designated floodway or which will in any manner endanger life and property.
- B. All public and private sewage disposal systems or any part thereof.
- C. Any use which may endanger temporary safeguards which have been erected until such time as flood protection or control works have been constructed.

- D. Landfill, sumps, or excavation of a similar nature that would obstruct the natural flow of floodwater within a designated floodway.
- E. All uses that are likely to increase the flood hazard or in any way affect the water-carrying capacity of the designated floodway.
- F. Dumping, stockpiling, or storage of floatable substances or other materials which, in the opinion of the Kern County Engineering and Survey Services Department, will add to the debris load of the stream or water-course.
- G. Commercial cattle or livestock feed yards, auction yards, dairies, junk or salvage yards, billboards, and other advertising structures of any kind or type which may have residential, commercial, or industrial connotations.
- H. Storage tanks, sumps, processing equipment, or other similar facilities related to oil and gas production not expressly permitted pursuant to Section 19.50.020 and Subsection C of Section 19.50.130 of this chapter.
- I. Sources of water supply (e.g., wells, springs, etc.) unless protected by flood control devices approved by the Kern County Engineering and Survey Services Department and constructed in accordance with the requirements of the Kern County Health Department or Kern County Engineering and Survey Services Department, whichever has jurisdiction, so as to minimize infiltration of flood-waters.
- J. Tree farming, unless it can be shown to the Kern County Planning Department that the spacing of the trees will not cause a rise in the base flood elevation or that the trees will not add to the debris load of the stream.

19.50.050 MINIMUM LOT SIZE

There is no minimum lot size requirement in the FPP District.

19.50.060 MINIMUM LOT AREA PER DWELLING UNIT

There is no requirement for minimum lot area per dwelling unit in the FPP District. Dwellings are not permitted.

19.50.070 YARDS AND SETBACKS

There are no yard and setback requirements in the FPP District. Buildings and structures are not permitted.

19.50.080 HEIGHT LIMITS

There are no height limit requirements in the FPP District. Buildings and structures are not permitted.

19.50.090 MINIMUM DISTANCE BETWEEN STRUCTURES

There is no requirement for minimum distance between structures in the FPP District. Buildings and structures are not permitted.

19.50.100 PARKING

Off-street parking in the FPP District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.50.110 SIGNS

The following signs are permitted in the FPP District:

- A. Temporary real estate signs advertising the property for sale or rent, not to exceed eight (8) square feet each, excluding the area of any vertical and/or horizontal support members
- B. As provided by Section 19.50.130 of this chapter

19.50.120 LANDSCAPING

Landscaping is not required in the FPP District.

19.50.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

- A. All development within the FPP District is subject to the requirements of the Flood Damage Prevention Ordinance, Chapter 17.48 of this code.
- B. Development in the FPP District shall comply with the interpretations and provisions of Chapter 19.08 of this title.
- C. Oil or gas exploration and production shall comply with Section 19.98.060 and the following standards:
 - 1. The following uses are permitted within the FPP District if they will not obstruct flows, will not cause peripheral flooding of other properties, will not cause any increase in flood levels during the occurrence of the base flood discharge, will be resistant to floatation and immune to extensive damage by flooding, and will not endanger life or property:
 - (a) All oil or gas wells, including pumps and all other associated equipment.
 - (b) Feasible remedial work, improvements, and flood-proofing of facilities.
 - 2. No oil or gas well shall be drilled on the slope or within ten (10) feet of the top or toe of the bank of a river or stream located within the FPP District. The required setback on the top of bank shall be measured from an imaginary plane on a slope two (2) horizontal to one (1) vertical projected upward from the toe of the existing bank.

3. All oil or gas wells in the FPP District, including pumps and all other associated equipment, shall be designed such that they are resistant to damage by flooding.
4. All pipelines in the FPP District shall be flood-proofed by burial to sufficient depth to prevent rupture during flood conditions or by suspension at least two (2) feet above the surface of the base flood. Supports for elevated pipelines shall also carry a catwalk to facilitate removal of debris caught by supports during floods.
5. The location of all buried pipelines shall be recorded on appropriate maps by the company that owns said pipelines, and the maps shall be made available to any public agency that shall request a copy.
6. All drilling, redrilling, and producing, including remedial work, well pulling, work-overs, and deepening, shall conform to all applicable fire, safety, spacing, and environmental State law and regulations.
7. Proven technological improvements generally accepted and used in drilling and production methods shall be adopted as they may from time to time become available, if capable of reducing factors of nuisance and annoyance.
8. Prior to the commencement of any drilling, a copy of a Spill Prevention Control and Countermeasure Plan, as required by the United States Environmental Protection Agency, shall be filed with the Kern County Public Works Department.
9. All pumps expected to be inaccessible during times of flood shall be equipped with an accessible remote switch to shut off the pumps during emergencies.
10. The derrick, all boilers, and all other drilling equipment used pursuant to this chapter to drill any well hole or to repair, clean out, deepen, or redrill any completed or drilling well shall be removed within ninety (90) days after completion of production tests following completion of such drilling, or after abandonment of any well, unless such derrick, boilers, and drilling equipment are to be used within a reasonable time limit, determined by the Kern County Public Works Department, for the drilling of another well or wells on the premises.
11. After any well has been placed in production, no earthen sumps shall be used for the storage of petroleum or gas.
12. Within ninety (90) days after any well has been placed in production or after its abandonment, earthen sumps used in drilling or production or both shall be emptied by vacuum truck or other approved means, then filled, and the drilling site restored as nearly as practicable to a uniform grade, unless such sumps are to be used within a reasonable time limit, as determined by the Kern County Public Works Department.
13. Any derrick used for servicing operations shall be of the portable type; provided, however, that upon presentation of proof that the well is of such depth or has such other characteristics, or for other cause, that a portable-type derrick will not

properly service such well, the Kern County Public Works Department may approve the use of a standard type of derrick.

14. Directional and warning signs, and those required for identification of the well, shall be constructed, erected, placed, or maintained on the premises, except those required by law to be displayed in connection with the drilling or maintenance of the well.
15. If a producing or service well is not secured twelve (12) months from the date of commencement of drilling operations or any extended period granted by the Kern County Public Works Department, the premises shall be restored to the original condition as nearly as practicable to do so. If at the expiration of the twelve- (12-) month period, the drilling program has not been completed, the Kern County Public Works Department may, upon a written request, grant an additional period of time as requested for the completion of such drilling program.

CHAPTER 19.52
SPECIAL PLANNING (SP) DISTRICT

SECTIONS:

- 19.52.010 PURPOSE AND APPLICATION**
- 19.52.020 PERMITTED USES**
- 19.52.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.52.040 PROHIBITED USES**
- 19.52.050 MINIMUM LOT SIZE**
- 19.52.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.52.070 YARDS AND SETBACKS**
- 19.52.080 HEIGHT LIMITS**
- 19.52.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.52.100 PARKING**
- 19.52.110 SIGNS**
- 19.52.120 LANDSCAPING**
- 19.52.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**
- 19.52.140 SITE DEVELOPMENT PLAN REVIEW APPLICATION — CONTENTS**
- 19.52.150 DEVELOPMENT STANDARDS AND CONDITIONS**
- 19.52.160 ADOPTION BY ORDINANCE**
- 19.52.170 TIME LIMIT ON DEVELOPMENT APPROVAL**
- 19.52.180 MINOR PLAN MODIFICATIONS**

19.52.010 PURPOSE AND APPLICATION

The purpose of the Special Planning (SP) District is to encourage and facilitate the creative and innovative use of land which may otherwise be limited or prohibited by the standard provisions of other parts of this title. The SP District is designed to allow diversity in the relationship between buildings and open spaces so as to create unique, interesting physical environments that maximize usable open space, while at the same time to preserve the public health, safety, and welfare. All development in the SP District shall be consistent with the County General Plan. Development within the SP District shall conform to the standards specified elsewhere in this title for similar uses except to the extent that benefits will accrue to the public by deviation from such standards. The application of the SP District to land may only be initiated by application of the landowner or his/her representative.

19.52.020 PERMITTED USES

Any uses consistent with the County General Plan land use category applicable to the subject property and which will not be in conflict with the public health, safety, and welfare are permitted in the SP District in accordance with the standards and procedures set out in Sections 19.52.130 through 19.52.180 of this chapter.

19.52.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

No uses are permitted with a conditional use permit in the SP District. All uses are subject to approval in accordance with the standards and procedures set out in Sections 19.52.130 through 19.52.180 of this chapter.

19.52.040 PROHIBITED USES

Uses inconsistent with the County General Plan land use category applicable to the area and uses that would be in conflict with the public health, safety, and welfare, and accessory uses inconsistent with Section 19.08.110 are prohibited in the SP District.

19.52.050 MINIMUM LOT SIZE

Minimum lot size requirements in the SP District are as established in accordance with the standards and procedures set out in Sections 19.52.130 through 19.52.180 of this chapter.

19.52.060 MINIMUM LOT AREA PER DWELLING UNIT

Requirements for minimum lot area per dwelling unit in the SP District are as established in accordance with the standards and procedures set out in Sections 19.52.130 through 19.52.180 of this chapter.

19.52.070 YARDS AND SETBACKS

Yard and setback requirements in the SP District are as established in accordance with the standards and procedures set out in Sections 19.52.130 through 19.52.180 of this chapter.

19.52.080 HEIGHT LIMITS

Height limit requirements in the SP District are as established in accordance with the standards and procedures set out in Sections 19.52.130 through 19.52.180 of this chapter.

19.52.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Requirements for minimum distance between structures in the SP District are as established in accordance with the standards and procedures set out in Sections 19.52.130 through 19.52.180 of this chapter, however, buildings and structures shall not exceed the maximum permitted height in areas of protected military airspace as specified in Section 19.08.160.

19.52.100 PARKING

Parking requirements in the SP District are as established in accordance with the standards and procedures set out in Sections 19.52.130 through 19.52.180 of this chapter.

19.52.110 SIGNS

The following signs are permitted in the SP District:

- A. Temporary real estate signs advertising the property for sale or rent, not to exceed six (6) square feet each, excluding the area of any vertical and/or horizontal support members
- B. Temporary subdivision signs
- C. Permanent subdivision identification signs
- D. Temporary construction signs
- E. As established in accordance with the standards and procedures set out in Sections 19.52.130 through 19.52.180 of this chapter.

19.52.120 LANDSCAPING

Landscaping requirements in the SP District are as established in accordance with the standards and procedures set out in Sections 19.52.130 through 19.52.180 of this chapter.

19.52.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

The SP District may only be initiated by the property owner or his/her authorized representative. An SP District shall be established in accordance with the procedures set out in Chapter 19.112 of this title and in conjunction with review and approval of a site development plan in accordance with the procedures set out in Sections 19.102.190 through 19.102.230 of this title.

19.52.140 SITE DEVELOPMENT PLAN REVIEW APPLICATION — CONTENTS

An application for a site development plan review in the SP District shall include the following:

- A. Name and address of applicant
- B. Name(s) and address(es) of property owner(s)
- C. Assessor's parcel number(s)
- D. Legal description of the property
- E. A site development plan drawn at the scale specified by the Planning Director, which includes the following information:
 - 1. Topography of the lot(s)
 - 2. Proposed street system and parking areas
 - 3. Lot design
 - 4. Location of buildings
 - 5. Location of other proposed uses

6. Proposed setbacks
 7. Areas to be reserved for parks, schools, or public or quasi-public buildings
 8. Proposed landscaping
 9. Water supply and distribution
 10. Sewage disposal system
 11. Drainage system
 12. North arrow
- F. Acres of each proposed land use
- G. Number of dwelling units per acre, if applicable
- H. A narrative description of the proposed development, including:
1. An explanation of the proposed deviations from the standards that would otherwise apply to the proposed uses and why the deviations are necessary or desirable
 2. Phasing or development schedule

19.52.150 DEVELOPMENT STANDARDS AND CONDITIONS

Development within the SP District shall comply with the following standards:

- A. All development shall be consistent with the goals and policies of the County General Plan and with the uses and density or intensity standards of the County General Plan land use category applicable to the area in which the property is located.
- B. Development within the SP District shall be demonstratively superior to the development that could occur under any other zoning district or combination of zoning districts authorized by this title that are consistent with the County General Plan land use category applicable to the subject property. In making this determination, the following factors shall be considered:
 1. Appropriateness of the use at the proposed location
 2. The mix of housing styles and costs
 3. Provision of units affordable to persons and families of low and moderate income or to lower income households
 4. Provision of infrastructure improvements, including community water distribution and sewage collection and treatment systems
 5. Provision of open space
 6. Compatibility of uses within the development area

7. Use of innovative technology and materials
8. Overall contribution to the enhancement of the environment of the County
9. Creativity in design and use of land

C. The SP District may only be applied to areas containing five (5) acres or more.

19.52.160 ADOPTION BY ORDINANCE

Each SP District shall be adopted by ordinance and shall include all standards and conditions approved in connection with the review of the site development plan application. Each SP District shall be referenced by ordinance number on the Official Zoning Maps.

19.52.170 TIME LIMIT ON DEVELOPMENT APPROVAL

A. If development approved pursuant to this chapter has not commenced within three (3) years of the approval, the Board of Supervisors shall initiate a reclassification of the property in accordance with the procedures set out in Chapter 19.112 of this title, unless:

1. Building permits for approved development have been issued;
2. A tentative subdivision or parcel map for proposed development has been approved; or
3. A written request for an extension has been filed with and approved by the Planning Director before the expiration of the three- (3-) year period. Such extension shall not exceed three (3) years from the expiration of the initial three- (3-) year period; or
4. A development agreement has been approved in accordance with Chapter 19.103 of this title.

In any event, development approved in accordance with this chapter shall be commenced or necessary final subdivision maps recorded within six (6) years of the original approval or such other time as may be allowed by a tentative subdivision or parcel map or development agreement.

B. If the time limits specified in Subsection A of this section are not met, the Board of Supervisors shall initiate reclassification of the property to a zoning district or districts consistent with the County General Plan in accordance with procedures set out in Chapter 19.112 of this title.

19.52.180 MINOR PLAN MODIFICATIONS

The Planning Director may approve minor plan modifications to an approved SP site development plan in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title, if the Planning Director determines that the modification(s) does not constitute a substantial change in the approved project.

C H A P T E R 19.53
PLATTED LANDS (PL) DISTRICT

SECTIONS:

- 19.53.010 PURPOSE AND APPLICATION**
- 19.53.020 PERMITTED USES**
- 19.53.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.53.040 PROHIBITED USES**
- 19.53.050 MINIMUM LOT SIZE**
- 19.53.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.53.070 YARDS AND SETBACKS**
- 19.53.080 HEIGHT LIMITS**
- 19.53.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.53.100 PARKING**
- 19.53.110 SIGNS**
- 19.53.120 LANDSCAPING**
- 19.53.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.53.010 PURPOSE AND APPLICATION

The purpose of the Platted Lands (PL) District is to recognize legally existing lots within recorded subdivisions which had been rendered nonconforming with regard to minimum lot size requirements of the various Resource designations (8.1, 8.2, 8.3, 8.4, and 8.5) of the County General Plan. Uses in the PL District are limited primarily to residential uses and other activities compatible with the area to which the PL District is applied. Future land divisions within the PL District are prohibited.

19.53.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted:

A. AGRICULTURAL USES

- Breeding and raising animals pursuant to Section 19.53.130 of this chapter
- Growing of agricultural crops for domestic use of resident/occupant

B. RESIDENTIAL USES

- Accessory dwelling unit, pursuant to Chapter 19.90
- Manufactured home, mobilehome, or recreational vehicle, temporary, during construction of a single-family home pursuant to Section 19.53.130 of this chapter
- Manufactured home, pursuant to Section 19.53.130.D of this chapter
- Residential accessory structures

- Residential facility, serving six (6) or fewer persons
 - Single-family dwelling, with a width greater than sixteen (16) feet, one (1) per legal lot only
- C. RECREATIONAL, ENTERTAINMENT, AND TOURIST FACILITIES
- Community recreational facilities
- D. UTILITY AND COMMUNICATION FACILITIES
- Transmission lines and supporting towers, poles, pipelines, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company or other company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title
- E. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES
- Solar energy electrical generator which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
 - Small wind energy system, pursuant to Section 19.08.415
- F. MISCELLANEOUS USES
- Day-care home, large family, pursuant to Chapter 19.96 of this title
 - Day-care home, small family
 - Garage or yard sales pursuant to Subsection C of Section 19.53.130
 - Home occupation pursuant to Chapter 19.94 of this title
 - Water system, small or large

19.53.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

- A. RESIDENTIAL USES
- Community care facility
 - Manufactured home or mobilehome, pursuant to Section 19.53.130.D.6 of this chapter

- Rest home
- Retirement home
- Single-family dwelling, with a width of sixteen (16) feet or less, one (1) per legal lot only

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Country club
- Equestrian establishment
- Golf course
- Golf driving range
- Park or playground
- Swimming pool, public
- Tennis or swim club

C. COMMERCIAL USES

1. Offices
 - Temporary on-site real estate tract sales
2. Services
 - Ambulance

D. UTILITY AND COMMUNICATIONS FACILITIES

- Radio, television, microwave, or commercial communications transmitter, receiver, or translator
- Utility substation

E. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Mineral exploration
- Mining and mineral extraction pursuant to Chapter 19.100 of this title
- Oil or gas exploration and production pursuant to Chapter 19.98 of this title
- Wind-driven electrical generators, commercial or domestic

F. WASTE FACILITIES

- Sewage treatment plant

G. INSTITUTIONAL USES

- Cemetery, mausoleum, columbarium, or mortuary
- Charitable or public service organization
- Church
- Club or lodge
- Community or senior citizens center
- Crematory in conjunction with a cemetery, mausoleum, columbarium, or mortuary
- Library
- Museum
- Public agency or public utility buildings and facilities
- Sanitarium
- Water treatment plant

H. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. General

- Preschool
- Elementary school
- Junior high school
- Senior high school
- College or university

I. MISCELLANEOUS USES

- Day-care center
- Community septic disposal system
- Drainage sump
- Flood control facilities
- Railroad caboose and similar accessory structures

— Water storage or groundwater recharge facilities

19.53.040 PROHIBITED USES

All other uses not permitted by Sections 19.53.020 and 19.53.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited.

19.53.050 MINIMUM LOT SIZE

No lot within the PL District shall contain less than the area existing within the lot on April 15, 1982, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites.

19.53.060 MINIMUM LOT AREA PER DWELLING UNIT

Except as otherwise provided in Section 19.53.030 of this chapter, there shall be no more than one (1) dwelling unit per legal lot.

19.53.070 YARDS AND SETBACKS

A. **Front Yard.** Except as otherwise provided in Section 19.08.120 of this title, the front-yard minimum setback for all buildings shall be as follows:

1. Fifty-five (55) feet from the legal centerline of any existing or proposed public or private local street or access easements.
2. Seventy (70) feet from the legal centerline of any existing or proposed secondary highway.
3. Eighty (80) feet from the legal centerline of any existing or proposed major highway.

In no case shall the front-yard minimum setback be less than twenty-five (25) feet from the right-of-way established by any Official or Specific Plan Line, street, or access easement.

B. **Side Yard.** There shall be a side yard on each side of any building of not less than five (5) feet, except that on the street side of corner lots, buildings shall be set back a minimum of ten (10) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line. However, within the rear twenty-five (25) feet of all reverse corner lots, there shall be a minimum side yard of twenty-five (25) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line.

C. **Rear Yard.** There shall be a rear yard of not less than five (5) feet, except that in the case of through lots, the designated rear yard shall be in accordance with the front-yard setback requirements.

19.53.080 HEIGHT LIMITS

The following height limits apply in the PL District:

- A. Residential buildings shall not exceed three (3) stories or thirty-five (35) feet.
- B. Detached accessory structures shall not exceed two (2) stories or thirty-five (35) feet.
- C. Radio and television antennae, communication towers, chimneys, and other similar structures shall not exceed eighty (80) feet.

19.53.090 MINIMUM DISTANCE BETWEEN STRUCTURES

- A. There shall be a minimum distance of ten (10) feet between residential buildings.
- B. There shall be a minimum distance of six (6) feet between a residential building and an accessory building or between accessory buildings, except that pens, coops, or other structures for housing animals shall be at least thirty (30) feet away from any residential building or other building used for human habitation, at least one hundred (100) feet from the front lot line, at least twenty-five (25) feet from the street side lot line on a corner lot, and at least one hundred (100) feet away from any public park, school, hospital, or similar institution.

19.53.100 PARKING

Off-street parking shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.53.110 SIGNS

The following types of signs are permitted in accordance with the requirements of Chapter 19.84 of this title:

- A. Temporary real estate signs advertising the property for sale or rent, not to exceed six (6) square feet each, excluding the area of any vertical and/or horizontal support members
- B. Permanent subdivision signs
- C. Temporary construction signs
- D. Temporary political, religious, and civic campaign signs
- E. Institutional identification signs, approved in conjunction with a conditional use permit

19.53.120 LANDSCAPING

None required.

19.53.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

- A. In the PL District, the breeding and raising of animals permitted pursuant to Subsection A of Section 19.53.020 of this chapter shall be limited to poultry, rabbits, and birds for domestic or hobby purposes, or similar small fowl and animals raised for food, scientific, or fur-bearing purposes, provided not more than twelve (12) of any one (1) or combination of such animals may be maintained on a single lot, except that a maximum of forty (40) pigeons may be kept within an enclosed structure. Animal enclosures shall be subject to the setback requirements specified in Subsection 19.53.090.B.
- B. A mobilehome or recreational vehicle permitted as a temporary dwelling pursuant to Subsection B of Section 19.53.020 of this chapter shall comply with the following standards:
 - 1. Building permits for construction of the conventional single-family residence shall be obtained prior to or concurrently with the installation permit for the mobilehome.
 - 2. The mobilehome shall be removed from the premises or the recreational vehicle shall be removed from the premises or placed in dead storage if:
 - a. Six (6) months have passed since the mobilehome or recreational vehicle was installed.
 - b. Seven (7) days have passed since the conventional dwelling unit was approved for occupancy.
 - c. The building permit has lapsed due to lack of activity.
 - 3. One (1) extension of time for a period not to exceed six (6) months may be granted by the Planning Director upon written request of the property owner. The extension of time may only be approved subject to the following conditions:
 - a. An active building permit is on file with the Kern County Engineering and Survey Services Department (Building Inspection Division).
 - b. The construction of the conventional dwelling unit on the site has progressed to a stage of inspection and approval of the framing, rough electrical, rough mechanical, and rough and top-out of plumbing of the dwelling.
 - 4. Any mobilehome or recreational vehicle permitted as a temporary dwelling in excess of a six (6) month period of time pursuant to Subsection B.3 of Section 19.53.130 shall be removed or placed in dead storage if:
 - a. The extension of time has expired.
 - b. Seven (7) days have passed since the conventional dwelling unit was approved for occupancy.

- c. The building permit has lapsed due to lack of activity.
- C. Garage or yard sales are permitted without special permit provided they meet the following standards:
 - 1. Sales last no longer than three (3) days.
 - 2. Sales are held no more than twice yearly.
 - 3. Sales are conducted on the owner's or tenant's property. Multiple-family sales are permitted if they are held on the property of one (1) of the participants.
 - 4. No goods purchased for resale may be offered for sale.
 - 5. No consignment goods may be offered for sale.
 - 6. Directional signs may be placed on the street right-of-way.
 - 7. All directional and advertising signs shall be freestanding and removed after completion of the sale.
 - 8. All directional and advertising signs placed on private property shall have the owner's permission.
 - 9. No directional or advertising signs may be larger than two (2) feet by three (3) feet.
- D. Manufactured homes shall be permitted provided that the proposed manufactured home complies with the following requirements:
 - 1. The manufactured home shall be certified under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. - Section 5401 et seq.); and
 - 2. The manufactured home shall be installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code; and
 - 3. The manufactured home is no older than ten (10) years from the date application is made for an installation permit; and
 - 4. The manufactured home has a width greater than sixteen (16) feet; and
 - 5. The manufactured home complies with the following architectural requirements:
 - a. A minimum three-twelfths (three (3) inches vertical to twelve (12) inches horizontal) roof pitch; and
 - b. Shingles customarily utilized in the construction of conventional single-family dwellings; and

- c. A minimum one- (1-) foot eave around the entire perimeter of the manufactured home as measured from the vertical wall surface; and
 - d. Nonreflective siding material customarily utilized in the construction of conventional single-family dwellings which shall extend to ground level; and
 - e. Siding material utilized as skirting shall be the same in construction materials, composition, and color as the siding material utilized on the exterior wall surface of the manufactured home.
 - 6. Manufactured homes or mobilehomes not meeting all of the installation and architectural requirements specified in this section shall be permitted only upon approval of a conditional use permit, pursuant to Chapter 19.104.
- E. Development in the PL District shall also comply with the interpretation and provisions of Chapter 19.08 of this title.

CHAPTER 19.54
LOT SIZE COMBINING DISTRICT

SECTIONS:

- 19.54.010 PURPOSE AND APPLICATION**
- 19.54.020 PERMITTED USES**
- 19.54.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.54.040 PROHIBITED USES**
- 19.54.050 MINIMUM LOT SIZE**
- 19.54.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.54.070 YARDS AND SETBACKS**
- 19.54.080 HEIGHT LIMITS**
- 19.54.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.54.100 PARKING**
- 19.54.110 SIGNS**
- 19.54.120 LANDSCAPING**
- 19.54.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.54.010 PURPOSE AND APPLICATION

The purpose of the Lot Size Combining District is to provide for various lot sizes in the Estate (E) and Natural Resource (NR) Districts. The minimum lot size specified for E and NR Districts will vary by combination with the Lot Size Combining District. The numerical designation following an E or NR designation in parenthesis (e.g., E (1/2 acre)) will specify the minimum lot size in that district. The basis for the minimum lot size applied to an area shall include neighborhood character, compatibility with surrounding uses, and consistency with the County General Plan. In no case shall the Lot Size Combining District establish a lot size less than the minimum specified by the base district with which the Lot Size Combining District is combined.

19.54.020 PERMITTED USES

Uses permitted in a Lot Size Combining District are those uses permitted by the base district with which the Lot Size Combining District is combined.

19.54.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

Conditional uses permitted in a Lot Size Combining District are those conditional uses permitted by the base district with which the Lot Size Combining District is combined.

19.54.040 PROHIBITED USES

Uses prohibited in a Lot Size Combining District are those uses prohibited by the base district with which the Lot Size Combining District is combined.

19.54.050 MINIMUM LOT SIZE

- A. The following minimum lot size designations may be applied to the E and NR Districts based on neighborhood character, compatibility with surrounding lot sizes in the area, and consistency with the County General Plan:
- | | | |
|----|-------------|---|
| 1. | 1/4 acre | One-quarter (1/4) acre or ten thousand eight hundred and ninety (10,890) net square feet minimum lot area |
| 2. | 1/2 acre | One-half (1/2) acre or twenty-one thousand seven hundred and eighty (21,780) net square feet minimum lot area |
| 3. | 1 acre | One (1) net acre minimum lot area |
| 4. | 2 1/2 acres | Two and one-half (2 1/2) gross acres minimum lot area or a quarter (1/4) of a quarter (1/4) of a quarter (1/4) of a quarter (1/4) section of land, containing not less than two (2) acres |
| 5. | 5 acres | Five (5) gross acres minimum lot area or one-half (1/2) of a quarter (1/4) of a quarter (1/4) of a quarter (1/4) section of land, containing not less than four (4) acres |
| 6. | 10 acres | Ten (10) gross acres minimum lot area or a quarter (1/4) of a quarter (1/4) of a quarter (1/4) section of land, containing not less than eight (8) acres |
| 7. | 20 acres | Twenty (20) gross acres minimum lot area or a half (1/2) of a quarter (1/4) of a quarter (1/4) section of land, containing not less than sixteen (16) acres |
| 8. | 40 acres | Forty (40) gross acres minimum lot area or a quarter (1/4) of a quarter (1/4) of a quarter (1/4) section of land, containing not less than thirty-two (32) acres |
| 9. | 80 acres | Eighty (80) gross acres minimum lot area or a half (1/2) of a quarter (1/4) of a quarter (1/4) section of land, containing not less than sixty-four (64) acres |
- B. In no event shall the minimum lot size exceed the density limit specified by the applicable General Plan land use category.

19.54.060 MINIMUM LOT AREA PER DWELLING UNIT

Requirements for minimum lot area per dwelling unit in a Lot Size Combining District are per the requirements of the base district with which the Lot Size Combining District is combined.

19.54.070 YARDS AND SETBACKS

Yard and setback requirements in a Lot Size Combining District are per the requirements of the base district with which the Lot Size Combining District is combined.

19.54.080 HEIGHT LIMITS

Height limit requirements in a Lot Size Combining District are per the requirements of the base district with which the Lot Size Combining District is combined.

19.54.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Requirements for minimum distance between structures in a Lot Size Combining District are per the requirements of the base district with which the Lot Size Combining District is combined.

19.54.100 PARKING

Parking requirements in a Lot Size Combining District are per the requirements of the base district with which the Lot Size Combining District is combined.

19.54.110 SIGNS

Sign requirements in a Lot Size Combining District are per the requirements of the base district with which the Lot Size Combining District is combined.

19.54.120 LANDSCAPING

Landscaping requirements in a Lot Size Combining District are per the requirements of the base district with which the Lot Size Combining District is combined.

19.54.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

Special review procedures and development standards in a Lot Size Combining District are per the requirements of the base district with which the Lot Size Combining District is combined.

CHAPTER 19.56

PRECISE DEVELOPMENT (PD) COMBINING DISTRICT

SECTIONS:

- 19.56.010 PURPOSE AND APPLICATION**
- 19.56.020 PERMITTED USES**
- 19.56.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.56.040 PROHIBITED USES**
- 19.56.050 MINIMUM LOT SIZE**
- 19.56.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.56.070 YARDS AND SETBACKS**
- 19.56.080 HEIGHT LIMITS**
- 19.56.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.56.100 PARKING**
- 19.56.110 SIGNS**
- 19.56.120 LANDSCAPING**
- 19.56.130 SITE DEVELOPMENT PLAN REVIEW — REQUIRED**
- 19.56.140 SITE DEVELOPMENT PLAN REVIEW — APPLICATION — CONTENTS**
- 19.56.150 BASIS FOR APPROVAL**
- 19.56.170 TIME LIMIT ON DEVELOPMENT APPROVAL**
- 19.56.180 TEMPORARY USES**
- 19.56.190 MINOR PLAN MODIFICATIONS**
- 19.56.200 PERMIT REVOCATION AND MODIFICATIONS**

19.56.010 PURPOSE AND APPLICATION

The purpose of the Precise Development (PD) Combining District is to designate areas with unique site characteristics or environmental conditions or areas surrounded by sensitive land uses to ensure that development in such areas is compatible with such constraints. All development in the PD Combining District shall be subject as a minimum to Special Development Standards as specified in Chapter 19.80 of this title; however, a Special Development Standards Plot Plan Review shall not be required. The application of the PD District may be initiated by either the property owner or the County. The PD District may be combined with any base district. The regulations established by the PD District shall be in addition to the regulations of the base district with which the PD District is combined.

19.56.020 PERMITTED USES

Permitted uses in a PD District are those uses permitted by the base district with which the PD District is combined.

19.56.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

Uses permitted with a conditional use permit in a PD District are those conditional uses permitted by the base district with which the PD District is combined.

19.56.040 PROHIBITED USES

Prohibited uses in a PD District are those uses prohibited by the base district with which the PD District is combined.

19.56.050 MINIMUM LOT SIZE

Minimum lot size requirements in a PD District are per the requirements of the base district with which the PD District is combined.

19.56.060 MINIMUM LOT AREA PER DWELLING UNIT

Requirements for minimum lot area per dwelling unit in a PD District are per the requirements of the base district with which the PD District is combined.

19.56.070 YARDS AND SETBACKS

Yard and setback requirements in a PD District are per the requirements of the base district with which the PD District is combined.

19.56.080 HEIGHT LIMITS

Height limit requirements in a PD District are per the requirements of the base district with which the PD District is combined.

19.56.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Requirements for minimum distance between structures in a PD District are per the requirements of the base district with which the PD District is combined.

19.56.100 PARKING

Parking requirements in a PD District are per the requirements of Chapter 19.82 of this title, Off-street Parking.

19.56.110 SIGNS

Sign requirements in a PD District are per the requirements of the base district with which the PD District is combined.

19.56.120 LANDSCAPING

Landscaping requirements in a PD District are per the requirements of Chapter 19.86 of this title, Landscaping.

19.56.130 SITE DEVELOPMENT PLAN REVIEW — REQUIRED

No use shall be established, changed, or altered, no development shall occur and no building or grading permit shall be issued for any use or development in the PD Combining District, except for one (1) single-family residential dwelling on a single lot, until an application for site development plan review has been submitted to and approved by the Planning Director or the Board of Supervisors in accordance with the procedures set out in Chapter 19.102 of this title. The Planning Director may waive this requirement in cases where the proposed development is the subdivision of property, and no other development is proposed. Additionally, this requirement shall be waived in those instances where the proposed development requires approval of a conditional use permit pursuant to Chapter 19.104.

19.56.140 SITE DEVELOPMENT PLAN REVIEW — APPLICATION — CONTENTS

An application for site development plan review shall include the following:

- A. Name and address of applicant
- B. Name(s) and address(es) of the property owner(s)
- C. Assessor's parcel number(s)
- D. Legal description of the property
- E. A site development plan drawn at the scale specified by the Planning Director, which includes the following information:
 - 1. Topography and proposed grading
 - 2. Proposed development in relationship to all previously approved and projected PD site development plans
 - 3. The width, location, and names of surrounding streets
 - 4. The location, dimensions, ground floor area, and uses of all existing and proposed buildings and structures on the subject property
 - 5. Proposed landscaping
 - 6. Streets and parking areas
 - 7. Signs, including location, size, and height
 - 8. Proposed dedications and improvements in accordance with applicable subdivision improvement standards for the area
 - 9. Location, height, and material of walls and fences
 - 10. Other specified uses of the property
 - 11. North arrow and scale

- F. A narrative description of the proposed development, including the following:
1. Acreage or square footage of the property
 2. Height, ground floor area, and total floor area of each building
 3. Number of dwelling units in each building
 4. Building coverage expressed as a percent of the total area of the property
 5. Area of land devoted to landscaping and/or open space usable for recreation purposes and its percentage of the total land area
 6. Method of sewage disposal
 7. Water supply, both domestic and fire
 8. Proposed on-site drainage facilities
 9. Methods of flood control, where appropriate

19.56.150 BASIS FOR APPROVAL

The decision-making authority may approve or conditionally approve an application for a precise development plan if it finds all of the following:

- A. The proposed development is consistent with the designations, goals, and policies of the applicable General or Specific Plan.
- B. The proposed development will not be materially detrimental to the health and safety of the public or to property and residents in the vicinity.

19.56.170 TIME LIMIT ON DEVELOPMENT APPROVAL

If development approved in accordance with this chapter has not commenced within two (2) years of the approval, the approval shall become null and void and of no effect, unless an extension has been granted by the Planning Director upon written request for an extension before the expiration of the two- (2-) year period. This provision shall not apply to applications approved in conjunction with a tentative parcel map or a tentative tract map. In such cases, the expiration period shall coincide with that of the approved tentative parcel map or approved tentative tract map, as applicable.

19.56.180 TEMPORARY USES

Notwithstanding Sections 19.56.140 through 19.56.150 of this chapter, when a PD District has been established and is in effect, the Planning Director is authorized to approve a temporary use of the property consistent with the uses authorized by the base district within which the PD District is combined, but involving no permanent buildings or structures, if the Planning Director determines

that such temporary use would not be detrimental to the public health, safety, and welfare, subject to the following conditions:

- A. The applicant shall submit an application for a PD site development plan review.
- B. Authorization for a temporary use shall be evidenced by a temporary precise development plan approved by the Planning Director in accordance with the procedures set out in Sections 19.102.080 through 19.102.110 of this title.
- C. The Planning Director may impose reasonable conditions to ensure that the temporary use will not be detrimental to the public health, safety, and welfare.
- D. Such temporary precise development plan may be revoked by the Planning Director at any time, if, in the exercise of his/her reasonable discretion, he/she determines that continued temporary use of such property without the safeguards provided by an approved PD site development plan would be detrimental to the public health, safety, and welfare.
- E. No temporary use authorized by a temporary precise development plan shall ever ripen into the status of a permanent right or legal, nonconforming use.
- F. Upon approval of a precise development plan authorizing the permanent use of the property or upon expiration of the temporary precise development plan, the temporary precise development plan shall become null and void and the premises shall be completely vacated and restored to its original condition, except as otherwise authorized by a precise development plan approved for the permanent use of the property.

19.56.190 MINOR PLAN MODIFICATIONS

The Planning Director may approve minor plan modifications to an approved PD site development plan in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title if the Planning Director determines that the modification(s) does not constitute a substantial change in the approved project.

19.56.200 PERMIT REVOCATION AND MODIFICATIONS

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this title.

CHAPTER 19.58
CLUSTER (CL) COMBINING DISTRICT

SECTIONS:

- 19.58.010 PURPOSE AND APPLICATION**
- 19.58.020 PERMITTED USES**
- 19.58.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.58.040 PROHIBITED USES**
- 19.58.050 MINIMUM LOT SIZE**
- 19.58.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.58.070 YARDS AND SETBACKS**
- 19.58.080 HEIGHT LIMITS**
- 19.58.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.58.100 PARKING**
- 19.58.110 SIGNS**
- 19.58.120 LANDSCAPING**
- 19.58.130 SITE DEVELOPMENT PLAN REVIEW — REQUIRED**
- 19.58.140 SITE DEVELOPMENT PLAN REVIEW — APPLICATION — CONTENTS**
- 19.58.150 DEVELOPMENT STANDARDS AND CONDITIONS**
- 19.58.160 TIME LIMIT ON DEVELOPMENT APPROVAL**
- 19.58.170 MINOR PLAN MODIFICATIONS**
- 19.58.180 PERMIT REVOCATION AND MODIFICATION**

19.58.010 PURPOSE AND APPLICATION

The purpose of the Cluster (CL) Combining District is to promote development of imaginative, well-designed residential and commercial developments which preserve open space, promote affordable housing, and maximize the use of shared public and private recreation facilities. The CL District may be combined with the Estate (E), Low-density Residential (R-1), Medium-density Residential (R-2), High-density Residential (R-3), Commercial Office (CO), Neighborhood Commercial (C-1), General Commercial (C-2), or Highway Commercial (CH) Districts. The regulations established by the CL District shall be in addition to the regulations of the base district with which the CL District is combined.

19.58.020 PERMITTED USES

Uses permitted in a CL District are those uses permitted by the base district with which the CL District is combined.

19.58.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

Uses permitted with a conditional use permit in a CL District are those conditional uses permitted by the base district with which the CL District is combined.

19.58.040 PROHIBITED USES

Uses prohibited in a CL District are those uses prohibited by the base district with which the CL District is combined.

19.58.050 MINIMUM LOT SIZE

There is no minimum lot size where a base district is combined with the CL District.

19.58.060 MINIMUM LOT AREA PER DWELLING UNIT

There is no requirement for minimum lot area per dwelling unit in a CL District, except that overall project density shall not exceed a ten percent (10%) increase above the overall density established by the County General Plan land use category applicable to the area in which the property is located. Where the applicable General Plan or Specific Plan designation allows a density greater than one (1) dwelling for each two and one-half (2 1/2) acres, the maximum permitted density shall be calculated on a "net" basis which excludes existing and proposed public or private roads.

19.58.070 YARDS AND SETBACKS

Yard and setback requirements in a CL District are as established in accordance with the standards and procedures set out in Sections 19.58.130 through 19.58.180 of this chapter.

19.58.080 HEIGHT LIMITS

Height limits in a CL District are per the requirements of the base district with which the CL District is combined.

19.58.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Requirements for minimum distance between structures in a CL District are per the requirements of the base district with which the CL District is combined.

19.58.100 PARKING

Parking requirements in a CL District are per the requirements of the base district with which the CL District is combined.

19.58.110 SIGNS

Sign requirements in a CL District are per the requirements of the base district with which the CL District is combined.

19.58.120 LANDSCAPING

Landscaping requirements in a CL District are per the requirements of the base district with which the CL District is combined.

19.58.130 SITE DEVELOPMENT PLAN REVIEW — REQUIRED

No use shall be established, no development shall occur, and no building or grading permit shall be issued for any use or development in the CL District until an application for site development plan review has been submitted to and approved by the Planning Director in accordance with the procedures set out in Sections 19.102.070 through 19.102.120 of this title, the Planning Commission in accordance with the procedures set out in Sections 19.102.130 through 19.102.170 or this, or submitted to and approved by the Board of Supervisors in accordance with the procedures set out in Sections 19.102.190 through 19.102.230 of this title when submitted in conjunction with an application for a change of zone classification.

19.58.140 SITE DEVELOPMENT PLAN REVIEW — APPLICATION — CONTENTS

An application for site development plan review shall include the following:

- A. Name and address of applicant
- B. Name(s) and address(es) of property owner(s)
- C. Assessor's parcel number(s)
- D. A site development plan drawn at the scale specified by the Planning Director, which includes the following:
 - 1. Topography of the lot(s)
 - 2. Proposed street system and parking area
 - 3. Lot design
 - 4. Location of buildings
 - 5. Location of other proposed uses
 - 6. Proposed setbacks
 - 7. Areas to be reserved for parks, schools, or other public or quasi-public facilities
 - 8. Proposed landscaping
 - 9. Water supply and distribution
 - 10. Sewage disposal system
 - 11. Drainage system
 - 12. North arrow
- E. Number of dwelling units per acre

- F. Proposed method of ownership and maintenance of commonly held open space, if any
- G. A narrative description of the development, including an explanation of the proposed deviations from the regulations otherwise applicable to the property
- H. Phasing or development schedule

19.58.150 DEVELOPMENT STANDARDS AND CONDITIONS

Development in the CL District shall comply with the following standards:

- A. All development shall be consistent with the goals and policies of the County General Plan and with the General Plan land use category applicable to the area in which the property is located.
- B. Development within the CL District shall be demonstratively superior to the development that could occur under the base district regulations applicable to the property. In making this determination, the following factors shall be considered:
 - 1. Provision of open space
 - 2. Uniqueness of design features
 - 3. Level of amenities provided
 - 4. Retention of natural topography and/or vegetation
 - 5. Overall enhancement of the community environment
 - 6. Compatibility with uses in the area
- C. All development shall comply with any additional conditions deemed necessary or appropriate by the Planning Director or the Board of Supervisors to promote the public health, safety, and welfare.

19.58.160 TIME LIMIT ON DEVELOPMENT APPROVAL

If development approved in accordance with this chapter has not commenced within two (2) years of the approval, the approval shall become null and void and of no effect, unless an extension has been granted by the Planning Director, upon written request for an extension before the expiration of the two- (2-) year period. This provision shall not apply to applications approved in conjunction with a tentative parcel map or a tentative tract map. In such cases, the expiration period shall coincide with that of the approved tentative parcel map or approved tentative tract map, as applicable.

19.58.170 MINOR PLAN MODIFICATIONS

The Planning Director may approve minor plan modifications to an approved CL site development plan in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title if the Planning Director determines that the modification(s) does not constitute a substantial change in the approved project.

19.58.180 PERMIT REVOCATION AND MODIFICATION

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this title.

C H A P T E R 19.60

RESIDENTIAL SUBURBAN (RS) COMBINING DISTRICT

SECTIONS:

- 19.60.010 PURPOSE AND APPLICATION**
- 19.60.020 PERMITTED USES**
- 19.60.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.60.040 PROHIBITED USES**
- 19.60.050 MINIMUM LOT SIZE**
- 19.60.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.60.070 YARDS AND SETBACKS**
- 19.60.080 HEIGHT LIMITS**
- 19.60.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.60.100 PARKING**
- 19.60.110 SIGNS**
- 19.60.120 LANDSCAPING**
- 19.60.130 TEMPORARY ANIMAL PERMIT — REQUIRED WHEN**
- 19.60.140 TEMPORARY ANIMAL PERMIT — APPLICATION — CONTENTS**
- 19.60.150 DEVELOPMENT STANDARDS AND CONDITIONS**
- 19.60.160 PERMIT REVOCATION AND MODIFICATION**

19.60.010 PURPOSE AND APPLICATION

The purpose of the Residential Suburban (RS) Combining District is to expand the number and type of permitted domestic agricultural uses within rural residential areas. The RS Combining District may be combined with the Estate (E) where the minimum lot size is one-half (1/2) net acre (21,780 square feet) or larger. The RS Combining District may also be combined with the Platted Lands (PL) District, provided that each lot contains a minimum of one-half (1/2) net acre. The uses allowed and regulations established by the RS District shall be in addition to regulations of the base district with which the RS District is combined. The keeping of animals permitted by the RS District is an accessory use and shall not be established until a primary use is established.

19.60.020 PERMITTED USES

The following uses and others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in an RS District:

- A. Breeding, raising, and keeping of poultry, birds, rabbits, chinchillas, fish, frogs, or bees for the domestic use of the resident/occupant of the lot, provided, however, there shall be no killing or dressing of such animals for commercial purposes.
- B. Keeping of cattle, sheep, goats, horses, donkeys, mules, or hogs owned by the resident/occupant of the lot, provided any combination of such animals on any one (1) lot shall be limited to one (1) adult animal for every one quarter (1/4) acre, provided, however, there shall be no killing or dressing of such animals for commercial purposes. One (1)

adult animal may be kept on a lot with less than one quarter (1/4) acre, provided that all setback requirements are satisfied.

- C. Uses permitted by the base district with which the RS District is combined.

19.60.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

- A. Uses permitted with a conditional use permit in an RS District are those conditional uses permitted by the base district with which the RS District is combined.
- B. Bird breeding - commercial.
- C. Equestrian establishments, as defined in Section 19.04.250.

19.60.040 PROHIBITED USES

Prohibited uses in an RS District are those uses prohibited by the base district with which the RS District is combined.

19.60.050 MINIMUM LOT SIZE

Minimum lot size requirements in an RS District are per the requirements of the base district with which the RS District is combined, provided, no portion of any lot within the RS District shall contain less than one-half (1/2) net acre (21,780 square feet), except, however, for lots which were zoned E RS and E-1 RS on the date of adoption of Ordinance G-4151, and which were as a result of the adoption thereof rezoned to E (1/4). (Ordinance T-4459 Section 3, 1987)

19.60.060 MINIMUM LOT AREA PER DWELLING UNIT

Requirements for minimum lot area per dwelling unit in an RS District are per the requirements of the base district with which the RS District is combined.

19.60.070 YARDS AND SETBACKS

Yard and setback requirements in an RS District are as follows:

- A. Pens, coops, stables, corrals, and other structures and enclosures housing livestock or poultry, and the animals themselves, shall be at least thirty (30) feet away from any off-site residential building or other building used for human habitation and at least one hundred (100) feet away from any public park, school, hospital, or similar institution:
- B. All other uses shall comply with the requirements of the base district with which the RS District is combined.

19.60.080 HEIGHT LIMITS

Height limit requirements in an RS District are per the requirements of the base district with which the RS District is combined.

19.60.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Requirements for minimum distance between structures in an RS District are as follows:

- A. There shall be a minimum distance of six (6) feet between a residential building and an accessory building or between accessory buildings, except as otherwise specified in Section 19.60.070 of this title.
- B. All other uses shall comply with the requirements of the base district with which the RS District is combined.

19.60.100 PARKING

Parking requirements in an RS District are per the requirements of the base district with which the RS District is combined.

19.60.110 SIGNS

Sign requirements in an RS District are per the requirements of the base district with which the RS District is combined.

19.60.120 LANDSCAPING

Landscaping requirements in an RS District are per the requirements of the base district with which the RS District is combined.

19.60.130 TEMPORARY ANIMAL PERMIT — REQUIRED WHEN

The breeding and raising of livestock, in greater numbers than allowed by Subsection B of Section 19.60.020 of this chapter, by minors in conjunction with a student-oriented fair project sponsored by a bona fide agricultural organization shall be permitted upon submission of an application for a Temporary Animal Permit to and approval by the Planning Director in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title.

19.60.140 TEMPORARY ANIMAL PERMIT — APPLICATION — CONTENTS

An application for a Temporary Animal Permit shall include the following:

- A. The name and address of the applicant
- B. The name(s) and address(es) of the property owner(s)
- C. Assessor's parcel number(s)
- D. Legal description of the subject property
- E. Name of the organization sponsoring the applicant

- F. A plot plan showing the location of proposed pens, coops, or areas for the breeding and raising of animals in relation to existing residence(s) and other buildings and structures within one hundred (100) feet of pens, coops, or areas housing livestock
- G. The signature of each owner of real property abutting the subject lot consenting to the granting of the Temporary Animal Permit

19.60.150 DEVELOPMENT STANDARDS AND CONDITIONS

- A. The breeding and raising of animals on a temporary basis shall comply with the following standards and conditions:
 - 1. The applicant shall be sponsored by a bona fide organization, such as, but not limited to, Future Farmers of America, 4-H Club, Cow-Belles, or Junior Farmer.
 - 2. The increase in animal density shall not exceed the density allowed by Section 19.60.020 of this chapter by more than fifty percent (50%). In any event, at least two (2), but no more than six (6), additional animals shall be allowed.
 - 3. The Temporary Animal Permit shall be effective for a maximum period of six (6) months from the effective date of the permit. No more than one (1) such permit shall be approved for any lot within a one- (1-) year period.
 - 4. The written consent of each abutting property owner consenting to the granting of the Temporary Animal Permit must be obtained.
 - 5. The applicant shall allow inspection of animal maintenance facilities by the Kern County Engineering and Survey Services Department (Building Inspection Division) and the Kern County Health Department.
 - 6. Each additional animal authorized by the Temporary Animal Permit over the allowable animal density specified by Section 19.60.020 of this chapter shall be removed upon expiration of the permit.
- B. Equestrian establishments authorized through the conditional use permit process may exceed the maximum number of large animals specified in Section 19.60.020 as provided for in the approved conditional use permit.

19.60.160 PERMIT REVOCATION AND MODIFICATION

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this title upon receipt of a recommendation for revocation or modification from the Kern County Engineering and Survey Services Department (Building Inspection Division) or the Kern County Health Department.

CHAPTER 19.61
RURAL LIVING (RL) COMBINING DISTRICT

SECTIONS:

- 19.61.010 PURPOSE AND APPLICATION**
- 19.61.020 PERMITTED USES**
- 19.61.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.61.040 PROHIBITED USES**
- 19.61.050 MINIMUM LOT SIZE**
- 19.61.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.61.070 YARDS AND SETBACKS**
- 19.61.080 HEIGHT LIMITS**
- 19.61.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.61.100 PARKING**
- 19.61.110 SIGNS**
- 19.61.120 LANDSCAPING**
- 19.61.130 DEVELOPMENT STANDARDS AND CONDITIONS**

19.61.010 PURPOSE AND APPLICATION

The purpose of the Rural Living (RL) Combining District is to expand the number and type of permitted and conditionally permitted uses within rural areas of the County. The RL Combining District may be applied to areas designated 5.6, 5.7, or 5.8 by the Kern County General Plan or other adopted General or Specific Plan. The RL Combining District shall not be applied on any property that is located within one-quarter (1/4) mile of any other property designated 5.1, 5.2, or 5.3 by the Kern County General Plan or other adopted General or Specific Plan, nor shall the RL Combining District be applied to any parcel with a size of less than two (2) acres. The RL Combining District may be combined with the Estate (E) District or Limited Agriculture (A-1) District, where the permitted lot size is two and one-half (2 1/2) acres or larger. The uses permitted or conditionally permitted and regulations established by the RL District shall be in addition to the uses and regulations of the base district with which the RL District is combined.

19.61.020 PERMITTED USES

The following uses, uses permitted by the base district, and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the RL District:

A. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Boarding or keeping of horses, not to exceed one (1) horse for each one-quarter (1/4) acre, including owner's horses
- Horse breeding
- Horse riding
- Horse riding academies and schools

- Horse training or instructional clinics

B. MISCELLANEOUS USES

- Agricultural accessory buildings and structures, including cargo containers not to exceed one (1) cargo container for each two and one-half (2 1/2) acres of gross lot area
- Residential accessory buildings with no maximum size requirement, including cargo containers not to exceed one (1) cargo container for each two and one-half (2 1/2) acres of gross lot area

19.61.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

Uses permitted with a conditional use permit in an RL District are those conditional uses permitted by the base district with which the RL District is combined and the following uses:

A. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Boarding or keeping of horses, exceeding one (1) horse for each one-quarter (1/4) acre
- Equestrian establishment, including horse shows and rodeos

B. COMMERCIAL USES

1. Services

- Equestrian services
- Veterinary

19.61.040 PROHIBITED USES

Prohibited uses in an RL District are those uses prohibited by the base district with which the RL District is combined and any other use not expressly authorized by this title.

19.61.050 MINIMUM LOT SIZE

Minimum lot size requirements in an RL District are per the requirements of the base district with which the RL District is combined, provided, no portion of any lot shall be included within a base district which permits parcel sizes of less than two and one-half (2 1/2) acres.

19.61.060 MINIMUM LOT AREA PER DWELLING UNIT

Requirements for minimum lot area per dwelling unit in an RL District are per the requirements of the base district with which the RL District is combined.

19.61.070 YARDS AND SETBACKS

Yard and setback requirements in an RL District shall be as required in the base district or as follows, whichever is least restrictive:

- A. Pens, coops, stables, corrals, and other structures and enclosures housing livestock or poultry, and the animals themselves, shall be at least:
 - 1. One hundred (100) feet from the front property line
 - 2. Twenty-five (25) feet from the street side of a corner lot

19.61.080 HEIGHT LIMITS

Height limit requirements in an RL District are per the requirements of the base district with which the RL District is combined.

19.61.090 MINIMUM DISTANCE BETWEEN STRUCTURES

The minimum distance between structures in an RL District shall be as required in the base district or as follows, whichever is least restrictive:

- A. There shall be a minimum distance of six (6) feet between a residential building and an accessory building or between accessory buildings, except that pens, coops, other structures for housing animals, and the animals themselves shall be at least thirty (30) feet away from any off-site residential building or other building used for human habitation, at least one hundred (100) feet from the front lot line, at least twenty-five (25) feet from the street side lot line on a corner lot, and at least one hundred (100) feet away from any public park, school, hospital, or similar institution.

19.61.100 PARKING

Parking requirements in an RL District are per the requirements of the base district with which the RL District is combined, except that parking area surfacing shall be provided as required by Section 19.82.090.A.2. Parking area surfacing for conditional uses shall be as required by the approved conditional use permit.

19.61.110 SIGNS

Sign requirements in an RL District are per the requirements of the base district with which the RL District is combined.

19.61.120 LANDSCAPING

Landscaping requirements in an RL District are per the requirements of the base district with which the RL District is combined, except as otherwise required in conjunction with an approved conditional use permit.

19.61.130 DEVELOPMENT STANDARDS AND CONDITIONS

- A. The Director of the Kern County Planning Department may authorize, upon written request from the property owner, equestrian events to be held for a maximum of five (5) days during any given calendar year involving no more than one hundred (100) people on site, including participants and spectators. Any such request shall be accompanied by a written statement describing the proposed event and by the signatures of the owners of all abutting properties which contain a residence indicating "no objection" to the request. No public address or loudspeaker systems shall be utilized, except that portable, hand-held megaphones or similar sound amplification devices, as determined by the Planning Director, may be utilized. The Planning Director may impose conditions deemed necessary to protect the public health, safety, and welfare.

C H A P T E R 19.62

MOBILEHOME (MH) COMBINING DISTRICT

SECTIONS:

19.62.010 PURPOSE AND APPLICATION

19.62.020 PERMITTED USES

19.62.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

19.62.040 PROHIBITED USES

19.62.050 MINIMUM LOT SIZE

19.62.060 MINIMUM LOT AREA PER DWELLING UNIT

19.62.070 YARDS AND SETBACKS

19.62.080 HEIGHT LIMITS

19.62.090 MINIMUM DISTANCE BETWEEN STRUCTURES

19.62.100 PARKING

19.62.110 SIGNS

19.62.120 LANDSCAPING

19.62.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

19.62.010 PURPOSE AND APPLICATION

The purpose of the MH (Mobilehome Combining) District is to provide for the installation of mobilehomes with or without foundations in agricultural, resource-related, and residential zoned areas. The MH District may be combined with A-1 (Limited Agriculture), R-1 (Low-density Residential), E (Estate), PL (Platted Lands), or the RF (Recreation-Forestry) Districts. Except as specifically provided for in this chapter, the uses allowed and regulations established by the MH District shall be in addition to the regulations of the base district with which the MH District is combined.

19.62.020 PERMITTED USES

The following uses and others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in an MH District:

- A. Mobilehome, certified under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. - Section 5401 et seq.) and which is no older than thirty (30) years from the date application is made for an installation permit.
- B. Uses permitted by the base district with which the MH District is combined.

19.62.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

- A. Mobilehome, which is older than thirty (30) years from the date application is made for an installation permit.
- B. Uses permitted with a conditional use permit in an MH District are those conditional uses permitted by the base district with which the MH District is combined.

19.62.040 PROHIBITED USES

Prohibited uses in an MH District are those uses prohibited by the base district with which the MH District is combined.

19.62.050 MINIMUM LOT SIZE

Minimum lot size requirements in an MH District are per the requirements of the base district with which the MH District is combined.

19.62.060 MINIMUM LOT AREA PER DWELLING UNIT

Requirements for minimum lot area per dwelling unit in an MH District are per the requirements of the base district with which the MH District is combined.

19.62.070 YARDS AND SETBACKS

Yard and setback requirements in an MH District are per the requirements of the base district with which the MH District is combined.

19.62.080 HEIGHT LIMITS

Height limits in an MH District are per the requirements of the base district with which the MH District is combined.

19.62.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Requirements for minimum distance between structures in an MH District are per the requirements of the base district with which the MH District is combined.

19.62.100 PARKING

Parking requirements in an MH District are per the requirements of the base district with which the MH District is combined.

19.62.110 SIGNS

Sign requirements in an MH District are per the requirements of the base district with which the MH District is combined.

19.62.120 LANDSCAPING

Landscaping requirements in an MH District are per the requirements of the base district with which the MH District is combined.

19.62.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

- A. If the method of installation results in the exposure of the undercarriage, a continuous perimeter skirting compatible with the mobilehome siding shall be installed.
- B. No special architectural or size requirements shall apply to mobilehome installations in the MH District, except as may be specifically required by Sections 19.62.020 or 19.62.030.

CHAPTER 19.64

WIND ENERGY (WE) COMBINING DISTRICT

SECTIONS:

- 19.64.010 PURPOSE AND APPLICATION**
- 19.64.020 PERMITTED USES**
- 19.64.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.64.040 PROHIBITED USES**
- 19.64.050 MINIMUM LOT SIZE**
- 19.64.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.64.070 YARDS AND SETBACKS**
- 19.64.080 HEIGHT LIMITS**
- 19.64.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.64.100 PARKING**
- 19.64.110 SIGNS**
- 19.64.120 LANDSCAPING**
- 19.64.130 DETAILED PLOT PLAN REQUIRED — CONTENTS**
- 19.64.140 DEVELOPMENT STANDARDS AND CONDITIONS**
- 19.64.150 WIND TURBINE MAINTENANCE AND ABANDONMENT**
- 19.64.160 PERMIT REVOCATION AND MODIFICATION**

19.64.010 PURPOSE AND APPLICATION

- A. It is the intent of the Board of Supervisors, in adopting this chapter, to promote the use of proven wind-driven generators for energy recovery, and to promote safeguards ensuring the maintenance of the health, safety, and welfare of the citizens of the County. In addition, in adopting this chapter, it is the intent of the Board of Supervisors to promote the use of an alternative to fossil-fuel-generated electrical power in areas of the County which are identified to have suitable wind resources for production of commercial quantities of wind-generated electrical power. Furthermore, it is the intent of the Board of Supervisors that site-specific application of this chapter shall occur only in a manner that provides a harmonious balance between the suitability of a project site with existing area land use and physical surroundings.
- B. The WE District is a combining district and shall only be applied to the following district classifications: Exclusive Agriculture (A), Industrial (M-1, M-2, and M-3), Natural Resource (NR) with a minimum lot size of twenty (20) acres, Recreation-Forestry (RF) with a minimum lot size of twenty (20) acres, Limited Agriculture (A-1) with a minimum lot size of twenty (20) acres, or Estate (E) with a minimum lot size of twenty (20) acres. The uses allowed and the regulations required in the WE District shall be in addition to the regulations of the base district with which the WE District is combined. The WE District may not be adopted as a single land use designation.

19.64.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in a WE District:

- A. Wind-driven electrical generators, prototype, as defined in Chapter 19.04 of this title
- B. Wind-driven electrical generators, production, as defined in Chapter 19.04 of this title
- C. Accessory administrative and maintenance structures and facilities, electrical substations, transmission lines, and other facilities and electrical structures accessory and incidental to the main use.
- D. Uses permitted by the base district with which the WE District is combined.

19.64.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in a WE District subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

- A. Wind-driven electrical generators, experimental, as defined in Chapter 19.02 of this title, on a temporary basis.
- B. Wind-driven electrical generators, manufacture, or assembly
- C. Conditional uses permitted by the base district with which the WE District is combined.

19.64.040 PROHIBITED USES

The following uses are prohibited in a WE District:

- A. Wind-driven electrical generators, experimental, as defined in Chapter 19.02 of this title, on a permanent basis.
- B. All other uses not permitted by Sections 19.64.020 and 19.64.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in a WE District.

19.64.050 MINIMUM LOT SIZE

Minimum lot size requirements in a WE District are per the requirements of the base district with which the WE District is combined.

19.64.060 MINIMUM LOT AREA PER DWELLING UNIT

Requirements for minimum lot area per dwelling unit requirements in a WE District are per the requirements of the base district with which the WE District is combined.

19.64.070 YARDS AND SETBACKS

Yard and setback requirements in a WE District are as follows:

- A. Wind-driven electrical generators shall comply with the setback requirements specified in Sections 19.64.130 through 19.64.150 of this title.
- B. All other structures shall comply with the requirements of the base district with which the WE District is combined.

19.64.080 HEIGHT LIMITS

Height limits in a WE District are as follows:

- A. Wind-driven electrical generators and associated meteorological towers shall comply with the height limits specified in Section 19.64.140 of this chapter.
- B. All other uses and structures shall comply with the requirements of the base district with which the WE District is combined.

19.64.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Requirements for minimum distance between structures in a WE District are as follows:

- A. Wind-driven electrical generators shall comply with the requirements specified in Sections 19.64.130 through 19.64.150 of this chapter.
- B. All other uses shall comply with the requirements of the base district with which the WE District is combined.

19.64.100 PARKING

Parking requirements in a WE District are per the requirements of the base district with which the WE District is combined.

19.64.110 SIGNS

Sign requirements in a WE District are as follows:

- A. Signs in connection with wind-driven electrical generators shall comply with the requirements specified in Sections 19.64.130 through 19.64.150 of this chapter.
- B. All other signs shall comply with the requirements of the base district with which the WE District is combined.

19.64.120 LANDSCAPING

Landscaping requirements in a WE District are as follows:

- A. None required in connection with wind-driven electrical generators.
- B. All other uses shall comply with the requirements of the base district with which the WE District is combined.

19.64.130 DETAILED PLOT PLAN REQUIRED — CONTENTS

Prior to issuance of construction permits, the developer shall submit a detailed plot plan for review and approval by the Planning Director. The plan boundaries shall coincide with those of the project parcel. The following information shall be included in said plan:

- A. Existing topography and drainage channels.
- B. Direction of prevailing winds across the project site.
- C. Location, height, and dimensions of all existing structures.
- D. Distance to all residences located within one (1) mile of exterior project boundary.
- E. Manufacturer and model designation, rated KW capacity, overall machine height (grade level to highest tip extension), total blade diameter, hub height, rated maximum rotor RPM, location of proposed structures and buildings and, upon request of the Planning Director, manufacturer's production record, and/or sufficient manufacturer's data in order to classify machines as experimental, prototype, or production in accordance with the definitions contained in this chapter.
- F. Location, grades, and dimensions of all roads and parking areas, both existing and proposed.
- G. Location and extent of known archaeological remains.
- H. Location and type of project security fencing.
- I. Location of site by longitude and latitude coordinates within ten (10) feet and elevation of site above mean sea level within ten (10) feet.
- J. A plan of proposed project phasing.
- K. Any and all reports, approvals, or requirements which may be required by mitigation measures incorporated into an environmental document adopted for implementation of this district for specific parcels; including a plan for implementation of recommendations contained in such reports.
- L. A certificate signed by a registered civil engineer or licensed land surveyor stating that area encompassed by the project has been surveyed under his supervision or that a previous survey was performed by a registered civil engineer or licensed land surveyor and that sufficient monuments have been placed to accurately establish the exterior project boundaries.

- M. A certificate signed by a registered civil engineer or licensed land surveyor stating that the proposed development is in full compliance with the requirements of this chapter. The Director of the Kern County Planning Department may require the submittal of additional documentation of compliance when deemed necessary.
- N. Soil erosion and sedimentation control plan, including revegetation plan, as provided for in Section 19.64.140.K (grading permits only).

19.64.140 DEVELOPMENT STANDARDS AND CONDITIONS

Development in the WE Combining District, and commercial wind-driven electrical generators permitted subject to securing a conditional use permit, shall comply with the following standards:

- A. All necessary building and grading permits shall be obtained from the Kern County Planning Department. For construction and permit purposes, all wind generator towers shall conform to the regulations of the applicable seismic zone of the Uniform Building Code and the applicable groundshaking zone.
- B. Towers and blades shall be painted a nonreflective, unobtrusive color or have a nonreflective surface.
- C. Fencing shall be erected for each wind machine or on the perimeter of the total project. Wind project facilities shall be enclosed with a minimum four- (4-) foot-high security fence constructed of four (4) strand barbed wire or materials of a higher quality. Fencing erected on the perimeter of the total project shall include minimum eighteen- (18-) inch by eighteen- (18-) inch signs warning of wind turbine dangers. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress. Where perimeter fencing is utilized, the Planning Director may waive this requirement for any portion of the site where unauthorized access is precluded due to topographic conditions.
- D. All on-site electrical power lines associated with wind machines shall be installed underground within one hundred fifty (150) feet of a wind turbine and elsewhere when practicable, excepting therefrom "tie-ins" to utility type transmission poles, towers, and lines. However, if project terrain or other factors are found to be unsuitable to accomplish the intent and purpose of this provision, engineered aboveground electrical power lines shall be allowed.
- E. Prior to issuance of construction permits, the developer shall provide the Kern County Planning Department with proof of approved access to the site.
- F. Wind generator setback shall be as follows:
 - 1. Setback Where Adjacent Parcels Contain Less Than Forty (40) Acres. A minimum wind generator setback of two (2) times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) or five hundred (500) feet, whichever is less, shall be maintained from exterior project boundaries where the project site is adjacent to existing parcels of record which contain less than forty (40) acres and are not zoned WE Combining District.

The Planning Director may allow a reduction in this setback, not to exceed a minimum setback of one (1) times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades)

if a letter of consent from the owner(s) of record of adjacent parcels is filed with the Kern County Planning Department.

2. Setback Where Adjacent Parcels Contain Forty (40) Acres or More. A minimum wind generator setback of one and one-half (1 1/2) times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) or five hundred (500) feet, whichever is less, shall be maintained from all exterior project boundaries.

The Planning Director may allow a reduction or waiver of this setback requirement in accordance with both of the following provisions:

- a. The project exterior boundary is a common property line between two (2) or more approved wind energy projects or both properties are located within the WE District; and
- b. The property owner of each affected property has filed a letter of consent to the proposed setback reduction with the Planning Director.

3. Setback From Off-site Residence(s) on Adjacent Parcels. In all cases, regardless of parcel area, a minimum wind generator setback of one and one-half (1 1/2) times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) or five hundred (500) feet, whichever is greater, shall be maintained from any off-site residence.

The Planning Director may allow a reduction in this setback, not to exceed a minimum setback of one (1) times the overall machine height, if a letter of consent from the owner(s) of record of the adjacent parcel is filed with the Planning Director.

4. Project Interior Wind Generator Spacing. Wind generator spacing within the project boundary shall be in accordance with accepted industry practices pertaining to the subject machine.
5. Setback From On-site Residences and Accessory Structures Designed for Human Occupancy. A minimum wind generator setback of one (1) times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blade) shall be maintained from any on-site residence or accessory structure designed for human occupancy.
6. Setback From Public Highways and Streets, Public Access Easements, Public Trails, and Railroads. A minimum wind generator setback of one and one-half (1 1/2) times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blade) shall be maintained from any publicly maintained public highway or street. A minimum wind generator setback of one (1) times the overall machine height shall be maintained from any public access easement or railroad right-of-way. A minimum wind generator setback of one hundred fifty (150) feet shall be maintained from the outermost extension of any blade to any public trail, pedestrian easement, or equestrian easement.

- G. Wind generator machine and associated meteorological tower overall height shall not exceed six hundred (600) feet and is subject to Section 19.08.160. For the purposes of this chapter, machine height shall be measured as follows:

1. Overall machine height of horizontal axis machines shall be measured from grade to the top of the structure, including the uppermost extension of any blades.
 2. Machine height of vertical axis or other machine designs shall be measured from grade to the highest point of the structure.
- H. All wind projects including wind generators and towers shall comply with all applicable County, State, and federal laws, ordinances, or regulations.
- I. One (1) project identification sign, located at each point of project ingress and egress, not to exceed thirty-two (32) square feet in area, may be erected on the project site. No other signs shall be installed other than safety signs and the required warning signs. The developer shall submit a sign elevation drawing to the Planning Director for review and approval prior to installation.
- J. Where a residence, school, church, public library, or other sensitive or highly sensitive land use, as identified in the Noise Element of the County General Plan, is located within one (1) mile in a prevailing downwind direction or within one-half (1/2) mile in any other direction of a project's exterior boundary, an acoustical analysis shall be prepared by a qualified acoustical consultant prior to the issuance of any building permit. The consultant and the resulting report shall be subject to review and approval by the Kern County Health Department. The report shall address any potential impacts on sensitive or highly sensitive land uses.

In addition, the acoustical report shall demonstrate that the proposed development shall comply with the following criteria:

1. Audible noise due to wind turbine operations shall not be created which causes the exterior noise level to exceed forty-five (45) dBA for more than five (5) minutes out of any one- (1-) hour time period (L8.3) or to exceed fifty (50) dBA for any period of time when measured within fifty (50) feet of any existing residence, school, hospital, church, or public library.
2. Low frequency noise or infrasound from wind turbine operations shall not be created which causes the exterior noise level to exceed the following limits when measured within fifty (50) feet of any existing residence, school, hospital, church, or public library.

One-third Octave Bank Center Frequency (Hz)	Sound Pressure Level (dB)
2 to 1	70 (each band)
20	68
25	67
31.5	65
40	62
50	60
63	57
80	55
100	52
125	50

3. In the event audible noise due to wind turbine operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in Subparagraph (1) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.
4. In the event the audible noise due to wind turbine operations contains repetitive impulsive sounds, the standards for audible noise set forth in Subparagraph (1) of this subsection shall be reduced by five (5) dBA.
5. In the event the audible noise due to wind turbine operations contains both a pure tone and repetitive impulsive sounds, the standards for audible noise set forth in Subparagraph (1) of this subsection shall be reduced by a total of five (5) dBA.
6. In the event the ambient noise level (exclusive of the development in question) exceeds one (1) of the standards given above, the applicable standard shall be adjusted so as to equal the ambient noise level. For audible noise, the ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA which is exceeded for no more than five (5) minutes per hour (L8.3). For low frequency noise or infrasound, the ambient noise level shall be expressed in terms of the equivalent level (Leq) for the one-third (1/3) octave band in question, rounded to the nearest whole decibel. Ambient noise levels shall be measured within fifty (50) feet of potentially affected existing residences, schools, hospitals, churches, or public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effects of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to

allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) miles per hour at the ambient noise measurement location.

7. Any noise level falling between two (2) whole decibels shall be the lower of the two (2).
8. In the event that noise levels, resulting from a proposed development, exceed the criteria listed above, a waiver to said levels may be granted by the Planning Director provided that the following has been accomplished:
 - a. Written consent from the affected property owners has been obtained stating that they are aware of the proposed development and the noise limitations imposed by this code, and that consent is granted to allow noise levels to exceed the maximum limits allowed.
 - b. A permanent noise impact easement has been recorded in the County Hall of Records which describes the benefitted and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this code may exist on or at the burdened property.
- K. Prior to the issuance of any grading permit, a plan for the mitigation of potential soil erosion and sedimentation shall be prepared by a registered civil engineer or other professional and submitted for the approval by the Director of the Engineering and Survey Services Department. The plan shall include provisions for site revegetation, including any necessary re-soiling, proposed plant species, proposed plant density and percentage of ground coverage, and the methods and rates of application and shall include sediment collection facilities as may be required by the Engineering and Survey Services Department.

The soil erosion and sedimentation control plan shall be consistent with the applicable requirements of the California Regional Water Quality Control Board pertaining to the preparation and approval of Storm Water Pollution Prevention Plans. Notwithstanding the foregoing, the revegetation portion of the soil erosion and sedimentation plan shall be prepared by a professional biologist or other professional approved, in advance, by the Engineering and Survey Services Department.

The plan shall include a timetable for full implementation, estimated costs, and a surety bond or other security as approved by the Engineering and Survey Services Department in an amount determined by that department to guarantee plan implementation. The soil erosion and sedimentation control plan, including the revegetation plan and security instrument, shall be submitted to, and approved by, the Floodplain Management Section of the Engineering and Survey Services Department prior to the issuance of any grading permit. The security shall remain on file with the Engineering and Survey Services Department until that department has verified that the plan has been successfully implemented.
- L. A minimum of on-site roadways shall be constructed. Temporary access roads utilized for initial machine installation shall be revegetated to a natural condition after completion of

machine installation. The applicant shall submit a plan of all proposed roads, temporary and permanent, for approval by the Planning Director prior to the issuance of any building permits.

- M. Construction of any slopes steeper than four to one (4:1) shall be prohibited unless specifically authorized by the Kern County Planning Department and mitigation is provided.
- N. Wind project facilities shall be encircled with a ten- (10-) foot-wide fuel break. Subject fuel breaks may be installed for each wind machine or the perimeter of the total project, but in no event shall encompass more than forty (40) acres per block. Permanent access roads may also be considered fuel breaks. This requirement may be modified at the discretion of the Kern County Fire Chief.
- O. No building permits will be issued until the grading has been completed in accordance with the approved plans and "As Graded Certification" has been made by the engineer.

19.64.150 WIND TURBINE MAINTENANCE AND ABANDONMENT

- A. Except for maintenance periods, wind turbines shall be maintained in an operational condition. A turbine or group of turbines seeking, but unable to obtain transmission service or a power purchase agreement and out of service for that reason, shall be considered to be in a maintenance period provided such wind turbines are otherwise viable by general industry practices.
- B. Any wind turbine not in operational condition for a consecutive period of twelve (12) months shall be deemed abandoned and shall be removed within sixty (60) days from the date a written notice is sent to the property owner and turbine owner, as well as the project operator, by the County. Within this sixty- (60-) day period, the property owner, turbine owner, or project operator may provide the Planning Director with a written request and justification for an extension for an additional twelve (12) months. The Planning Director shall consider any such request at a Director's Hearing as provided for in Section 19.102.070 of this title. In no case shall the Planning Director authorize an extension beyond two (2) years from the date the wind turbine was deemed abandoned without requiring financial assurances to guarantee the removal of the wind turbine, and that portion of the support structure lying above the natural grade level, in the form of a corporate surety bond, irrevocable letter of credit, or an irrevocable certificate of deposit wherein the County is named as the sole beneficiary. In no case shall a wind turbine which has been deemed abandoned be permitted to remain in place for more than forty-eight (48) months from the date the wind turbine was first deemed abandoned.
- C. If the property owner fails to remove an abandoned wind turbine within the time frame specified above, the County may remove the structure(s) at the property owner's expense and lien the property to recover all enforcement and removal costs; however, the County shall first notify the property owner of its intent to remove the structure(s) in accordance with this section in writing at least thirty (30) days prior to removing said structure(s). The County shall not issue any grading or building permits for any new development on the subject property until any such lien has been paid in full.

19.64.160 PERMIT REVOCATION AND MODIFICATION

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this title.

CHAPTER 19.66

PETROLEUM EXTRACTION (PE) COMBINING DISTRICT

SECTIONS:

- 19.66.010 PURPOSE AND APPLICATION**
- 19.66.020 PERMITTED USES**
- 19.66.030 USES PERMITTED BY A CONDITIONAL USE PERMIT**
- 19.66.040 PROHIBITED USES**
- 19.66.050 MINIMUM LOT SIZE**
- 19.66.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.66.070 YARDS AND SETBACKS**
- 19.66.080 HEIGHT LIMITS**
- 19.66.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.66.100 PARKING**
- 19.66.110 SIGNS**
- 19.66.120 LANDSCAPING**
- 19.66.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.66.010 PURPOSE AND APPLICATION

The purpose of the Petroleum Extraction (PE) Combining District is to designate lands containing productive or potentially productive petroleum resources to promote the development of such resources in a manner compatible with surrounding development. The PE Combining District may be applied only to those areas that are zoned Estate (E), Commercial Office (CO), Neighborhood Commercial (C-1), General Commercial (C-2), or Highway Commercial (CH). The uses allowed and the regulations established by the PE District shall be in addition to the regulations of the base district with which the PE District is combined.

19.66.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in a PE District:

- A. Wells for the exploration for and development and production of oil or gas or other hydrocarbon substances if the well or wells are located more than two hundred and ten (210) feet away from any existing dwelling or existing building utilized for commercial purposes, excluding those premises utilized solely for storage of equipment, material, household goods, or similar material.
- B. Deepening or re-drilling, within the existing well bore, of any well used for the production or development of oil or gas or other hydrocarbon substances, or the replacement of any production facility which did not require a conditional use permit on the date drilling began or the date the facility was installed.

- C. Drilling of a replacement well when the original well did not require a conditional use permit, and where the original well has been abandoned in accordance with California Division of Oil and Gas regulations and drilling of a replacement well commences within one (1) year of the conclusion of abandonment procedures, and the replacement well is located within twenty (20) feet of the original well or is farther from any existing dwelling or commercial building than the original well.
- D. Uses permitted by the base district with which the PE District is combined.

19.66.030 USES PERMITTED BY A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in a PE District subject to securing a conditional use permit in accordance with the procedures set out in Chapter 19.104 of this title:

- A. Wells for the exploration for and development and production of oil or gas or other hydrocarbon substances if the well or wells are located within two hundred and ten (210) feet of any existing dwelling or existing building utilized for commercial purposes, excluding those premises utilized solely for storage of equipment, material, household goods, or similar material.
- B. Conditional uses permitted by the base district with which the PE District is combined.

19.66.040 PROHIBITED USES

All other uses not permitted by Sections 19.66.020 and 19.66.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in a PE District.

19.66.050 MINIMUM LOT SIZE

Minimum lot size requirements in a PE District are per the requirements of the base district with which the PE District is combined.

19.66.060 MINIMUM LOT AREA PER DWELLING UNIT

Requirements for minimum lot area per dwelling unit in a PE District are per the requirements of the base district with which the PE District is combined.

19.66.070 YARDS AND SETBACKS

Yard and setback requirements in a PE District are as follows:

- A. No oil or gas well shall be drilled within one hundred (100) feet of the right-of-way of any existing or proposed public highway or street.
- B. All other uses permitted by the base district shall conform to the yard and setback requirements of the base district with which the PE District is combined.

19.66.080 HEIGHT LIMITS

Height limit requirements in a PE District are as follows:

- A. No height limit on derricks and other equipment used during the exploration and drilling phase of development.
- B. Pumping units shall not exceed eighty (80) feet in height.
- C. All other uses permitted by the base district shall conform to the height limits of the base district with which the PE District is combined.

19.66.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Requirements for minimum distance between structures in a PE District are as follows:

- A. Per the requirements of Chapter 19.98 of this title.
- B. All other uses shall comply with the base district with which the PE District is combined.

19.66.100 PARKING

Parking requirements in a PE District are as follows:

- A. No minimum requirement for drilling and production activities, provided, however, all vehicle parking and maneuvering areas shall be treated and maintained with oiled sand or a similar dust binding material.
- B. All other uses permitted by the base district shall conform to the requirements of the base district with which the PE District is combined.

19.66.110 SIGNS

The following signs are permitted in a PE District in accordance with the requirements of Chapter 19.84 of this title:

- A. Directional, warning signs, identification signs in connection with oil, gas or other hydrocarbon drilling and development operations.
- B. Signs permitted by the base district with which the PE District is combined.

19.66.120 LANDSCAPING

Landscaping requirements in a PE District are per the requirements of the base district with which the PE District is combined.

19.66.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

All drilling and hydrocarbon development activities in a PE District shall be carried out in accordance with the standards and procedures set out in Section 19.98.060 of this title. All activities subject to an Oil and Gas Conformity Review or Minor Activity Review shall comply with the provisions of Section 19.98.060 of the title.

C H A P T E R 19.68
GEOLOGIC HAZARD (GH) COMBINING DISTRICT

SECTIONS:

- 19.68.010 PURPOSE AND APPLICATION**
- 19.68.020 PERMITTED USES**
- 19.68.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.68.040 PROHIBITED USES**
- 19.68.050 MINIMUM LOT SIZE**
- 19.68.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.68.070 YARDS AND SETBACKS**
- 19.68.080 HEIGHT LIMITS**
- 19.68.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.68.100 PARKING**
- 19.68.110 SIGNS**
- 19.68.120 LANDSCAPING**
- 19.68.130 PLOT PLAN REVIEW — REQUIRED**
- 19.68.140 PLOT PLAN REVIEW — APPLICATION — CONTENTS**
- 19.68.150 DEVELOPMENT STANDARDS AND CONDITIONS**

19.68.010 PURPOSE AND APPLICATION

The purpose of the Geologic Hazard (GH) Combining District is to protect the public's health and safety and minimize property damage by designating areas that are subject to or potentially subject to surface faulting, ground shaking, ground failure, landslides, mudslides, or other geologic hazards by establishing reasonable restrictions on land use in such areas. The GH District shall be applied to lands designated Map Codes 2.1, 2.2, or 2.3 by the County General Plan and to any other area where there is a reasonable presumption based on documented evidence that a hazardous or potentially hazardous condition exists. The regulations established by the GH District shall be in addition to the regulations of the base district with which the GH District is combined.

19.68.020 PERMITTED USES

Permitted uses in a GH District are those uses permitted by the base district with which the GH District is combined, except as modified in accordance with the standards and procedures set out in Sections 19.68.130 through 19.68.150 of this chapter.

19.68.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

Uses permitted with a conditional use permit in a GH District are those conditional uses permitted by the base district with which the GH District is combined, except as modified in accordance with the standards and procedures set out in Sections 19.68.130 through 19.68.150 of this chapter.

19.68.040 PROHIBITED USES

Prohibited uses in a GH District are those uses prohibited by the base district with which the GH District is combined.

19.68.050 MINIMUM LOT SIZE

Minimum lot size requirements in a GH District are per the requirements of the base district with which the GH District is combined.

19.68.060 MINIMUM LOT AREA PER DWELLING UNIT

Requirements for minimum lot area per dwelling unit in a GH District are per the requirements of the base district with which the GH District is combined.

19.68.070 YARDS AND SETBACKS

Yard and setback requirements in a GH District are per the requirements of the base district with which the GH District is combined, except as modified in accordance with the standards and procedures set out in Sections 19.68.130 through 19.68.150 of this chapter.

19.68.080 HEIGHT LIMITS

Height limit requirements in a GH District are per the requirements of the base district with which the GH District is combined.

19.68.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Requirements for minimum distance between structures in a GH District are per the requirements of the base district with which the GH District is combined, except as modified in accordance with the standards and procedures set out in Sections 19.68.130 through 19.68.150 of this chapter.

19.68.100 PARKING

Parking requirements in a GH District are per the requirements of the base district with which the GH District is combined.

19.68.110 SIGNS

Sign requirements in a GH District are per the requirements of the base district with which the GH District is combined.

19.68.120 LANDSCAPING

Landscaping requirements in a GH District are per the requirements of the base district with which the GH District is combined.

19.68.130 PLOT PLAN REVIEW — REQUIRED

No use shall be established, no development shall occur, and no building permit or grading permit shall be issued for any use or development in the GH Combining District until an application for plot plan review has been submitted to and approved by the Planning Director in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title.

19.68.140 PLOT PLAN REVIEW — APPLICATION — CONTENTS

An application for plot plan review shall include the following:

- A. Name and address of applicant
- B. Name(s) and address(es) of the property owner(s)
- C. Assessor's parcel number(s)
- D. Legal description of the property
- E. A plot plan drawn at the scale specified by the Planning Director, which includes the following information:
 - 1. Topography and proposed grading
 - 2. Location and extent of all geologic hazards, including areas subject to surface faulting, ground shaking, ground failure, landslides, mudslides, and other geologic hazards
 - 3. Location of all proposed buildings and structures
 - 4. Location of proposed streets, roads, and parking areas
 - 5. Proposed drainage improvements
 - 6. North arrow
- F. A geological report prepared by a qualified engineering geologist, certified by the State of California, shall be required for the following projects:
 - 1. Any subdivision of land which is subject to the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code, and which contemplates the eventual construction of structures for human occupancy
 - 2. Structures for human occupancy, with the exception of:
 - a. Single-family wood frame dwellings to be built on parcels of land for which geologic reports have been approved pursuant to the provisions of Paragraph (I) of this subdivision

- b. A single-family wood frame dwelling not exceeding two (2) stories when such dwelling is not part of a development of four (4) or more dwellings
 - c. Residential accessory structures
 - d. Single mobilehome installations on individual lots
- G. The geological report shall be prepared in conformity with the policies and criteria of the State Mining and Geology Board and the Guidelines for Evaluating the Hazard of Surface Fault Rupture, promulgated by the California Division of Mines and Geology. The geological report shall include the following information:
 - 1. The original signature and certification number of the responsible geologist
 - 2. An index map showing the regional setting of the study area
 - 3. A description of the study methods used; the methods may include, but are not limited to, field traverses and inspections, test pits or trenches, drill holes, geophysical investigation, aerial photo analysis, laboratory tests, and review of previously published or unpublished maps and reports
 - 4. On an appropriate topographic base, an original geological map of the site and as much of the surrounding area as practicable. The scale shall be one (1) inch to one thousand (1,000) feet or larger for the main geologic map, and one (1) inch to one hundred (100) feet for complementary geologic maps emphasizing special features or hazards
 - 5. One or more geologic structure sections showing actual or probable subsurface relations and clearly labeled as to which relations are conjectural
 - 6. A statement of conclusions and recommendations regarding suitability of proposed uses, including, but not limited to, buildings, structures, roads, and septic systems in relation to the existing or potential geologic hazards and recommended mitigation measures with respect to the following:
 - a. Location of buildings, structures, roads, and septic systems in relation to identified geologic hazard or hazards
 - b. Method of construction
 - c. Grading
 - d. Removal of native vegetation and replanting of cut slopes
 - e. Any other aspect of building construction or site development that has a clear relationship to the identified geologic hazard or hazards
 - 7. A list of references of geologic literature used in evaluation of the site

19.68.150 DEVELOPMENT STANDARDS AND CONDITIONS

Development in the GH Combining District shall comply with the mitigation measures recommended in the geological report required by Section 19.68.140 of this chapter as approved by the Kern County Planning Department. In any event, structures for human occupancy shall be set back at least fifty (50) feet from any active fault trace or one hundred (100) feet from any fault trace that cannot be precisely located or is depicted as "inferred" on the Kern County Seismic Hazard Atlas.

CHAPTER 19.70
FLOODPLAIN (FP) COMBINING DISTRICT

SECTIONS:

- 19.70.010 PURPOSE AND APPLICATION**
- 19.70.020 PERMITTED USES**
- 19.70.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.70.040 PROHIBITED USES**
- 19.70.050 MINIMUM LOT SIZE**
- 19.70.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.70.070 YARDS AND SETBACKS**
- 19.70.080 HEIGHT LIMITS**
- 19.70.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.70.100 PARKING**
- 19.70.110 SIGNS**
- 19.70.120 LANDSCAPING**
- 19.70.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.70.010 PURPOSE AND APPLICATION

- A. The purpose of the Floodplain (FP) Combining District is to protect the public health and safety and minimize property damage by designating areas that are potentially subject to flooding and by establishing reasonable restrictions on land use in such areas. The FP District shall be applied to those areas lying within Zone A on the Flood Insurance Rate Maps (FIRM) or those areas potentially subject to flooding as designated by the Kern County Engineering and Survey Services Department pending reclassification of such areas into the Floodplain Primary (FPP) District or the Floodplain Secondary (FPS) Combining District. The regulations established by the FP District shall be in addition to the regulations of the base district with which the FP District is combined.
- B. The special flood hazard area designated as Zone A is based on historical flood flows where no quantitative determination of the frequency of flooding has been made. Detailed engineering studies are performed and/or approved by the Kern County Engineering and Survey Services Department prior to the reclassification of the FP Combining District into the FPP District and/or FPS Combining District.
- C. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by manmade or natural causes, such as bridge openings restricted by debris. This chapter does not imply that areas outside the FP District or land uses permitted within the FP District will be free from flooding or flood damages. This chapter shall not create liability on the part of the County of Kern or any officer or employee thereof for any flood damage that may result from reliance on this chapter or any administrative decision lawfully made hereunder.

19.70.020 PERMITTED USES

Permitted uses in an FP District are those uses permitted by the base district with which the FP District is combined, except as prohibited by Section 19.70.040 of this chapter or as modified in accordance with the standards set out in Section 19.70.130 of this chapter.

19.70.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

Uses permitted with a conditional use permit in an FP District are those conditional uses permitted by the base district with which the FP District is combined, except as prohibited by Section 19.70.040 of this chapter or as modified in accordance with the standards set out in Section 19.70.130 of this chapter.

19.70.040 PROHIBITED USES

All other uses not permitted by Sections 19.70.020 and 19.70.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in an FP District, including:

- A. All uses prohibited by the base district with which the FP District is combined.
- B. All uses that will likely increase the flood hazard or affect the water-carrying capacity of the floodplain beyond the limits resulting from encroachment as specified in Section 19.70.130 of this chapter.
- C. Dumping, stockpiling, or storage of floatable substances or other materials which, in the opinion of the Kern County Engineering and Survey Services Department, will add to the debris loads of the stream or watercourse, unless protected by flood control devices approved by the Kern County Engineering and Survey Services Department and constructed in accordance with Section 19.70.130 of this chapter.
- D. Storage of junk or salvage operations.
- E. Oil storage tanks or processing equipment, unless flood proofed or sufficiently elevated above the Base Flood Elevation, as determined by the Kern County Engineering and Survey Services Department.
- F. Individual sewage disposal systems (e.g., septic tank systems), unless protected by flood control devices approved by the Kern County Engineering and Survey Services Department and constructed in accordance with the requirements of the Kern County Health Department so as to minimize infiltration of floodwaters into the systems and discharges from the systems into the floodwaters.
- G. Sources of water supply (e.g., wells, springs, etc.) unless protected by flood control devices approved by the Kern County Engineering and Survey Services Department and constructed in accordance with the requirements of the Kern County Health Department so as to minimize infiltration of floodwaters.
- H. Any use which endangers the temporary safeguards erected for flood protection.

19.70.050 MINIMUM LOT SIZE

Minimum lot size requirements in an FP District are per the requirements of the base district with which the FP District is combined.

19.70.060 MINIMUM LOT AREA PER DWELLING UNIT

Requirements for minimum lot area per dwelling unit in an FP District are per the requirements of the base district with which the FP District is combined.

19.70.070 YARDS AND SETBACKS

Yard and setback requirements in an FP District are per the requirements of the base district with which the FP District is combined, except that all development shall be set back a minimum of ten (10) feet from the banks of any watercourse, and sewage disposal systems shall be set back a minimum of one hundred (100) feet from the banks of any watercourse.

19.70.080 HEIGHT LIMITS

Height limit requirements in an FP District are per the requirements of the base district with which the FP District is combined.

19.70.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Requirements for minimum distance between structures in an FP District are per the requirements of the base district with which the FP District is combined; however, the Floodplain Management Section of the Engineering and Survey Services Department may require a greater minimum distance between structures in order to provide sufficient water-carrying capacity of the floodplain to meet the requirements of Section 19.70.130.

19.70.100 PARKING

Parking requirements in an FP District are per the requirements of the base district with which the FP District is combined.

19.70.110 SIGNS

Sign requirements in an FP District are per the requirements of the base district with which the FP District is combined, provided that construction of the sign(s) shall comply with the minimum standards set out in Section 19.70.130 of this chapter.

19.70.120 LANDSCAPING

Landscaping requirements in an FP District are per the requirements of the base district with which the FP District is combined.

19.70.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

All development within the FP District shall comply with the requirements of the Flood Damage Prevention Ordinance (Chapter 17.48 of this code) and the following standards:

- A. Generally, development within the floodplain may not cumulatively increase the Base Flood Elevation at any point more than one (1) foot.
 - 1. Computations of increased flood heights caused by development in the floodplain shall be based upon the reasonable assumption that there shall be an equal loss of conveyance on opposite sides of the stream.
 - 2. Cases for supercritical flow, or where velocity conditions are such that normal encroachment analyses are not possible or inappropriate, the allowable increase of one (1) foot shall be applied to the energy grade line instead of the Base Flood Elevation.
 - 3. Cases for overbank velocities exceeding seven (7) feet per second, the floodway boundary shall coincide with the one hundred (100) year floodplain boundaries.
 - 4. All such computations shall be made or approved by the Kern County Engineering and Survey Services Department.

CHAPTER 19.72

FLOODPLAIN SECONDARY (FPS) COMBINING DISTRICT

SECTIONS:

19.72.010 PURPOSE AND APPLICATION

19.72.020 PERMITTED USES

19.72.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

19.72.040 PROHIBITED USES

19.72.050 MINIMUM LOT SIZE

19.72.060 MINIMUM LOT AREA PER DWELLING UNIT

19.72.070 YARDS AND SETBACKS

19.72.080 HEIGHT LIMITS

19.72.090 MINIMUM DISTANCE BETWEEN STRUCTURES

19.72.100 PARKING

19.72.110 SIGNS

19.72.120 LANDSCAPING

19.72.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

19.72.010 PURPOSE AND APPLICATION

- A. The purpose of the Floodplain Secondary (FPS) Combining District is to protect the public health and safety and minimize property damage by designating areas that are subject to flooding with relatively low velocities or depths and by establishing reasonable restrictions on land use in such areas. The FPS District shall be applied to those areas lying within special flood hazard areas designated as Zones AO and AH, and Zone A1-A30 on the Flood Insurance Rate Maps (FIRM), but excluding the floodway on the Flood Boundary Floodway Maps (FBFM), the Designated Floodway on the State of California's Board of Reclamation's Kern River Designated Floodway Studies, or other maps where engineering studies have been made and adopted by the County Board of Supervisors. The regulations established by the FPS District shall be in addition to the regulations of the base district with which the FPS District is combined.
- B. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by manmade or natural causes, such as bridge openings restricted by debris. This chapter does not imply that areas outside the FPS District or land uses permitted within this district will be free from flooding or flood damages. This chapter shall not create liability on the part of the County of Kern or any officer or employee thereof for any flood damage that may result from reliance on this chapter or any administrative decision lawfully made hereunder.

19.72.020 PERMITTED USES

Permitted uses in an FPS District are those uses permitted by the base district with which the FPS District is combined, except as prohibited by Section 19.72.040 of this chapter or as modified in accordance with the standards set out in Section 19.72.130 of this chapter.

19.72.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

Uses permitted with a conditional use permit in an FPS District are those conditional uses permitted by the base district with which the FPS District is combined, except as prohibited by Section 19.72.040 of this chapter or as modified in accordance with the standards set out in Section 19.72.130 of this chapter.

19.72.040 PROHIBITED USES

All other uses not permitted by Sections 19.72.020 or 19.72.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited in the FPS District, including the following:

- A. All uses prohibited by the base district with which the FPS District is combined.
- B. All uses that will likely increase the flood hazard or affect the water-carrying capacity of the floodplain beyond the limits resulting from encroachment as specified in Section 19.72.130 of this chapter.
- C. Dumping, stockpiling, or storage of floatable substances or other materials which, in the opinion of the Kern County Engineering and Survey Services Department, will add to the debris loads of the stream or watercourse.
- D. Storage of junk, or salvage operations.
- E. Oil storage tanks or processing equipment, unless flood proofed or sufficiently elevated above the Base Flood Elevation, as determined by the Kern County Planning Department.
- F. Individual sewage disposal systems (e.g., septic tank systems), unless protected by flood control devices approved by the Kern County Engineering and Survey Services Department and constructed in accordance with the requirements of the Kern County Health Department so as to minimize infiltration of floodwaters into the systems and discharges from the systems into the floodwaters.
- G. Sources of water supply (e.g., wells, springs, etc.), unless protected by flood control devices approved by the Kern County Engineering and Survey Services Department and constructed in accordance with the requirements of the Kern County Health Department so as to minimize infiltration of floodwaters.
- H. Any use which endangers the temporary safeguards erected for flood protection.
- I. Tree farming, unless it can be shown to the Kern County Engineering and Survey Services Department that the spacing of trees will not affect the water-carrying capacity of the stream beyond limits resulting from encroachment as specified in Section 19.72.130 of this chapter.

19.72.050 MINIMUM LOT SIZE

Minimum lot size requirements in an FPS District are per the requirements of the base district with which the FPS District is combined.

19.72.060 MINIMUM LOT AREA PER DWELLING UNIT

Requirements for minimum lot area per dwelling unit in an FPS District are per the requirements of the base district with which the FPS District is combined.

19.72.070 YARDS AND SETBACKS

Yard and setback requirements in an FPS District are per the requirements of the base district with which the FPS District is combined, except that all development shall be set back a minimum of ten (10) feet from an imaginary plane on a slope of two (2) horizontal to one (1) vertical projected upward from the toe of the existing bank of any watercourse, and sewage disposal systems shall be set back a minimum of one hundred (100) feet from the top of the existing banks of the watercourse. These setback requirements may be reduced if recommended through the preparation of a soils engineering report by a registered civil engineer experienced and knowledgeable in the practice of soils engineering. Said report shall be subject to review and approval by the Planning Department.

19.72.080 HEIGHT LIMITS

Height limit requirements in an FPS District are per the requirements of the base district with which the FPS District is combined.

19.72.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Requirements for minimum distance between structures in an FPS District are per the requirements of the base district with which the FPS District is combined; however, the Floodplain Management Section of the Engineering and Survey Services Department may require a greater minimum distance between structures in order to provide sufficient water-carrying capacity of the floodplain to meet the requirements of Section 19.72.130.

19.72.100 PARKING

Parking requirements in an FPS District are per the requirements of the base district with which the FPS District is combined.

19.72.110 SIGNS

Sign requirements in an FPS District are per the requirements of the base district with which the FPS District is combined, provided that construction of the sign(s) shall comply with the minimum standards set out in Section 19.72.130 of this chapter.

19.72.120 LANDSCAPING

Landscaping requirements in an FPS District are per the requirements of the base district with which the FPS District is combined.

19.72.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

All development within the FPS District shall comply with the requirements of the Flood Damage Prevention Ordinance (Chapter 17.48 of this code) and the following standards:

- A. Generally, development within the floodplain may not cumulatively increase the Base Flood Elevation at any point more than one (1) foot.
 - 1. Computations of increased flood heights, caused by development in the floodplain, shall be based upon the reasonable assumption that there shall be an equal loss of conveyance on opposite sides of the stream.
 - 2. Cases for supercritical flow, or where velocity conditions are such that normal encroachment analyses are not possible or inappropriate, the allowable increase of one (1) foot shall be applied to the energy grade line instead of the Base Flood Elevation.
 - 3. Cases for overbank velocities exceeding seven (7) feet per second, the floodway boundary shall coincide with the one hundred (100) year floodplain boundaries.
 - 4. All such computations shall be made or approved by the Kern County Engineering and Survey Services Department.

CHAPTER 19.73

KERN RIVER CORRIDOR (KRC) COMBINING DISTRICT

SECTIONS:

- 19.73.010 PURPOSE AND APPLICATION**
- 19.73.020 PERMITTED USES**
- 19.73.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.73.040 PROHIBITED USES**
- 19.73.050 MINIMUM LOT SIZE**
- 19.73.060 YARDS AND SETBACKS**
- 19.73.070 HEIGHTS LIMITS**
- 19.73.080 SIGNS**
- 19.73.090 LANDSCAPING**
- 19.73.100 KERN RIVER DEVELOPMENT PERMIT c REQUIRED**
- 19.73.110 KERN RIVER DEVELOPMENT PERMIT REVIEW — APPLICATION —
CONTENTS**
- 19.73.120 DEVELOPMENT STANDARDS**
- 19.73.130 TIME LIMIT ON DEVELOPMENT APPROVAL**
- 19.73.140 MINOR PLAN MODIFICATIONS**
- 19.73.150 PERMIT REVOCATION AND MODIFICATIONS**

19.73.010 PURPOSE AND APPLICATION

The purpose of the Kern River Corridor (KRC) Combining District is to implement the policy objectives of the Kern River Plan Element of the Metropolitan Bakersfield General Plan. These policy objectives include the preservation of riparian habitat and open space values, the preservation and maintenance of the Kern River floodway, and to provide for public access to and the enjoyment of the Kern River Corridor. The Kern River Plan and this chapter provide for a range of resource, residential, and limited commercial and industrial uses that are unobtrusive and environmentally compatible with the Kern River Corridor. The KRC District may be combined with any base district. The regulations established by the KRC District shall be in addition to the regulations of the base district with which the KRC District is combined.

For the purposes of this chapter, "development" shall be defined as follows:

"Development" means any action taken requiring a permit or application to seek amendment or authorization under provisions of any grading, zoning, parcel map, or final map subdivision ordinance. "Development" means actions, such as grading permit approval, zoning change, conditional use permit, modification, variance, tentative parcel map approval, and tentative subdivision map approval. "Development" means converting an existing legal land use entitlement to another specific purpose by altering the intended density, intensity, or use of an existing authorized entitlement.

19.73.020 PERMITTED USES

Permitted uses in a KRC District are those uses permitted by the base district with which the KRC District is combined.

19.73.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

Uses permitted with a conditional use permit in a KRC District are those conditional uses permitted by the base district with which the KRC District is combined.

19.73.040 PROHIBITED USES

Uses prohibited by the base district with which the KRC District is combined and all other uses not expressly authorized by this title.

19.73.050 MINIMUM LOT SIZE

Minimum lot size requirements in a KRC District are per the requirements with which the KRC District is combined.

19.73.060 YARDS AND SETBACKS

- A. All new development, excluding water wells, boat docks, and water diversion structures, where permitted, shall maintain a minimum setback of ninety (90) feet from the designated floodway line, as shown by the boundary of the FPP District on the applicable zoning map or as otherwise determined by the Floodplain Management Section of the Kern County Engineering and Survey Services Department. Alternatively, the required setback shall be measured from the designated floodway line at a distance of sixty percent (60%) of the distance between the designated floodway line and the point of the lot farthest from that line.
- B. Except as otherwise required by this section, yards and setback requirements are per the requirements of the base district with which the KRC District is combined.

19.73.070 HEIGHT LIMITS

Height limits in a KRC District are as follows:

- A. Buildings and structures shall not exceed a height of three (3) stories or thirty-five (35) feet within a distance of two hundred (200) feet from the designated floodway line, as shown by the boundary of the FPP District on the applicable zoning map or as otherwise determined by the Kern County Engineering, Surveying, and Permit Services Department.
- B. Except as otherwise required by this section, building and structure heights shall conform to the height limits of the base district with which the KRC District is combined.

19.73.080 SIGNS

- A. Signs are permitted in the KRC District in accordance with the provisions of Chapter 19.84 of this title and as permitted by the base district with which the KRC District is combined, except as follows:
 - 1. Pole signs, where permitted by the base district, shall not exceed a height of twenty-four (24) feet.
 - 2. Off-site advertising signs shall be prohibited.

19.73.090 LANDSCAPING

Landscaping shall be provided as specified in Section 19.73.120 and, except as otherwise required by this chapter, shall be installed in accordance with the requirements of Chapter 19.86. New plants, shrubs, and trees proposed in conjunction with required landscaping plans shall be chosen from a list of approved plant species. The Planning Department shall provide the approved plant species list to all applicants for development projects within the KRC District.

19.73.100 KERN RIVER DEVELOPMENT PERMIT — REQUIRED

Except as provided in this section, no permitted use shall be established, no permitted development shall occur, and no building permit or grading permit shall be issued for any permitted use or development subject to this chapter until an application for a development permit has been submitted to and approved by the Planning Director in accordance with the procedures set out in Sections 19.102.070 through 19.102.120 of this title. A development permit shall not be required for building additions and accessory structures which do not exceed a fifty percent (50%) increase of the gross square footage of building area located on the affected parcel unless the expansion will result in the creation of additional dwelling units. Additionally, a development permit shall not be required for changing one permitted use to another permitted use where no building permits are required or in instances where a conditional use permit or precise development plan is required, where the requirements of this chapter are incorporated into the approved development.

19.73.110 KERN RIVER DEVELOPMENT PERMIT REVIEW — CONTENTS

An application for a development permit review shall include the following:

- A. A site development plan drawn to scale, which includes the following information:
 - 1. Topography and proposed grading, including areas that will remain undisturbed
 - 2. Location of all existing buildings and structures
 - 3. Location of all proposed buildings and structures
 - 4. Location of proposed septic tanks and leach fields, if applicable
 - 5. Proposed vehicular circulation and parking areas

6. Distance from property lines to the centerline of adjacent streets
 7. Distance from designated floodway line to structures and buildings
 8. Required road improvements
 9. Location of existing and proposed easements, including public access
 10. Proposed landscaping, including areas of native vegetation that will remain undisturbed
 11. North arrow
 12. Phasing or development schedule, if applicable
- B. Elevations of proposed buildings and structures
- C. A note on the site development plan describing facility improvements, including:
1. Water supply system
 2. Sewage collection and disposal system
 3. Public utilities
 4. Fencing
 5. Location of trash receptacles and method of screening, if required
- D. Except for the construction of one (1) single-family dwelling, accessory dwellings units and dwellings authorized for temporary purposes where grading permits are not required, a biota report which evaluates potential impacts of the proposed development on existing flora and fauna shall be submitted for all development projects.
- E. An acoustical analysis shall be submitted for any commercial, industrial, active recreational, or resource recovery proposals which shall include recommendations to minimize noise impacts on surrounding single-family residential development, public recreational areas, public trails, and the Kern River.
- F. Any and all reports, approvals, or requirements which may be required by mitigation measures incorporated into an environmental document adopted for implementation of this district for specific parcels, including a plan for implementation of recommendations contained in such reports

19.73.120 DEVELOPMENT STANDARDS

Development within the KRC District shall comply with the following minimum standards:

- A. A minimum of fifteen percent (15%) of the net lot area shall be landscaped in conjunction with all multifamily residential, commercial, industrial, active recreational, or institutional development proposals. Native vegetation may be utilized as part of the required landscaping. New plants, shrubs, and trees shall be chosen from a list on file with the Planning Department.
- B. All disturbed areas within the required setback, excluding roads, pedestrian paths, and riding trails, shall be revegetated pursuant to Section 19.73.090, except where revegetation would conflict with the end use, as determined by the Planning Director.
- C. Where public trail alignments have been adopted by the Board of Supervisors, trails shall be dedicated and improved as required by any adopted trails plan.
- D. Easements for public access to and along the Kern River may be required for all residential tracts and may be required in conjunction with the approval of other land division proposals, multifamily residential, commercial, industrial, recreational, or institutional development proposals.
- E. Except for the construction of one single-family dwelling, accessory dwellings units approved pursuant to Chapter 19.90 of this title and dwellings legally authorized for temporary purposes, residential development in areas designated 5.2, 5.3, 5.35, and 5.4 shall be by means of an approved cluster plan pursuant to Chapter 19.58 of this title. This requirement shall also apply to residential subdivision tracts but shall not apply to parcels created by parcel map.
- F. Within the required ninety- (90-) foot setback from the designated floodway, the removal of live trees with a trunk diameter in excess of eight (8) inches, measured at a height of four (4) feet above grade, shall be prohibited, except as authorized by the written approval of the Planning Director.
- G. Except for the removal of dead or diseased vegetation, removal of vegetation within the designated floodway shall be prohibited, except as authorized in writing by a responsible public agency with jurisdiction, including, but not limited to: the City of Bakersfield, the County of Kern, the Department of Water Resources, the State Department of Fish and Game, and the U. S. Army Corps of Engineers. Nothing herein shall prohibit the removal of weeds or other vegetation determined to constitute a potential fire hazard by the Kern County Fire Department.
- H. Mining operations within the KRC District shall be limited to sand, gravel, and aggregate mining subject to the provisions of Chapter 19.100 of this title. An acoustical analysis shall accompany any application for surface mining permit approval. In conjunction with any such permit request, the long-term storage of equipment, structures, and stockpiles shall be prohibited within the primary floodplain and avoided, where feasible, within the secondary floodplain. The use of landscaped screening for active mining operations shall be strongly encouraged. Surface mining permits within the KRC District shall not provide for permanent mining entitlements and shall normally be limited to temporary entitlements of five (5) years or less.

- I. The construction or alteration of levees and the alteration of river banks, including stream bank protection measures, shall be prohibited, except as authorized in writing by the Floodplain Management Section of the Kern County Engineering and Survey Services Department and any other public agency with jurisdiction.
- J. The introduction or placement of fill, boulders, or other material into the designated floodway that could impede or divert flows shall be prohibited, except as authorized in writing by a responsible public agency with jurisdiction.
- K. Natural topography, vegetation, and scenic features shall be retained to the greatest feasible extent, as determined by the Planning Director.
- L. All development shall be consistent with the objectives and policies contained within the adopted Kern River Plan Element.

19.73.130 TIME LIMIT ON DEVELOPMENT APPROVAL

If development approved in accordance with this chapter has not commenced within one (1) year of the approval, the approval shall become null and void and of no effect, unless an extension has been granted by the Planning Director upon written request for an extension before the expiration of the one- (1-) year period. This provision shall not apply to applications approved in conjunction with a precise development plan, in which case the expiration period shall coincide with that of the approved precise development plan.

19.73.140 MINOR PLAN MODIFICATIONS

The Planning Director may approve minor plan modifications to an approved site development plan in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title if the Planning Director determines that the modification(s) does not constitute a substantial change in the approved project.

19.73.150 PERMIT REVOCATION AND MODIFICATIONS

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this title.

C H A P T E R 19.74

SCENIC CORRIDOR (SC) COMBINING DISTRICT

SECTIONS:

19.74.010 PURPOSE AND APPLICATION

19.74.020 PERMITTED USES

19.74.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

19.74.040 PROHIBITED USES

19.74.050 MINIMUM LOT SIZE

19.74.060 YARDS AND SETBACKS

19.74.070 SIGNS

19.74.080 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

19.74.010 PURPOSE AND APPLICATION

The purpose of the Scenic Corridor (SC) Combining District is to designate areas which contain unique visual and scenic resources as viewed from a major highway or freeway wherein the siting of off-site advertising signs needs to be reviewed on a case-by-case basis to safeguard the scenic qualities of the natural environment and the visual qualities of primary entranceways into the County. The regulations established by the SC District shall be in addition to the regulations of the base commercial or industrial zoning district with which the SC District is combined.

19.74.020 PERMITTED USES

Permitted uses in an SC District are those uses permitted by the base district with which the SC District is combined except for off-site advertising signs.

19.74.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

- A. Off-site advertising signs
- B. Uses permitted with a conditional use permit in the applicable base district with which the SC District is combined.

19.74.040 PROHIBITED USES

Prohibited uses in an SC District are those uses prohibited by the base district with which the SC District is combined.

19.74.050 MINIMUM LOT SIZE

Minimum lot size requirements in an SC District are per the requirements of the base district with which the SC District is combined.

19.74.060 YARDS AND SETBACKS

Yard and setback requirements in an SC District are per the requirements of the base district with which the SC District is combined.

19.74.070 SIGNS

Sign requirements in an SC District are per the requirements of the base district with which the SC District is combined and per the off-site advertising sign requirements specified in Section 19.84.050 of this chapter, except that more restrictive requirements may be imposed through the conditional use permit process pursuant to this chapter.

19.74.080 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

This chapter shall only apply to those areas where the Board of Supervisors has adopted an ordinance describing the legal boundaries of the SC District. In the creation of any SC District, the Board of Supervisors shall find that the proposed SC District is necessary to promote the public welfare by protecting sensitive viewsheds from major highways and freeways from the unrestricted development of off-site advertising signs.

CHAPTER 19.76

AIRPORT APPROACH HEIGHT (H) COMBINING DISTRICT

SECTIONS:

- 19.76.010 PURPOSE AND APPLICATION**
- 19.76.020 PERMITTED USES**
- 19.76.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.76.040 PROHIBITED USES**
- 19.76.050 MINIMUM LOT SIZE**
- 19.76.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.76.070 YARDS AND SETBACKS**
- 19.76.080 HEIGHT LIMITS**
- 19.76.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.76.100 PARKING**
- 19.76.110 SIGNS**
- 19.76.120 LANDSCAPING**
- 19.76.125 DESIGN STANDARDS**
- 19.76.130 SITE DEVELOPMENT PLAN REVIEW — REQUIRED**
- 19.76.140 SITE DEVELOPMENT PLAN REVIEW — APPLICATION — CONTENTS**
- 19.76.150 RESIDENTIAL SUBDIVISION TRACT MAPS**

19.76.010 PURPOSE AND APPLICATION

The purpose of the Airport Approach Height (H) Combining District is to minimize aviation hazards by regulating land uses, restricting the height of buildings and vegetation, and specifying design criteria necessary to promote aviation safety and to implement the requirements of the adopted Airport Land Use Compatibility Plan. The H District may be applied to areas within the vicinity of any public or general-use airport as provided for in the adopted Airport Land Use Compatibility Plan. The standards established by the H District shall be in addition to the regulations of the base district with which the H District is combined.

19.76.020 PERMITTED USES

Permitted uses in an H District are those uses permitted by the base district with which the H District is combined, except as provided for in this chapter.

19.76.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

Uses permitted with a conditional use permit in an H District are those conditional uses permitted by the base district with which the H District is combined and those uses specified below that are otherwise permitted in the applicable base district that warrant discretionary review and approval to ensure that those uses can be established in such a manner as to minimize risks to aviation and promote public health and safety.

Within Airport Land Use Compatibility Zone "A," as specified in the adopted Airport Land Use Plan, buildings are not permitted, and all proposed uses of land shall require the approval of a conditional use permit pursuant to Chapter 19.104 of this title.

Within Airport Land Use Compatibility Zones "B-1" and "B-2," as specified in the adopted Airport Land Use Plan, the following uses, if permitted in the underlying base zoning district, shall require the approval of a conditional use permit pursuant to Chapter 19.104 of this title:

- Child-care centers
- Rehabilitation facilities
- Retail commercial buildings exceeding ten thousand (10,000) square feet of gross building area
- Food or beverage manufacturing or bottling facilities
- Hotels and motels
- Any multifamily residential, commercial, or industrial building with more than two (2) stories above the native ground level
- Sports arenas and amusement complexes
- Commercial shopping centers exceeding five (5) gross acres in size
- Auditoriums, movie theaters, and community centers
- Residential community care facilities with over six (6) residents

Within Airport Land Use Compatibility Zone "C," as specified in the adopted Airport Land Use Plan, the following uses, if permitted in the underlying base zoning district, shall require the approval of a conditional use permit pursuant to Chapter 19.104 of this title.

- Child-care centers designed to accommodate more than fifty (50) children
- Any multifamily residential, commercial, or industrial building with more than four (4) stories above the native ground level

19.76.040 PROHIBITED USES

Prohibited uses in an H District are those uses prohibited by the base district with which the H District is combined and any other use listed below that has been determined to be incompatible within certain compatibility zones as set forth in the adopted Airport Land Use Compatibility Plan. No use shall be established or maintained on any land included within an H District in such a manner as to create significant electrical interference with radio communications between the airport and aircraft or which make it more difficult for pilots to distinguish between airport lights and other lighting. No use shall be made of any land that impairs pilot visibility of runways or which otherwise endangers the landing, take off, or maneuvering of aircraft.

Within Airport Land Use Compatibility Zones "B-1," "B-2," and "C," as specified in the adopted Airport Land Use Compatibility Plan, the following uses, even if otherwise permitted in the underlying base zoning district, are prohibited:

- Public* and private schools
- Hospitals
- Nursing homes, rest homes, or retirement homes

* The acquisition and/or development of a school site within any of the Airport Land Use Compatibility zones specified in this subsection is inconsistent with the applicable General or Specific Plan.

19.76.050 MINIMUM LOT SIZE

Minimum lot size requirements in an H District are per the requirements of the base district with which the H District is combined.

19.76.060 MINIMUM LOT AREA PER DWELLING UNIT

Requirements for minimum lot area per dwelling unit in an H District are per the requirements of the base district with which the H District is combined.

19.76.070 YARDS AND SETBACKS

Yard and setback requirements in an H District are per the requirements of the base district with which the H District is combined.

19.76.080 HEIGHT LIMITS

No building, structure, plant, or tree in an H District shall exceed thirty-five (35) feet in height, except as may be approved pursuant to Sections 19.76.130 and 19.76.140 of this chapter. However, in no case shall the height exceed the height allowed by the base district with which the H District is combined.

19.76.090 MINIMUM DISTANCE BETWEEN STRUCTURES

Requirements for minimum distance between structures in an H District are per the requirements of the base district with which the H District is combined.

19.76.100 PARKING

Parking requirements in an H District are per the requirements of the base district with which the H District is combined.

19.76.110 SIGNS

Sign requirements in an H District are per the requirements of the base district with which the H District is combined.

19.76.120 LANDSCAPING

Landscaping requirements in an H District are per the requirements of the base district with which the H District is combined.

19.76.125 DESIGN STANDARDS

A. Exterior Lighting

All light standards shall be designed to minimize reflective glare and light-scatter. All light standards employing bare bulb illumination, including floodlighting fixtures, shall be equipped with glare shields and shall be directed downward. Light bulb outlining of buildings by means of neon tubing is permitted only where the amperage does not exceed thirty (30) milliamperes. Light bulb outlining of buildings and structures using incandescent lighting is prohibited. Exposed reflector-type lamps are prohibited. Flashing lights are prohibited, except for lighting approved by or used by a public agency to alert the public to hazardous conditions. Light standards determined to constitute a hazard to air traffic shall constitute a public nuisance and may be abated pursuant to Chapters 8.44 and 8.54 of the Kern County Ordinance Code.

B. Buildings and Structures

All buildings and structures shall have nonreflective surfaces, including roofing materials and any appurtenant equipment installed on the roof of any building. Building and structure surfaces determined to constitute a hazard to air traffic shall constitute a public nuisance and may be abated pursuant to Chapters 8.44 and 8.54 of the Kern County Ordinance Code.

C. Electrical or Radio Interference

No use of land within the H District shall result in significant electrical or radio interference with the essential operations of an airport or which pose a navigation hazard to aircraft. Any source of electrical or radio interference determined to constitute a hazard to air traffic shall constitute a public nuisance and may be abated pursuant to Chapters 8.44 and 8.54 of the Kern County Ordinance Code.

D. Fuel Storage

The storage of more than two thousand (2,000) gallons of non aviation liquid fuel or compressed gas within the "B-1" and "B-2" Airport Land Use Compatibility zones, as set forth in the adopted Airport Land Use Compatibility Plan, shall be below ground. Within the "A" Airport Land Use Compatibility zone, all non aviation liquid fuel or gas storage shall be below ground. These fuel storage requirements shall not apply to publicly owned airports. Additionally, the Director of the Kern County Airports Department may waive

or modify these requirements on privately owned public use airports, and any such waiver or modification shall be made in writing, a copy of which shall be transmitted to the Planning Director.

19.76.130 SITE DEVELOPMENT PLAN REVIEW — REQUIRED

Except for the construction of single-family dwellings and permitted residential accessory structures on existing lots of record, no use, building, structure, plant, or tree shall be established until an application for site development plan review has been submitted to and approved by the Planning Director in accordance with the procedures set out in Sections 19.102.070 through 19.102.120 of this chapter. Uses requiring approval of a precise development plan or conditional use permit shall not require a separate review as specified by this subsection, provided that the requirements of this chapter are incorporated into the design and approval of the applicable plan or permit.

19.76.140 SITE DEVELOPMENT PLAN REVIEW — APPLICATION — CONTENTS

An application for site development plan review shall include the following:

- A. Name and address of applicant
- B. Name(s) and address(es) of the property owner(s)
- C. Assessor's parcel number(s)
- D. Legal description of the property
- E. For any proposed structure or vegetation that will exceed a height of thirty-five (35) feet, a letter from the Federal Aviation Administration which shall state that the proposed development does not constitute a hazard to air traffic and does not violate any federal regulations. The letter shall also include any special conditions imposed by the Federal Aviation Administration.
- F. A plot plan drawn at the scale specified by the Planning Director, which includes the following information:
 - 1. Topography and proposed grading
 - 2. Proposed private access drives and parking areas
 - 3. Location of all permanent buildings and structures
 - 4. Park, open space, and recreation areas
 - 5. Proposed landscaping
 - 6. North arrow

G. Elevations of all permanent common buildings

Prior to the consideration of a development plan pursuant to this section, the development plan shall be submitted to the Kern County Airports Department and any applicable Airport District or operator of a public use airport for review and comment. Comments pertaining to the development plan shall be submitted to the Planning Director within fifteen (15) days following the receipt of the development plan by the Airports Department and, if applicable, the Airport District or public use airport operator. Approval of a site development plan pursuant to this chapter shall be contingent upon those conditions identified by the Planning Director, in consultation with the Director of the Kern County Airports Department, any applicable Airport District, or operator of a public use airport, that are deemed necessary to minimize impacts to essential airport operations and to air traffic safety.

19.76.150 RESIDENTIAL SUBDIVISION TRACT MAPS

- A. No residential subdivision tract exceeding an overall density of one (1) dwelling unit per ten (10) acres shall be approved within an Airport Land Use Compatibility Zone "B-1" and no residential subdivision tract exceeding an overall density of one (1) dwelling unit per two (2) acres shall be approved within an Airport Land Use Compatibility Zone "B-2" unless:
1. The existing General or Specific Plan land use designation predates the adoption of the Airport Land Use Compatibility Zone (September 23, 1996); or
 2. The site qualifies as an "infill" development, as determined by the Planning Director, as provided in Section 2.1.4 of the Airport Land Use Compatibility Zone; or
 3. A cluster plan, approved pursuant to Chapter 19.58 of this title, is approved resulting in an overall density that does not exceed the maximum permitted density specified in this section and which provides for a minimum amount of thirty percent (30%) open space of the gross acreage of the project site which shall be concentrated within the area most proximate to the extension of the applicable runway centerline.

C H A P T E R 19.78

INTERIM DISTRICTS

SECTIONS:

19.78.010 PURPOSE AND APPLICATION

19.78.020 AUTOMOBILE PARKING (P) DISTRICT

19.78.025 MOBILEHOME SUBDIVISION (MS) DISTRICT

19.78.010 PURPOSE AND APPLICATION

Interim Districts are those zoning districts that have been determined by the Board of Supervisors to be no longer necessary to effect the purposes of the Kern County Zoning Ordinance. The Interim Districts are to be replaced by new permanent zoning districts in accordance with the procedures set out in Chapter 19.112 of this title. Until all land in the County designated in any Interim District is rezoned to another district, provisions for permitted uses, height, bulk, and space standards are regulated by the new standards established in this title. This chapter identifies the regulations under which use and development of land may occur in any Interim District.

19.78.020 AUTOMOBILE PARKING (P) DISTRICT

All development in the P District shall comply with the requirements and standards set out in Chapter 19.82 of this title. Permitted uses in the P District shall be limited to the parking of motor vehicles, except that temporary displays of retail equipment or products may be authorized by the Planning Director if related to an on-site retail business. In conjunction with such approval, the Planning Director may impose conditions deemed necessary to promote public health, safety, and welfare. Except for parking lot related improvements, no structures or buildings shall be permitted in the P District. Use of the P District for storage uses shall be prohibited.

19.78.025 MOBILEHOME SUBDIVISION (MS) DISTRICT

All development in the MS District shall comply with the requirements and standards set out in Chapter 19.18 (R-1 District), except where property is zoned for lot sizes of one-quarter (1/4) acre or greater, in which case the requirements and standards set out in Chapter 19.16 (E District) shall apply. Mobilehome age and installation requirements shall be subject to the standards set out in Chapter 19.62 (MH Combining District).

C H A P T E R 19.80
SPECIAL DEVELOPMENT STANDARDS

SECTIONS:

- 19.80.010 PURPOSE AND APPLICATION**
- 19.80.015 DEVELOPMENT STANDARDS — SINGLE-FAMILY DWELLING DISTRICTS**
- 19.80.020 DEVELOPMENT STANDARDS — MULTIFAMILY RESIDENTIAL DISTRICTS**
- 19.80.030 DEVELOPMENT AND PERFORMANCE STANDARDS — COMMERCIAL AND INDUSTRIAL DISTRICTS**
- 19.80.040 PLOT PLAN REVIEW AND APPROVAL — REQUIRED**
- 19.80.050 PLOT PLAN REVIEW — CONTENTS**
- 19.80.060 SOIL STABILIZATION — MAINTENANCE OF DISTURBED LANDS**
- 19.80.070 PLOT PLAN — REVIEW AND APPROVAL**
- 19.80.080 PERMIT REVOCATION AND MODIFICATION**

19.80.010 PURPOSE AND APPLICATION

The purpose of this chapter is to establish reasonable and necessary development standards for single-family, multifamily, commercial, industrial, institutional, and other similar uses to ensure that development subject to this chapter includes appropriate public improvements and is compatible with surrounding uses. The development standards specified in this chapter shall apply to all multifamily development in the Medium-density Residential (R-2), High-density Residential (R-3), and all development in the Commercial Office (CO), Neighborhood Commercial (C-1) General Commercial (C-2), Highway Commercial (CH), Light Industrial (M-1), Medium Industrial (M-2), and Heavy Industrial (M-3) Districts, except as provided in this chapter, and shall apply to those uses in the Exclusive Agriculture (A) and Natural Resource (NR) Districts as required by those chapters. The in-fill development of single-family dwellings on individual lots shall also require necessary road dedications and improvements as provided for in this chapter.

19.80.015 DEVELOPMENT STANDARDS — SINGLE-FAMILY DWELLING DISTRICT

- A. Single-family dwellings on individual lots located within an E, R-1, R-2, and R-3 District which have an area of one-half (1/2) acre or less and are also located within a Type "A" Improvement Area (see Appendix), necessary road dedications shall be provided as specified in Subsection 19.08.020.A of this chapter when a new single-family dwelling is constructed. In such instances, road improvements, including curb, gutter, and sidewalk, shall be installed as required by the Kern County Roads Department under an approved encroachment permit where fifty percent (50%) or more of similarly zoned lots on the same side of the street within a one (1) block radius or one thousand (1,000) feet, whichever is less, have been improved with Type "A" road improvements.

- B. All new single-family dwellings located within the Indian Wells Valley Land Use Management Plan area (as defined by Section 19.08.015 of this Title) after its adoption shall be subject to the following Landscaping Standards:
 - 1. Landscaping shall be provided in accordance with the requirements of Chapter 19.86 of this title, California Code of Regulations, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance and Kern County Code of Building Regulations (Title 17).
- C. Outside of the Indian Wells Valley Land Use Management Plan area (as defined by Section 19.08.015 of this Title), all new single-family dwellings shall be subject to the following Landscaping Standards:
 - 1. Landscaping shall be provided in accordance with the requirements of Chapter 19.86 of this title, California Code of Regulations, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance and Kern County Code of Building Regulations (Title 17).

19.80.020 DEVELOPMENT STANDARDS — MULTIFAMILY RESIDENTIAL DISTRICTS

All multifamily residential development in the R-2 and R-3 Districts shall comply with the following standards:

- A. Street and road dedications shall be made to the County, in a manner prescribed by the Kern County Engineering and Survey Services Department and the Kern County Roads Department, for all existing or proposed local, secondary, and major highways. The required dedication shall be thirty (30) feet from the centerline of a local street, forty-five (45) feet from the centerline of a secondary (collector) highway, and fifty-five (55) feet from the centerline of a major (arterial) highway, or as required by any adopted Official or Specific Plan Line. In cases where a street is on the boundary of a development, a minimum dedication of forty (40) feet shall be made.
- B. All developments within Type A Improvement Areas (see Appendix) shall provide road or street improvements to Type A Subdivision Standards. Developments in all other areas shall provide road or street improvements to Type B Subdivision Standards, unless Type A Subdivision Standards are required by any adopted Specific Plan in which the development is proposed, in which case Type A improvements shall be required. Street improvements shall include base and pavement tie to existing pavement. Existing pavement shall be saw cut at match point. If the project site abuts a State highway, road improvements shall be provided as required by the California Department of Transportation. In addition, all multifamily developments involving five (5) or more units and located within Type A or B improvement areas shall include exterior fencing, with materials as approved by the Planning Director.
- C. Obstructions within street rights-of-way shall be removed as specified by the Kern County Land Division Ordinance.
- D. All access drives, parking areas, and vehicle maneuvering areas shall be surfaced with a minimum of two (2) inches of asphaltic concrete paving or material of higher quality.

Parking spaces and freight loading spaces shall be provided as provided for in Chapter 19.82 of the title.

- E. From the drop point of any overhead power pole on the periphery of the site, all new on-site utility services shall be placed underground.
- F. A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the Kern County Department of Engineering and Survey Services, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
- G. The method of water supply and sewage disposal shall be as required and approved by the Kern County Environmental Health Services Department.
- H. Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
- I. When more than three (3) dwelling units will be constructed adjacent to property zoned E (1), E (1/2), E (1/4), or R-1, a six- (6-) foot-high solid masonry wall shall be constructed between the proposed development and the adjacent property. Trees with a mature height of at least 10 feet shall be planted along the entire length of the masonry wall, spaced at a distance to provide noise attenuation, at the interior side and rear-yard property line adjacent to residentially zoned property as described in this section, and shall meet the requirements of Section 19.86.030 of this Title. The wall height shall be reduced to four (4) feet within the required front-yard setback area and no landscaping shall be required that extends above the masonry wall. All landscaping shall be in compliance with the Solar Shade Control Act.
- J. When construction in excess of one (1) story is proposed adjacent to property zoned for single-family residential use, all windows above the first story and within seventy-five (75) feet of the adjacent property zoned for single-family residential use shall contain glass that is opaque or translucent or shall be screened in a manner as approved by the Planning Director. No balconies shall be permitted within this seventy-five- (75-) foot area. For all multifamily developments with twenty (20) or more dwelling units which abut property zoned for single-family residential use, all buildings containing dwellings located within sixty-five (65) feet of an interior side or rear property line that abuts single-family zoned property, shall be limited to a height of one (1) story.
- K. All exterior lighting shall be equipped with glare shields or baffles and shall be directed away from adjacent properties and roads. Except for parking garages, all light poles, standards, and fixtures, including bases and pedestals, shall be a minimum of fifteen (15) feet but shall not exceed forty (40) feet in height above grade. Lighting within areas containing the H (Airport Approach) Combining District, or otherwise located within 1/2 mile of any public airport or public use airstrip, shall additionally be developed and maintained as required by Section 19.76.125 of this title. Light fixtures shall be maintained in sound operating conditions at all times.
- L. Trash pick up shall occur a minimum of once each week. All trash and recyclables receptacles shall be enclosed within a six- (6-) foot, three-sided masonry enclosure with securable iron gate and shall be installed on an impervious surface at a location that is outside the required front yard and convenient for refuse haulers and which does not interfere with on- or off-site parking or circulation. For all multiunit developments

consisting of five or more dwelling units, adequate space shall be provided for the collection and loading of recyclable materials.

- M. Landscaping shall be provided in accordance with the requirements of Chapter 19.86 of this title, California Code of Regulations, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance and Kern County Code of Building Regulations (Title 17).
- N. For all multifamily developments with five (5) or more dwelling units, a minimum of five (5) percent of the net lot area shall be developed and maintained as common usable open space. This requirement may be reduced to two and one-half (2 1/2) percent when recreational center buildings, improved play lots, swimming pools, and/or on-site child-care facilities will also be provided. The required common usable open space area may be divided into more than one (1) location, provided that no single location shall contain less than four hundred (400) square feet. No buildings or structures shall occupy areas designated for common usable open space except buildings or structures designed exclusively for recreational purposes as determined by the Planning Director. Parking areas and drainage sumps deeper than ten (10) inches shall not be utilized as common usable open space.
- O. For all multifamily developments with twenty (20) or more dwelling units, on-site laundry facilities shall be provided at a minimum ratio of one (1) washer and dryer for each twenty (20) dwellings units.
- P. For all multifamily development with twenty (20) or more dwelling units, a minimum of one-half (1/2) of the required number of on-site parking spaces shall be covered.
- Q. For all multifamily developments containing five (5) or more dwelling units, bicycle racks or storage lockers shall be provided at a minimum ratio of one space for every three (3) dwelling units. Ground level dwelling units containing private patios may be excluded from this requirement.
- R. The Planning Director may waive any of the above-listed requirements where a documented hardship, not involving economics, exists or where there are unusual circumstances that prevent compliance with any of the required development standards. Additionally, street improvements and construction of curb, gutter, and sidewalks will not be required for individual or cumulative additions constituting less than fifty percent (50%) expansion of development existing on the effective date of this chapter.
- S. Off-street parking shall be provided in accordance with the requirements of Chapter 19.82 of this title.
- T. Signs may be provided as specified by the applicable zoning district regulation and Chapter 19.84 of this title.
- U. During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.

19.80.030 DEVELOPMENT AND PERFORMANCE STANDARDS — COMMERCIAL AND INDUSTRIAL DISTRICTS

All development in the CO, C-1, C-2, CH, M-1, M-2, and M-3 Districts, and, where specified, the A and NR Districts, shall comply with the following standards:

- A. Street and road dedications shall be made to the County, in a manner prescribed by the Kern County Engineering and Survey Services Department and the Kern County Roads Department, for all existing or proposed local, secondary, and major highways. The required dedication shall be thirty (30) feet from the centerline of a local street, forty-five (45) feet from the centerline of a secondary (collector) highway, and fifty-five (55) feet from the centerline of a major (arterial) highway, or as required by any adopted Official or Specific Plan Line. In cases where a street is on the boundary of a development, a minimum dedication of forty (40) feet shall be made.
- B. All developments within Type A Improvement Areas (see Appendix) shall provide road or street improvements to Type A Subdivision Standards. Developments in all other areas shall provide road or street improvements to Type B Subdivision Standards, unless Type A Subdivision Standards are required by any adopted Specific Plan in which the development is proposed, in which case Type A improvements shall be required. Street improvements shall include base and pavement tie to existing pavement. Existing pavement shall be saw cut at match point. If the project abuts a State Highway, road improvements shall be provided as required by the California Department of Transportation. Any project which generates twenty-five (25) or more heavy truck trips per day shall require submittal of a traffic study/analysis to the Kern County Roads Department, for review and approval. The study/analysis shall identify the heavy truck annual average daily trips (ADT) generated by the proposed development on County-maintained roads for the purposes of determining the adequacy of the existing structural capacity of the project's related roadways and may require the developer to provide an additional asphalt concrete overlay on roads as determined in consultation with the Kern County Roads Department prior to commencement of operation.
- C. Obstructions within street rights-of-way shall be removed as specified by the Kern County Land Division Ordinance.
- D. All access drives, parking areas, and vehicle maneuvering areas shall be surfaced with a minimum of two (2) inches of asphaltic concrete paving constructed over a minimum of three (3) inches of compacted base material or material of higher quality. Where the project site does not have direct access to a County-maintained road, a paved access drive shall connect to the closest County-maintained road, and a paved tie-in shall be provided under encroachment permit from the Kern County Roads Department. The paved access drive shall be continuously maintained in good condition.
- E. From the drop point of any overhead power pole on the periphery of the site, all new on-site utility services shall be placed underground.
- F. A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the Kern County Department of Engineering and Survey Services, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
- G. The method of water supply and sewage disposal shall be as required and approved by the Kern County Environmental Health Services Department.

- H. Fire flows, fire protection facilities, and access ways and safety setbacks shall be as required and approved by the Kern County Fire Department.
- I. When adjacent to property zoned for single-family or multifamily residential purposes, a six- (6-) foot-high solid masonry wall shall be constructed between the proposed development and the adjacent property. The wall height shall be reduced to four (4) feet within the required front-yard setback area.
- J. All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting standards shall be equipped with glare shields or baffles and shall not exceed forty (40) feet in height above grade. Lighting within areas containing the H (Airport Approach Height Combining) District, or otherwise located within 1/2 mile of any public airport or public use airstrip, shall additionally be developed and maintained as required by Section 19.76.125.A of this title. Light fixtures shall be maintained in sound operating conditions at all times.
- K. Trash pick up shall occur a minimum of once each week. All trash and recyclables receptacles shall be enclosed within a six- (6-) foot, three-sided masonry enclosure with securable iron gate and shall be installed on an impervious surface at a location that is outside the required front-yard setback and convenient for refuse haulers and which does not interfere with on- or off-site parking or circulation. For all commercial and industrial uses with five (5) or more employees, adequate space shall be provided for the collection and loading of recyclable materials.
- L. For industrial developments utilizing outside storage, the areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Planning Director. Screening, if required by the base district regulations, shall also be provided.
- M. Landscaping shall be provided in accordance with the requirements of Chapter 19.86 of this title California Code of Regulations, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance and Kern County Code of Building Regulations (Title 17).
- N. For all new development in commercial and the M-1 Districts, roof-mounted mechanical, refrigeration or heating equipment shall be concealed by full or partial enclosures that employ the same building materials as used in the facade and/or roof design so that the equipment is not visible from any off-site location. When located on the ground adjacent to a building, mechanical, refrigeration or heating equipment shall be screened by landscaping, solid masonry wall or solid fencing, or combination thereof, from abutting public streets and all adjacent properties developed with residential or commercial uses.
- O. The Planning Director may waive any of the above-listed requirements where a documented hardship, not involving economics, exists or where there are unusual circumstances that prevent compliance with any of the required development standards. Additionally, street improvements and construction of curb, gutter, and sidewalks will not be required for individual or cumulative additions constituting less than fifty percent (50%) expansion of development existing on the effective date of this chapter.
- P. Off-street parking and loading areas shall be provided in accordance with the requirements of Chapter 19.82 of this title.

- Q. Signs may be provided as specified by the applicable zoning district regulations and Chapter 19.84 of this title.
- R. During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- S. All non-mobile sources of noise produced by commercial and industrial uses, except for those located within the M-3 District, and located within five hundred (500) feet of property developed residentially and zoned for residential use (E, R-1, R-2 and R-3) shall comply with the following exterior noise standards:
1. The use shall not generate noise that exceeds an average 65 dB Ldn (24 hour median) between the hours of 7:00 a.m. and 10:00 p.m. and shall not generate noise that exceeds 65 dB, or which would result in an increase of 5 dB or more from ambient sound levels, whichever is greater, between the hours of 10:00 p.m. and 7:00 a.m. Noise level measurements shall be taken at the exterior of the closest residential dwelling within the boundary of the affected residential district/s with a sound level meter using the A-weighted network (scale) and, where practical, the microphone shall be positioned five (5) feet above the ground and away from reflective surfaces. Public complaints alleging violation of this standard may be required to submit documentation of actual noise level measurements. The Planning Director, in consultation with the Kern County Department of Environmental Health Services, may authorize deviations or exceptions to the standards contained in this subsection and may require noise attenuation measures in conjunction with such authorization.
- T. When accessory to a permitted use, the storage of flammable and combustible liquids not otherwise regulated by this title shall be subject to the following:
1. The maximum quantity of flammable or combustible liquids stored in above-ground tanks associated with any particular business shall be 12,000 gallons per tank and an aggregate maximum of 48,000 gallons, unless the Kern County Fire Marshal approves a deviation to allow additional storage capacity.
 2. The maximum quantity of flammable or combustible liquids stored in above-ground vaults or underground tanks or vaults shall be 15,000 gallons per vault or underground tank associated with any particular business and an aggregate maximum of 48,000 gallons, unless the Kern County Fire Marshal approves a deviation to allow additional storage capacity.
 3. Above-ground storage structures designed for the storage of 6,000 gallons or less of any flammable or combustible liquid shall be setback a minimum distance of fifteen (15) feet from any property line and from any dwelling unit, except where the California Fire Code or the Kern County Fire Marshal specifically authorizes a deviation from this setback requirement. Above-ground storage structures designed for the storage of more than 6,000 gallons of any flammable or combustible liquid shall be setback a minimum distance of twenty-five (25) feet from any property line and from any dwelling unit, except where the California Fire Code or the Kern County Fire Marshal specifically authorizes a deviation from this setback requirement.
 4. All above-ground storage shall be within types of containers approved for that

use by the Kern County Fire Marshal.

5. In instances where the Kern County Fire Marshal approves deviations from the requirements of this section, conditions may be imposed that are deemed necessary by the Fire Marshal to safeguard public health and safety. Any such deviation shall be authorized in writing.
 6. Businesses located within the H (Airport Approach Height Combining) District shall be subject to the additional fuel storage restrictions set forth in Section 19.76.125.D of this title.
- U. Permitted uses that include the placement of any solid or liquid material directly on the ground which has the potential to leach into the ground and adversely impact groundwater, shall consult with, and be subject to review and approval by, the Regional Water Quality Control Board or, alternatively, the Kern County Environmental Health Services Department.
- V. Prior to the issuance of grading and building permits, the owner/operators of permitted uses that involve equipment or activities that store, use or generate hydrocarbons, particulate matter, toxic chemicals, nuisance odors or other air contaminants subject to air pollution control requirements, shall consult with, and be subject to the requirements of, the applicable Air Pollution Control District. If requested by the applicable Air Pollution Control District, the Building Official may withhold final inspection or issuance of a certificate of occupancy for any structure on property containing a business which is in noncompliance with the requirements of that District until such time as the deficiencies are corrected.
- W. Any business which stores hazardous or toxic chemicals as a normal part of its business shall file a Business Plan with the Kern County Environmental Health Services Department.

19.80.040 PLOT PLAN REVIEW AND APPROVAL — REQUIRED

Except for one (1) single-family residential dwelling on a single lot, or as otherwise provided in this section, no permitted use shall be established, no permitted development shall occur, and no building permit or grading permit shall be issued for any permitted use or development subject to this chapter until a plot plan review has been submitted to and approved by the Planning Director in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title. A plot plan review shall not be required for building additions which do not exceed a fifty percent (50%) increase of the gross square footage of building area located on the affected parcel unless the expansion will result in the creation of additional dwelling units. Additionally, a plot plan review shall not be required for changing one permitted use to another permitted use where no building permits are required.

19.80.050 PLOT PLAN REVIEW — CONTENTS

Plot plan review shall include the following:

- A. A plot plan drawn to scale, which includes the following information:

1. Topography and proposed grading
 2. Location of all existing buildings and structures
 3. Location of all proposed buildings and structures
 4. Proposed vehicular circulation and parking areas
 5. Distance from property lines to the centerline of adjacent streets
 6. Required road improvements
 7. Proposed landscaping
 8. North arrow
 9. Phasing or development schedule
- B. Elevations of proposed buildings and structures (multifamily residential projects only)
- C. A note on the plot plan describing facility improvements, including:
1. Water supply system
 2. Sewage collection and disposal system
 3. Public utilities
 4. Fencing
 5. Location of trash receptacles and method of screening, if required
- D. Any and all reports, approvals, or requirements which may be required by mitigation measures incorporated into an environmental document adopted for implementation of this district for specific parcels, including a plan for implementation of recommendations contained in such reports.

19.80.060 SOIL STABILIZATION — MAINTENANCE OF DISTURBED LANDS

Within the Eastern Kern Desert Region, as defined by the Kern County General Plan, all development which results in surface disturbance as a result of any use, or extension of the use of land as regulated by this title, shall continually employ best management practices to minimize soil erosion by onsite activities, rainfall, flowing water or wind so as not to result in a nuisance or contribute thereto.

19.80.070 PLOT PLAN — REVIEW AND APPROVAL

The plot plan required by this chapter shall be reviewed and approved in accordance with procedures set out in Sections 19.102.040 through 19.102.060 of this title. Where grading or building permits are required, the plot plan shall be reviewed concurrently with the processing of

the required permits. No plot plan review shall be required where a use is allowed subject to securing a conditional use permit or precise development plan. Any plot plan approved pursuant to this chapter shall expire one (1) year after the date of approval, except where building permits have been issued for construction authorized under the approved plot plan, in which case the approved plot plan shall expire after the construction has been completed or on the date building permits are cancelled.

19.80.080 PERMIT REVOCATION AND MODIFICATION

Any approval issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this title.

CHAPTER 19.81
OUTDOOR LIGHTING
“DARK SKIES ORDINANCE”

SECTIONS:

19.81.010	PURPOSE AND APPLICATION
19.81.020	DEFINITIONS
19.81.030	APPLICABILITY
19.81.040	GENERAL REQUIREMENTS
19.81.050	EXEMPTIONS
19.81.060	OUTDOOR LIGHTING PLANS
19.81.070	VIOLATIONS AND COMPLAINTS
19.81.080	PERSONS SEEKING AN EXCEPTION TO THIS CHAPTER

19.81.010 PURPOSE AND APPLICATION

- A. Residents in many areas of Kern County currently enjoy a dark night sky and have expressed interest in continued access to natural dark skies. In order to maintain the existing character of Kern County, a minimal approach shall be taken to outdoor lighting, as excessive illumination can create a glow that may obscure the night sky and excessive illumination or glare may constitute a nuisance. The purpose of this chapter is to provide requirements for outdoor lighting within specified unincorporated areas of Kern County in order to accomplish the following objectives:
1. Encourage a safe, secure, and less light-oriented nighttime environment for residents, businesses, and visitors.
 2. Promote a reduction in unnecessary light intensity and glare, and to reduce light spillover onto adjacent properties.
 3. Protect the ability to view the night sky by restricting unnecessary upward projections of light.
 4. Promote energy conservation and a reduction in the generation of greenhouse gases by reducing wasted electricity that can result from excessive or unwanted outdoor lighting.
- B. The figures/drawings incorporated in this chapter or shown on informational sheets produced by the County of Kern are provided as guidelines for the public and Staff to use in meeting the intent of this chapter. The figures serve only as examples. The County of Kern does not endorse or discriminate against any manufacturer or company that may be shown, portrayed, or mentioned as examples.
- C. Should a conflict arise between this Chapter and the California Green Building Standards Code, the more restrictive of the two shall apply.

19.81.020 DEFINITIONS

For the purposes of carrying out the intent of this title, words, phrases, and terms shall be deemed to have the meaning ascribed to them below. In construing the provisions of this title, specific provisions shall supersede general provisions relating to the same subject, and text shall supersede diagrams relating to the same subject. Words, phrases, and terms not defined in this section shall have the meaning commonly or logically associated therewith.

- A. Architectural Feature: Unique roofline, gable, mast, extension, overhang, or other architectural embellishment intended to add architectural interest to a building or structure.
- B. Attached Lighting: A light fixture that is attached to a building or structure. Any light fixture that is directly or indirectly attached to a structure with a diameter and/or width of more than twelve (12) inches is considered attached lighting.
- C. Fixture: A complete lighting unit including the lamp and parts designed to distribute the light, position and protect the lamp, and connect the lamp to a power source. Also referred to as a luminaire. The fixture may include an assembly housing, a mounting bracket or pole socket, lamp holder, ballast, a reflector or mirror, and a refractor or lens.
- D. Floodlight: An outdoor lighting fixture intended to illuminate a large area. Often utilized to broadcast light over a substantial area for security and recreational purposes.
- E. Freestanding Lighting: A light fixture that is not attached to a building or structure. Any light fixture attached to a structure with a diameter and/or width of twelve (12) inches or less (such as a pole) is considered freestanding lighting.
- F. Fully Shielded: An outdoor lighting fixture that is shielded with a non translucent barrier or constructed in such a manner that the light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane passing through the lowest point of the fixture where light is emitted. Light rays emitted by a fully-shielded fixture shall not cast direct light onto any adjacent property other than a common solid fence (See Figures in Section 19.81.040.A).
- G. Glare: A direct and unshielded light striking the eye to result in reduced visual performance.
- H. Incandescent: Light produced by a filament heated to a high temperature by electric current.
- I. Internally Illumined Signage: Sign illuminated by a light source internal to sign enclosure and not directly visible externally.
- J. Lamp/Bulb: A generic term for an artificial light source typically installed in the socket portion of a fixture. Commonly referred to as a bulb.
- K. Light pollution: Any adverse effect of artificial light sources including, but not limited to, discomfort to the eye or diminished vision due to glare, uncontrolled uplighting, uncomfortable distraction to the eye, or any artificial light that substantially diminishes the view of the night sky.

- L. Lumen: A unit of standard measurement used to describe the amount of light that is produced; a measurement of the brightness/intensity of a light source.
- M. Low Voltage Landscape Lighting: Freestanding electric lighting powered fifteen (15) volts or less and limited to sixty (60) watts or 750 lumens, whichever is less, per fixture, for the purpose of illuminating trees, shrubbery, and other natural external elements.
- N. Night Sky: The overhead sky between dusk and dawn; ideally allows view of stars, despite necessary or desired illumination of private and public property.
- O. Outdoor lighting fixture: Any lighting fixture that is installed, located, or used in such a manner to provide illumination of objects or activities outside. Outdoor lighting fixtures include all fixtures mounted to the exterior of a structure, poles, or other freestanding structures, or placed so as to provide direct illumination on any exterior area or activity.
- P. Outdoor Performance/Sport/Recreational Facilities: Public or private facilities designed for the conduct of sports, leisure activities, and other customary recreational activities.
- Q. Partially Shielded Fixture: A fixture employing a top shield to eliminate all direct upward light, but otherwise does not shield the lamp from view. May allow some light to pass through a semi-translucent barrier, and/or may allow visibility of the lamp/bulb from certain perspectives.
- R. Seasonal Lighting: Seasonal displays of forty-five (45) days or less within one (1) calendar year.
- S. Temporary lighting: means lighting that is intended to be used for a special event for twelve (12) days or less per calendar year.
- T. Uplight: Light emitted from a fixture into the hemisphere at or above the horizontal plane. Uplighting is prohibited, except as permitted by Section 19.81.040.F.

19.81.030 APPLICABILITY

A. NEW OUTDOOR LIGHTING

All new temporary or permanent outdoor lighting fixtures that is both permitted and installed on and after the effective date of this chapter shall conform to the requirements established by this chapter.

B. EXISTING OUTDOOR LIGHTING

All existing outdoor lighting fixtures installed prior to the effective date of this chapter shall be addressed as follows:

1. **Legal, nonconforming:** All outdoor light fixtures (including the existing wattage/lumen use and the resulting light illumination patterns) which are existing and legally installed

prior to the date of adoption of this chapter are legal, nonconforming uses and are exempt from the requirements of this chapter. When existing legal, nonconforming fixtures are replaced, fixture replacement shall be in compliance with this chapter, except that the light illumination pattern that existed prior to fixture replacement may remain. This compliance requirement does not apply to bulb/lamp replacement or routine maintenance of the light fixture.

2. **Additions or Alterations to Property:** When an addition of fifty percent (50%) or more in terms of additional dwelling units, gross floor area, cumulative seating capacity, parking spaces, either with a single addition or with cumulative additions occurs on any property, all existing nonconforming lighting fixtures on the entire property shall be made to comply with the requirements of this chapter to the extent it does not restrict the illumination pattern that existed prior to fixture replacement. Additionally, all new outdoor lighting fixtures shall meet the requirements of this chapter.

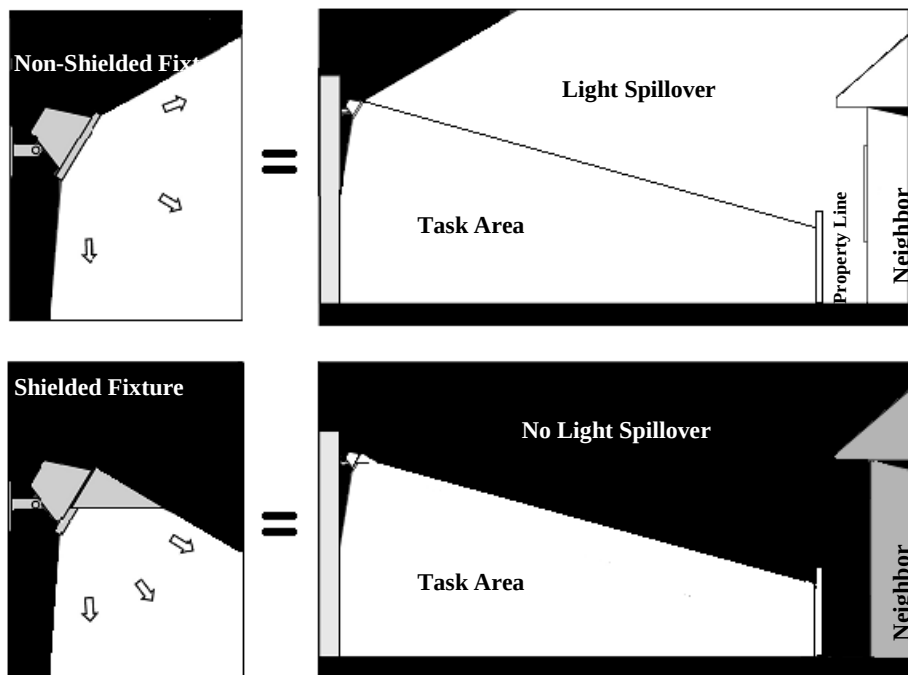
19.81.040 GENERAL REQUIREMENTS

The following general standards apply to all outdoor lighting fixtures subject to this ordinance.

A. SHIELDING

All outdoor lighting fixtures which utilize 100 watts or more (based on an incandescent bulb), or emit 1,600 lumens or more per fixture, shall be fully shielded per the definition listed in this chapter, unless the fixture is exempted by this chapter. All floodlights which utilize less than 100 watts per fixture must be at least partially shielded to reduce light spillover onto adjacent properties.

Additionally, the light source (bulb) within all lighting fixtures shall be oriented downward to prevent direct uplighting, except as permitted by Section 19.81.040.F.



B. PROHIBITED LIGHT SOURCE TYPES

The following exterior light source types shall be prohibited in and within twenty-five (25) feet of all residential zone districts (E, R-1, R-2, and R-3): metal halide, mercury vapor, and quartz.

C. MAINTANENCE

Outdoor light fixtures shall be kept in good working order and shall be continuously maintained in a manner that serves the original design intent of the system and ensures continued compliance with this chapter.

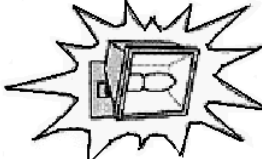
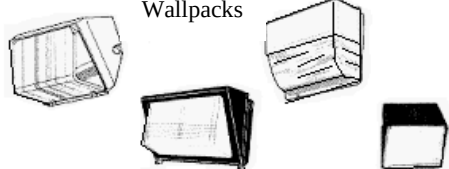
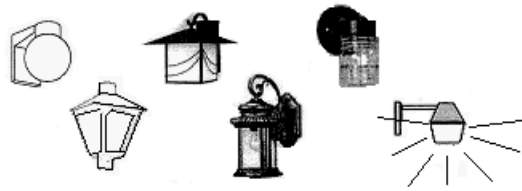
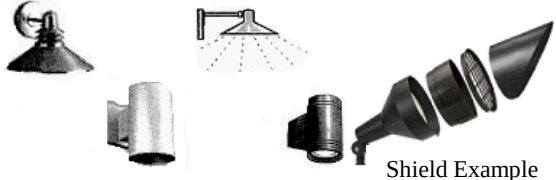
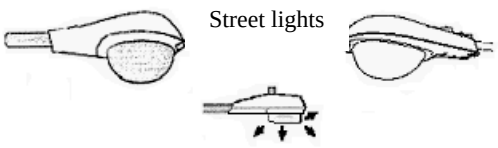
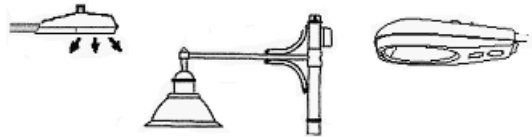
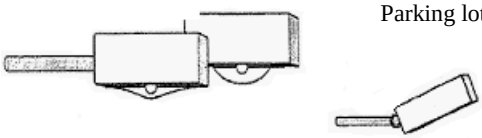
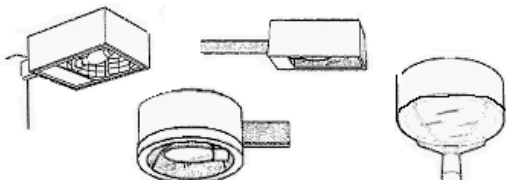
D. FIXTURE HEIGHT

All light fixtures that are mounted on a building or structure (attached lighting) and all lighting fixtures that are not attached (freestanding lighting) shall conform to the mounting height limitations as listed in the table below (Table 19.81.050.C.1). Maximum fixture height shall be measured from the finished interior grade of the mounting area to the top point of the lighting fixture.

Table 19.81.050.C.1. – Fixture Height			
	Residential Zones (E, R-1, R-2, R-3) and any light fixture installed within 25 feet of an existing single-family residence	Non-Residential Zone	Floodlights used for "Outdoor Performance, Sport & Recreation Facilities"
Freestanding Lighting	20 feet tall	30 feet tall	As approved by the Planning Director
Attached Lighting	Shall not exceed height of structure	Shall not exceed height of structure	Shall not exceed height of structure

E. FIXTURE TYPES

The following figures illustrate examples of fully shielded and not fully shielded outdoor lighting fixtures. Note: Even those types of fixtures shown as fully shielded must be installed and aimed properly to comply with this chapter.

NOT FULLY SHIELDED	FULLY SHIELDED
 Unshielded Causes Glare	 Fully Shielded Reduces Glare
Floodlights 	 Fixtures must be properly angled and mounted to ensure that light is not emitted above the horizontal plane
Wallpacks 	
	
 Fixtures utilizing less than 100-watts do not require full shielding	 Shield Example
Street lights 	
 Parking lot	

F. UPLIGHTING AND LIGHTING AIMED AGAINST STRUCTURES OR LANDSCAPING

Direct upward lighting and lighting aimed against structures shall be prohibited except as follows:

1. **Accent lighting of architectural features:** Architectural features may be illuminated by vertical uplighting, provided that no glare or off-site light spillover is produced. Lamps used for this type of accent lighting shall be low intensity to produce a subtle lighting effect and shall utilize less than 100 watts and shall emit less than 1,600 lumens per fixture.
2. **Accent lighting of other objects:** For statues, public art, or other objects of interest where the light cannot be effectively contained by the structure and where objects cannot be illuminated with down lighting, upward lighting may be used in the form of narrow-cone spotlights that utilize less than 100 watts and emit less than 1,600 lumens and confine the illumination to the object of interest. Unrestricted uplighting of a displayed United States Flag or the State of California State Flag shall be permitted.



3. **All other lighting aimed against structures:** An outdoor lighting fixture may be aimed against a structure only if: (1) the light is effectively contained by the structure; (2) no glare is visible from off site; and (3) the fixture is fully shielded so that none of the light which is emitted above the horizontal plane crosses over the property line of the parcel where the subject light is located.
4. **Low voltage landscape light:** Low voltage landscape lighting such as that used to illuminate fountains, shrubbery, trees, walkways, etc., shall be permitted provided that such lighting is limited to fixtures utilizing a maximum of 60 watts (or 750 lumens, whichever is or less), per fixture, the fixture is not mounted to poles or buildings, and the fixture is shielded to eliminate glare and light spillover onto adjacent properties.

G. OUTDOOR PERFORMANCE, SPORT AND RECREATIONAL FACILITIES

1. Where playing fields or other special activity areas are to be illuminated by floodlight, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that off-site light spillover onto any residentially zoned (E, R-1, R-2, R-3) property is minimized. This subsection shall not apply to legal, nonconforming fixtures.
2. Recreational facilities shall be illuminated for public or private use only when the facility is being utilized, except for security lighting authorized by Section 19.81.040.J. All non-security lighting must be turned off no later than 11:00 p.m. or thirty (30) minutes after the termination of the event and/or use, whichever occurs last. At the conclusion of the event and/or use, a reduced-level

lighting system shall be used to facilitate patrons leaving the facility, cleanup, nighttime maintenance, and other closing activities. This subsection shall not apply to legal, nonconforming fixtures.

H. NEW OFF-SITE AND ON-SITE OUTDOOR ADVERTISING SIGNS

New off-site outdoor advertising signs installed after the effective date of this chapter and which include externally mounted light fixtures shall be subject to the following: The externally mounted light fixtures shall be mounted to the top of the advertising structure, shall be oriented downward and shall be fully shielded, except for fixtures utilizing less than 100 watts and emitting less than 1,600 lumens per fixture. Externally mounted light bulbs or lighting tubes that are not filled with neon, argon, or krypton shall not be visible from any portion of an adjacent public right-of-way or adjoining property. Internally illuminated signs shall be exempt from this chapter and shall be regulated as set forth by Chapter 19.84 (Signs) of the Kern County Zoning Ordinance.

I. SEARCHLIGHTS AND LASER LIGHTS

1. Searchlights and laser lights may only be utilized in the following circumstances:
 - a. As approved in conjunction with a Temporary Event Permit (TEP) issued by the Kern County Planning and Community Development Department pursuant to Section 19.08.340.
 - b. In conjunction with grand openings where a TEP is not required. A grand opening shall commemorate an initial building or project opening, a change in ownership of an existing business, or remodel/enlargement of over fifty percent (50%) of the floor area or a new business in an existing building. Use of a searchlight or laser light in conjunction with a grand opening shall not exceed a combined total of three (3) days in any calendar year.
 - c. In emergencies, by/at the direction of sheriff/fire or other emergency personnel.

J. HOURS OF OPERATION (CURFEW) AND SECURITY LIGHTING

1. Outdoor light fixtures located anywhere within a residential zone district (E, R-1, R-2, R-3) or within any other zone district where the new fixture is located within 25 feet of an existing single-family residence, shall adhere to the following:
 - a. Lighting fixtures (such as carriage lights, under-eave lights and porch lights) that utilize less than 100 watts and emit less than 1,600 lumens per fixture and that do not project light above the horizontal plane shall not be subject to an illumination curfew.
 - b. Security lighting fixtures that utilize 100 watts or more (or emit 1,600 lumens or more) shall be controlled by a motion-sensor device if used after 11:00 p.m., and the fixture shall only be illuminated when activated by the device. The motion sensor device shall be programmed

so that the fixture remains illuminated for no more than ten (10) minutes if activated by the device. Each fixture shall conform to all other provisions of this chapter, including shielding requirements.

- c. All other non-exempt outdoor lighting fixtures shall be turned off between the hours of 11:00 p.m. and sunrise.
- 2. Outdoor lighting fixtures located outside of a residential zone district (E, R-1, R-2, R-3), or located more than 25 feet from any existing single-family residence within any other zone district shall adhere to the following:
 - a. All lighting fixtures shall be subject to the shielding provisions as listed in Section 19.81.040 of this chapter.
 - b. Lighting fixtures listed under this provision shall not be subject to an illumination curfew.

19.81.050 EXEMPTIONS

The following are permanently exempt from the provisions of this chapter:

- 1. Outdoor lighting specifically approved in conjunction with a discretionary permit.
- 2. Federal and State Facilities: Outdoor light fixtures on, in, or in connection with facilities and land owned or operated by the government of the United States of America or the State of California; however, these agencies are encouraged to comply with the provisions of this ordinance.
- 3. Airports and Other Lighting Required by the Federal Aviation Administration: Outdoor lighting for public and private airports and any other uses that are regulated by the Federal Aviation Administration.
- 4. Correctional Institutions: Outdoor lighting for federal, State, and County-owned or operated correctional institutions; however, voluntary compliance with the intent and provisions of this chapter is encouraged.
- 5. Emergency Light: Temporary emergency lighting needed by the sheriff's department, police department, fire department, public utility, rescue operation or in conjunction with any other emergency service.
- 6. Temporary Construction: All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.
- 7. Internally Illuminated Signs: All internally illuminated signs, including those used for on-site and off-site advertising purposes. Such signs are regulated by the provisions of Chapter 19.84 (Signs) of the Kern County Zoning Ordinance.
- 8. Neon, Argon, or Krypton: All fixtures illuminated solely by neon, argon, or krypton.
- 9. United States Flag and State of California Flag: Lighting used to illuminate a properly displayed United States Flag and/or the State of California Flag.

10. Lighting Required by Building Codes or other Regulations: Communication towers, exit signs, lighting for stairs/ramps, lighting for points of ingress/egress to buildings, and all other illumination required by air navigation safety provisions, building codes, OSHA standards, and other permitting requirements from State or federal agencies.
11. Fossil Fuel Light: All outdoor light fixtures producing light directly by the combustion of fossil fuels (such as kerosene lanterns, gas lamps, etc.)
12. Street Lighting: Lighting equipment within a public or private right-of-way or easement for the principal purpose of illuminating streets, roadways, and/or other areas open to transport by vehicle or pedestrian traffic.
13. Seasonal Displays: Displays using multiple low wattage bulbs or lasers, provided that they do not constitute a fire hazard, create a nuisance, and are maintained in a safe condition. Such displays shall not be illuminated for more than forty-five (45) days per calendar year.
14. Water Features: Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
15. Temporary Event Lighting: Temporary lighting for special events that does not conform to this chapter shall be reviewed as part of an application for a Temporary Event Permit (TEP), pursuant to Chapter 19.08.340 of the Kern County Zoning Ordinance. Any temporary lighting exemption approved via the TEP process shall be utilized for a period of time that exceeds a combined total of twelve (12) combined days on any one (1) parcel during a calendar year. Exemptions are renewable for a period of not more than twelve (12) additional combined days. Requests for renewal of a temporary exemption shall be processed in the same manner as the original request. No outdoor light fixtures shall be exempted from this chapter for more than twenty-four (24) days combined during a calendar year.
16. Steeples: Lighting used to illumination the tall ornamental tower that forms the superstructure of a church, temple, office building, etc., shall be exempt from this chapter.
17. Temporary Agricultural Activities: Lighting used to illuminate temporary agricultural activities such as harvesting on property zoned A (Exclusive Agriculture) or A-1 (Limited Agriculture) and lasting no more than twelve (12) consecutive days and no more than twenty four (24) combined days on any one parcel during a calendar year.

19.81.060 OUTDOOR LIGHTING PLANS

- A. An Outdoor Lighting Plan shall be submitted in conjunction with any application for a building permit within a commercial or industrial zone district (CO, CH, C-1, C-2, M-1, M-2, M-3) where new outdoor lighting fixtures will be installed as a part of the project for which the building permit is required. At minimum, an outdoor lighting plan shall include the following:
 1. Manufacturer specification sheets, cut sheets, or other manufacturer provided information for all proposed outdoor lighting fixtures to show fixture diagrams, light source type, and light output levels (in watts or lumens per fixture).

2. The proposed location, mounting height, and aiming point of all outdoor lighting fixtures (a site plan is preferred).
 3. If building elevations are proposed for illumination, the plan shall include drawings for all relevant building elevations showing the placement of fixtures, the portions of the elevations to be illuminated, and the aiming point for any remote light fixture.
 4. The Outdoor Lighting Plan shall be correlated with any required landscaping plan that is submitted with the building permit application package and shall demonstrate that outdoor lighting shall not be unreasonably obscured or obstructed by existing or future foliage growth.
- B. The above required plans and descriptions shall be sufficiently complete to enable the Kern County Engineering, Surveying, and Permit Services Department to readily determine whether the proposal is in compliance with this chapter. If such plans and descriptions do not enable this determination, the Director of that Department may require additional information following the initial outdoor lighting plan submittal, including but, not limited to; a written narrative to demonstrate the objectives of the lighting and manufacturer data as determined by that Department as being necessary to determine compliance with the provisions of this chapter.

19.81.070 VIOLATIONS AND COMPLAINTS

- A. All outdoor lighting fixtures installed after the effective date of this chapter shall conform to the requirements established by this chapter. It shall be unlawful and a nuisance to install or operate any new outdoor lighting fixture in violation of this chapter.
- B. **Complaints:** Complaints alleging noncompliance with the provisions of this chapter shall be filed with the Kern County Engineering, Surveying, and Permit Services Department/ Code Compliance Division. Complaints shall be filed in writing and shall specifically cite the applicable provisions of this chapter for which the complaint is submitted. Photographic evidence to support the alleged noncompliance may be submitted with written complaints.

19.81.080 PERSONS SEEKING AN EXCEPTION TO THIS CHAPTER

- A. Any person desiring to install or operate an outdoor lighting fixture in such a manner that is not permitted by this chapter may apply for relief from the regulation in question. Any such request shall include the following:

Exceptions: The applicant shall submit a written request to the Planning Director. The request shall include a written description of the proposed lighting, shall address the need for the lighting, shall describe the type of shielding to be utilized, if any, and shall include a statement as to how the lighting fixture will be made to comply with the overall objectives of this chapter. The written statement shall be accompanied by photographs of any affected existing lighting fixtures and a filing fee of \$250.00. In the case of new lighting fixtures, the request shall include a copy of the manufacturer's specifications. Upon a determination that sufficient information has been submitted to adequately consider the requested exception, the exception shall be considered generally according to the procedures set out

in Sections 19.102.080, 19.102.100, 19.102.110, and 19.102.120 of the Kern County Zoning Ordinance, and as set forth below:

1. Not fewer than seven (7) days prior to the date on which the decision will be made regarding issuance of the exception, a Notice of Opportunity for Public Hearing shall be sent by mail or delivered to the property owners of all parcels which abut the exterior boundaries of the property for which the exception is being requested. No hearing on the application shall be held before a decision is made unless a hearing is requested by the applicant or other affected person.
 2. If a public hearing is requested by the applicant or other affected person, a Notice of Public Hearing shall be sent by mail or delivered to all property owners of property located within a one hundred- (100-) foot radius of the exterior boundaries of the property for which the exception is being requested, so that the request can be considered at a hearing to be held by the Planning Director. The application shall be scheduled for consideration at the next available hearing that would allow for adequate time for public advertisement of the project. After considering input at a public hearing, the Planning Director shall render a decision in accordance with Section 19.102.100 of the Kern County Zoning Ordinance, subject to the findings specified in Subsection B of this section.
- B. An exception shall only be granted if it is determined that strict application of the requirements of this chapter will create an undue hardship on the applicant and it can be determined that the objectives of this chapter will still be realized in granting the exception.
- C. **Appeals:** Any affected party may appeal the decision of the Planning Director to the Board of Supervisors as provided for in Section 19.102.110 of the Kern County Zoning Ordinance.

CHAPTER 19.82

OFF-STREET PARKING

SECTIONS:

- 19.82.010 PURPOSE AND APPLICATION**
- 19.82.020 REQUIRED PARKING SPACES**
- 19.82.030 PARKING SPACE DIMENSIONS**
- 19.82.040 COMPACT CAR AND MOTORCYCLE PARKING**
- 19.82.050 HANDICAPPED PARKING**
- 19.82.060 OFF-STREET LOADING SPACES**
- 19.82.070 LOCATION OF PARKING**
- 19.82.080 JOINT USE OF PARKING AREAS**
- 19.82.090 PARKING AREA DESIGN AND DEVELOPMENT STANDARDS**
- 19.82.100 OFF-STREET PARKING PLOT PLAN REVIEW — REQUIRED**
- 19.82.110 PLOT PLAN REVIEW — APPLICATION — CONTENTS**
- 19.82.120 APPLICATION REVIEW AND APPROVAL**
- 19.82.130 PERMIT REVOCATION AND MODIFICATION**

19.82.010 PURPOSE AND APPLICATION

The purpose of this chapter is to reduce street congestion and promote the safety and convenience of the residents of Kern County by requiring the provision of adequate and well-designed parking in connection with the land uses authorized by this title. Parking required by this chapter shall be provided at the time any main building or structure is erected or enlarged, or use is established, changed, or expanded. Development involving individual or cumulative expansion constituting fifty percent (50%) or more of the development existing on the effective date of this chapter shall comply with the off-street parking requirements of this chapter for both the existing and new development, except that existing parking facilities shall be exempt from the landscaping requirements. The standards in this chapter are minimum standards.

19.82.020 REQUIRED PARKING SPACES

Uses permitted by this chapter shall provide off-street parking spaces according to the following schedule:

A. Residential Uses:

1. **Accessory dwelling Unit:** One (1) per bedroom, not to exceed two (2) per unit or as otherwise provided for in Chapter 19.90
2. **Boarding house, rooming house, residential hotel, fraternity or sorority house, or dormitory:** One (1) per bedroom
3. **Duplex, triplex, quadruplex, multifamily dwelling, or condominium:** One (1) per efficiency unit, studio, or one-bedroom unit, and, for complexes consisting of five (5) or more units, an additional space for every five such units for guest parking; two (2) per unit for each unit containing two (2) or more bedrooms, and, for complexes consisting of five

(5) or more units, an additional space for every ten (10) such units for guest parking

4. **Mobilehome and recreational vehicle park:** Two (2) spaces per designated mobilehome space and one (1) space per every five (5) designated mobilehome spaces for guest parking; one (1) space per every designated recreational vehicle space.
5. **Retirement or rest home, transitional housing facility, supportive housing facility or emergency shelter:** One (1) per four (4) resident beds
6. **Single-family dwelling or mobilehome:** Two (2) per dwelling unit

B. Recreation, Entertainment, and Tourist Facilities:

1. **Ballfield:** Ten (10) per diamond
2. **Batting cage:** One (1) per cage
3. **Bowling alley:** Four (4) per lane
4. **Dance hall, ballroom, or discotheque:** One (1) per thirty (30) square feet of gross building area
5. **Golf course:** Three (3) per hole
6. **Golf driving range:** One (1) per tee
7. **Hotel or motel:** One (1) per room plus two (2) for the manager's quarters and one (1) per full-time staff member
8. **Miniature golf course:** Two (2) per hole
9. **Movie theater:** One (1) per three (3) seats
10. **Pool and billiard parlor:** Two (2) per pool or billiard table
11. **Skateboard parks:** One (1) per five hundred (500) square feet of use area
12. **Shooting range or gun club:** One (1) per shooter station
13. **Soccer fields:** Twenty (20) per field
14. **Sports arena:** One (1) per three and one-half (3 1/2) seats

15. **Swimming pool:** One (1) per one hundred (100) square feet of pool and deck area plus bicycle parking racks containing a minimum of ten (10) spaces
16. **Tennis club, health club:** One (1) per one hundred (100) square feet of open indoor recreational area plus two (2) per tennis or racquetball court
17. **Video games arcade:** One (1) per one hundred (100) square feet of gross building area plus bicycle parking racks containing a minimum of ten (10) spaces

C. Offices:

1. **Business or professional office:** One (1) per two hundred and fifty (250) square feet of gross building area
2. **Financial institution, including bank, savings and loan, or credit union:** One (1) per two hundred (200) square feet of gross building area
3. **Medical or dental office, veterinary office, clinic:** One (1) per two hundred (200) square feet of gross building area

D. General Retail Sales:

1. **Auto sales:** One (1) per two thousand (2,000) square feet of sales area plus one (1) per two hundred and fifty (250) square feet of office area
2. **Bar, tavern, or cocktail lounge:** One (1) per seventy-five (75) square feet of gross building area
3. **Card room:** One (1) per three (3) seats or one (1) per one hundred (100) square feet of gross building area, whichever is greater
4. **Convenience store:** One (1) per two hundred (200) square feet of gross building area
5. **Convenience store with fast-food drive-thru:** One (1) per one hundred fifty (150) square feet of gross building area
6. **Furniture store:** One (1) per five hundred (500) square feet of gross building area
7. **General retail:** One (1) per two hundred and fifty (250) square feet of gross building area
8. **Nursery, retail:** One (1) per two hundred and fifty (250) square feet of indoor display area plus one (1) per two thousand (2,000) square feet of outdoor sales area
9. **Heavy equipment, recreational vehicles, or truck sales:** One (1) per two thousand (2,000) square feet of sales area plus one (1) per two hundred and fifty (250) square feet of office area

10. **Restaurant, cafe, or coffee shop:** One (1) per one hundred (100) square feet of gross building area
11. **Restaurant, delivery only, where no seating area is provided:** One (1) per two hundred and fifty (250) square feet of gross building area
12. **Restaurant, fast food:** One (1) per seventy-five (75) square feet of gross building area
13. **Shopping center:** One (1) per two hundred (200) square feet of gross floor area, or the sum of individual tenant parking space requirements, whichever is less

E. Services:

1. **Auto repair, tire sales and service:** One (1) per three hundred (300) square feet of gross building area
2. **Barber or beauty shop:** One (1) per one hundred (100) square feet of gross building area or one (1) per chair, whichever is less
3. **Equipment rental:** One (1) per two thousand (2,000) square feet of outside display area or storage area plus one (1) per two hundred and fifty (250) square feet of office area plus one (1) per five hundred (500) square feet of inside display area
4. **Laundromat, self-service:** One (1) per three (3) washing machines
5. **Miniwarehouse:** Three (3) plus one (1) for each two hundred (200) units or portion thereof plus two (2) per residence or manager's living quarters plus one (1) per two hundred and fifty (250) square feet of office area
6. **Mortuary or funeral parlor:** One (1) per three and one-half (3 1/2) seats or one (1) per forty (40) square feet of assembly area, whichever is less
7. **Video rental:** One (1) per one hundred (100) square feet of gross building area

F. Industrial Uses:

1. **Contractor storage yard:** One (1) per five thousand (5,000) square feet of lot area
2. **Manufacturing or assembly:** One (1) per five hundred (500) square feet of floor area plus one (1) per two hundred and fifty (250) square feet of office area
3. **Warehouse or wholesale distribution:** One (1) per one thousand (1,000) square feet of storage area for the first ten thousand (10,000) square feet, one (1) per three thousand (3,000) square feet thereafter plus one (1) per two hundred and fifty (250) square feet of office area

G. Institutional Uses:

1. **Auditorium:** One (1) per three and one-half (3 1/2) seats

2. **Cemetery:** One (1) per three and one-half (3 1/2) seats in the chapel plus one (1) per two hundred and fifty (250) square feet of office space
3. **Church or auditorium:** One (1) per three and one-half (3 1/2) seats
4. **Community care facilities and rehabilitation facilities:** One (1) per three (3) beds, plus one (1) for each full-time employee on the shift with the largest number of employees
5. **Convalescent hospital or sanitarium:** One (1) per four (4) patient beds
6. **Hospital:** One (1) per two (2) patient beds
7. **Library or museum:** One (1) per five hundred (500) square feet of public use area
8. **Meeting halls and other places of public assembly where no fixed seating is provided:** One (1) per forty (40) square feet of gross floor area

H. Educational Institutions and Schools:

1. **College, business school, trade school:** One (1) per employee plus one (1) per two (2) students at full enrollment
2. **Dance or karate school:** One (1) per three hundred (300) square feet of gross building area
3. **Elementary and junior high school:** One (1) per employee plus one (1) per twenty (20) students at full enrollment
4. **High school:** One (1) per employee plus one (1) per eight (8) students at full enrollment

I. Miscellaneous Uses

1. **Child care center or preschool:** One (1) per eight (8) children for which the facility is licensed plus one (1) per employee

J. Where the calculation of parking needs results in the requirement for a fraction of a parking space, the additional parking space shall be provided.

K. Floor area shall mean gross floor area unless otherwise specified.

L. Where a proposed use is not listed in this section, the Planning Director shall determine parking needs based on the listed use which most nearly resembles the proposed use.

M. Where parking requirements are based on the number of seats, eighteen (18) inches of pew or bench seating shall be equivalent to one (1) seat.

N. Where no fixed seating is provided, seven (7) square feet of floor space shall be equivalent to one (1) seat.

- O. In conjunction with a drive-through restaurant or coffee shack, a credit of two (2) parking spaces may be applied to the applicable off-street parking requirement.
- P. In conjunction with a convenience market that also provides gasoline service, a credit of one (1) space may be applied to each gasoline pump.
- Q. Where a lot contains a use with existing legal nonconforming parking, no additional parking shall be required unless there is a change of use, a new building proposed or an existing building or use is enlarged. Parking shall then be assessed as follows:
 - 1. When there is change in use to another use with the same or lesser amount of required parking, no additional parking is required, except that as may be necessary to comply with the handicapped parking requirements of Section 19.82.050.
 - 2. When new buildings or building additions are proposed, only the gross square footage of the new building area shall be subject the requirements of this chapter.
 - 3. If a new building will replace an existing building not associated with a change in use of the property and for which parking has been determined to be legal, nonconforming, the Planning Director may authorize a credit of up to the amount of parking provided for the amount of square footage associated with the historical use to be applied to the new building.

19.82.030 PARKING SPACE DIMENSIONS

All parking spaces shall be at least nine (9) feet by twenty (20) feet, except that:

- A. Compact automobile parking spaces shall be at least eight (8) feet by sixteen (16) feet.
- B. Handicapped automobile parking spaces shall comply with the requirements of Chapter 2-71 of Title 24 of the California Administrative Code.
- C. Where a raised curb or wheel blocks are provided, parking spaces may be permitted a two-(2-) foot overhang, except where such an overhang would interfere with the use of a pedestrian walkway or landscape planter, as determined by the Planning Director.
- D. Parallel spaces shall be at least nine (9) feet by twenty-two (22) feet.
- E. Motorcycle parking spaces shall be at least four (4) feet wide by eight (8) feet deep.
- F. Loading spaces, when required, shall have a minimum length of thirty-five (35) feet, a minimum width of ten (10) feet, and a minimum vertical clearance of fourteen (14) feet, except the minimum length for the first such space required shall be twenty-five (25) feet and the minimum vertical clearance shall be twelve (12) feet.

19.82.040 COMPACT CAR AND MOTORCYCLE PARKING

- A. Up to twenty percent (20%) of the spaces in a parking facility with ten (10) or more spaces may be designed and designated for compact cars.
- B. Up to two percent (2%) of the spaces in a parking facility with fifty (50) or more spaces serving nonresidential uses may be designed and designated for motorcycle parking.

19.82.050 HANDICAPPED PARKING

- A. Parking spaces for the handicapped shall be provided and designed in accordance with the requirements of Title 24 of the California Administrative Code and all applicable federal requirements.
- B. All handicapped parking spaces and access between the handicapped parking spaces and the primary entrances of associated buildings or facilities shall be surfaced in a manner to facilitate wheelchair use.

19.82.060 OFF-STREET LOADING SPACES

- A. For every building or facility occupied by manufacturing, storage, warehouse, wholesale or retail store, market, passenger terminal, apartment complexes consisting of more than fifty (50) dwelling units, theater, hotel, motel, restaurant, hospital, laundry, dry cleaning plant, or similar use requiring the receipt or distribution of vehicles or merchandise, adequate space for standing, loading, and unloading shall be provided and maintained on the same lot in addition to the automobile parking required by Section 19.82.020 of this chapter.
- B. Freight loading space requirements are as follows:

Use or Activity	Gross Floor Area (or # of units) of Structure or Use	Spaces Required
1. Retail, wholesale, warehousing, and all other uses primarily engaged in the handling of goods	0 – 8,500 8,501 – 60,000 60,001 – 100,000 over 100,000	0 1 2 3 plus 1 for each additional 80,000 sq. ft.
2. Office, hotel and all other uses not included above	0 – 100,000 100,001 – 200,000 200,001 – 500,000 over 500,000	0 1 2 3 plus 1 for each additional 300,000 sq. ft.
3. Apartments	0 – 25 units 26- 100 units 101 – 200 units over 201 units	0 1 2 3 plus 1 for each additional 100 units

19.82.070 LOCATION OF PARKING

Required residential off-street parking facilities shall be located on the premises they are intended to serve. Off-street parking for other than residential uses shall be located on the premises they are intended to serve or within five hundred (500) feet thereof. Where required parking is provided on a site other than that of the principal use, the property owner shall file with the Kern County Recorder's Office a covenant, on a form provided by the Kern County Planning Department and approved by the Planning Director, that provides for the maintenance of the parking facility as long as the associated principal use is maintained. Approval of the covenant shall be subject to the applicant's submittal of a detailed plot plan of the site upon which the additional parking will be provided. The plan shall illustrate that any required parking at that site will not be reduced. All required off-street parking spaces shall be designed, located, constructed, and maintained so as to be fully and independently usable and accessible at all times, except as provided for in Section 19.82.090.D.

19.82.080 JOINT USE OF PARKING AREAS

If more than one (1) use required to provide parking spaces in accordance with this chapter occupies the same building or premises, off-street parking shall be provided in an amount equal to the total number of spaces required for the separate uses, provided, however, that upon written request the Planning Director can reduce the number of spaces required in such cases by up to twenty percent (20%) if he/she determines that it is unlikely the combination of uses in the same building or premises will at periods of peak use necessitate provision of the number of parking spaces that would be required if the uses were developed independently. The parking space requirement for the primary use shall be calculated as specified in Section 19.82.020. No reduction shall be permitted for the number of parking spaces required for the primary use, as determined by the Planning Director.

19.82.090 PARKING AREA DESIGN AND DEVELOPMENT STANDARDS

Off-street parking areas required to be provided by this chapter shall be designed and developed in accordance with the following standards:

- A. All off-street parking areas and ingress and egress to parking areas shall be surfaced with the following materials:
 - 1. For all residential, recreation, entertainment and tourist facilities, commercial, industrial, institutional, and other high intensity uses in any Type A Improvement Area (see Appendix), parking areas shall be surfaced with one (1) of the following materials on a prepared base:
 - a. Two (2) inches of asphaltic concrete
 - b. Three and one-half (3 1/2) inches of Portland Cement concrete
 - 2. Except as specified by Chapter 19.80 of this title, for all uses in any other area, the required parking areas shall be surfaced with one of the following materials:
 - a. Three (3) inches of bituminous road mix
 - b. Two (2) inches of asphaltic concrete
 - c. Three and one-half (3 1/2) inches of Portland Cement concrete
 - d. Three (3) inches of decomposed granite
 - e. Three (3) inches of compacted rock dust

- f. Three (3) inches of gravel
- 3. All required surfacing shall be continuously maintained in good condition, as determined by the Planning Director.
- 4. Driveways serving single-family residential dwellings are exempt from the paving requirements specified in Subsections 1 and 2 of this section if greater than one hundred (100) feet in length. The required parking area is still subject to the aforementioned paving provisions.
- 5. In the case of uses subject to discretionary approval, the required parking areas shall be surfaced with the materials specified in accordance with the conditions of approval.
- B. Parking aisles shall comply with the following minimum standards (see Figures 19.82.090(B)(1) through (B)(4)):

Arrangement	Minimum Aisle Width
30 degree, single row	11 feet
45 degree, single or multiple row	14 feet
60 degree, single or multiple row	18 feet
90 degree, single or multiple row	25 feet, except where parking is perpendicular to and abuts an alley

- C. All parking spaces shall be clearly marked. Where paved parking is required, all parking spaces shall be designated by white painted stripes, except for parking spaces serving a single-family residence; and concrete wheel blocks or a six- (6-) inch raised A.C. curb shall be installed at each parking space that abuts a structure or property line, except for parking spaces that serve a single-family residence, or as otherwise required by the Planning Director.
- D. Off-street parking facilities shall be designed so that each space can function independently of any other parking space, except in the case of lots containing up to two (2) dwelling units. Required off-street parking spaces serving commercial and industrial buildings shall not abut roll-up doors or any other doorway or opening that would conflict with the proposed use of the building.
- E. Driveways for residential developments shall be a minimum of fourteen (14) feet (includes three- (3-) foot taper on each side) in width with fifteen (15) feet of unobstructed vertical clearance. Driveways for commercial and industrial developments shall be a minimum of eighteen (18) feet (includes three- (3-) foot taper on each side) in width with fifteen (15) feet of unobstructed vertical clearance. These requirements may be reduced by the Planning Director upon recommendation of the Kern County Fire Chief.
- F. Parking spaces requiring backing into a street or road right-of-way are prohibited, except in the case of driveways for lots containing, two (2) or fewer dwelling units. For lots containing a third dwelling unit for which access is taken from other than an arterial or collector road, direct backing into a street or road right-of-way may be authorized by the Roads Department.

- G. In no case shall any parking be located within an existing right-of-way, proposed secondary or major highway, or within an adopted Official or Specific Plan Line and, except in the case of lots containing only one (1) single-family dwelling or mobilehome and lots zoned for commercial and industrial purposes, off-street parking may not be located in a required front-yard or required side-yard setback abutting a street.
- H. Where a parking facility containing five (5) or more spaces or a drive aisle which abuts property zoned E, R-1, R-2, or R-3, the parking facility shall be separated from the abutting property by a solid masonry wall six (6) feet in height, except that from the front property line to a depth equal to the required front yard on the abutting residentially zoned property, the wall shall be four (4) feet in height.
- I. For all parking lots containing ten (10) or more spaces, at least five percent (5%) of the total interior area devoted to parking shall be landscaped. Trees shall be planted and maintained throughout the parking area at a minimum ratio of one (1) tree per six (6) parking spaces placed at a maximum of sixty-five- (65-) foot intervals. Minimum tree size shall be fifteen (15) gallon container. An irrigation system adequate for the maintenance of the landscaping shall be installed.
- J. Where a parking facility containing five (5) or more spaces includes diagonal or perpendicular parking spaces that abut a public street or road, an ornamental fence, wall, evergreen landscaping or berm, or any combination of the above, of not more than four (4) feet in total height shall be erected between the parking facility and the street or road to eliminate headlight glare. (See Figure 19.82.090(J).)
- K. Lights used to illuminate parking area shall be directed away from any adjacent properties and streets.

19.82.100 OFF-STREET PARKING PLOT PLAN REVIEW — REQUIRED

No use shall be established or changed, no development shall occur or be expanded, and no building or grading permit or business license for any use or development shall be issued until an application for plot plan review has been submitted to and approved by the Planning Director.

19.82.110 PLOT PLAN REVIEW — APPLICATION — CONTENTS

The application for a plot plan review shall contain the following:

- A. Name and address of the applicant
- B. Name(s) and address(es) of the property owner(s)
- C. Assessor's parcel number(s)
- D. Legal description of the property
- E. A plot plan drawn at the scale specified by the Planning Director, including the following:
 - 1. Topography and proposed grading
 - 2. Location of existing buildings and structures where such buildings and structures are to remain

3. Location of proposed buildings and structures
4. Proposed uses of all buildings or structures
5. Dimensions of the existing and proposed buildings or structures or other information (e.g., seating capacity) of the proposed buildings allowing the Planning Director to determine parking needs in accordance with the requirements set out in Section 19.82.020 of this chapter
6. Layout of proposed parking lot, including location of parking spaces, internal circulation pattern, and ingress and egress points
7. Dimensions of parking stalls and aisles
8. Location of landscaping and irrigation system, including identification of plant materials to be used
9. Location of lighting
10. North arrow

19.82.120 APPLICATION REVIEW AND APPROVAL

- A. Where a discretionary or ministerial approval is required for the use or uses for which the parking is being provided, the off-street parking plot plan application shall be reviewed and approved in conjunction with that discretionary or ministerial approval process. No plot plan application shall be required for lots containing only one (1) single-family dwelling.
- B. Where no discretionary or other ministerial approval is required for the use or uses for which parking is being provided, the off-street parking plot plan application shall be reviewed and approved in accordance with the standards and procedures set out in Sections 19.102.040 through 19.102.060 of this title.

19.82.130 PERMIT REVOCATION AND MODIFICATION

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this title.

FIGURE 19.82.090(B)(1)
EXAMPLE OF 90 DEGREE PARKING

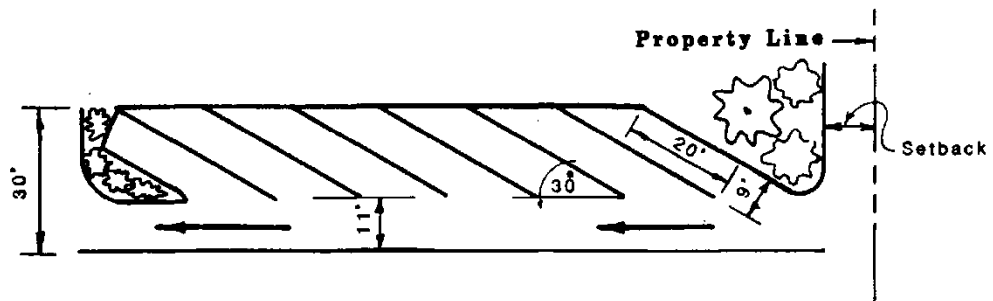
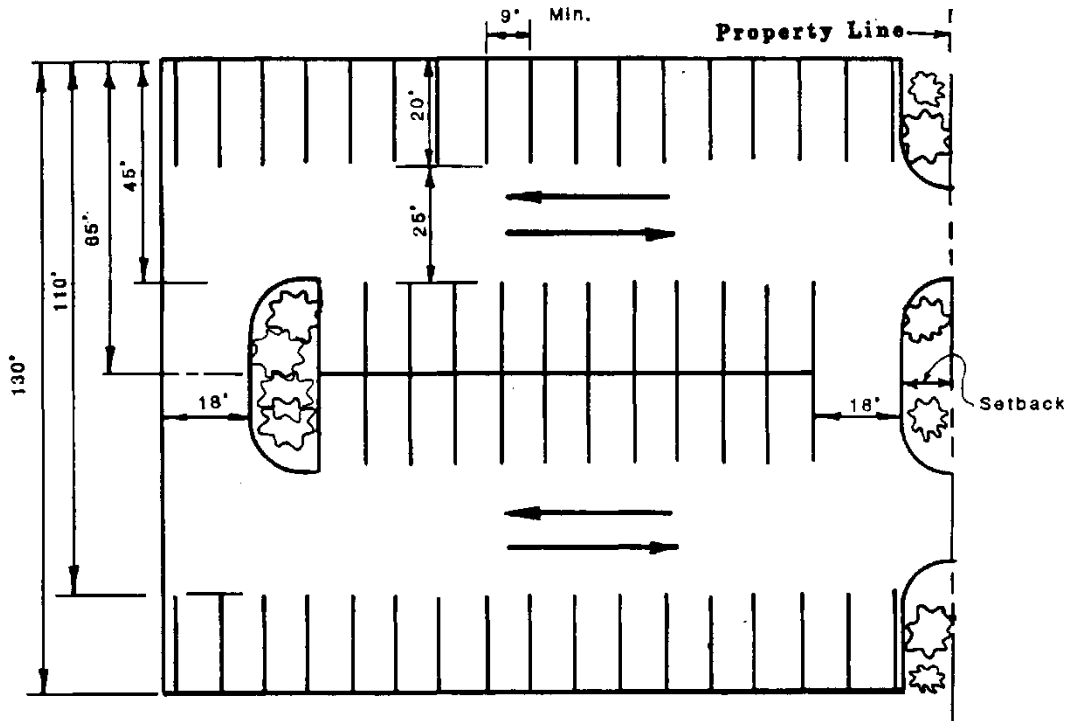


FIGURE 19.82.090(B)(2)
EXAMPLE OF 30 DEGREE PARKING

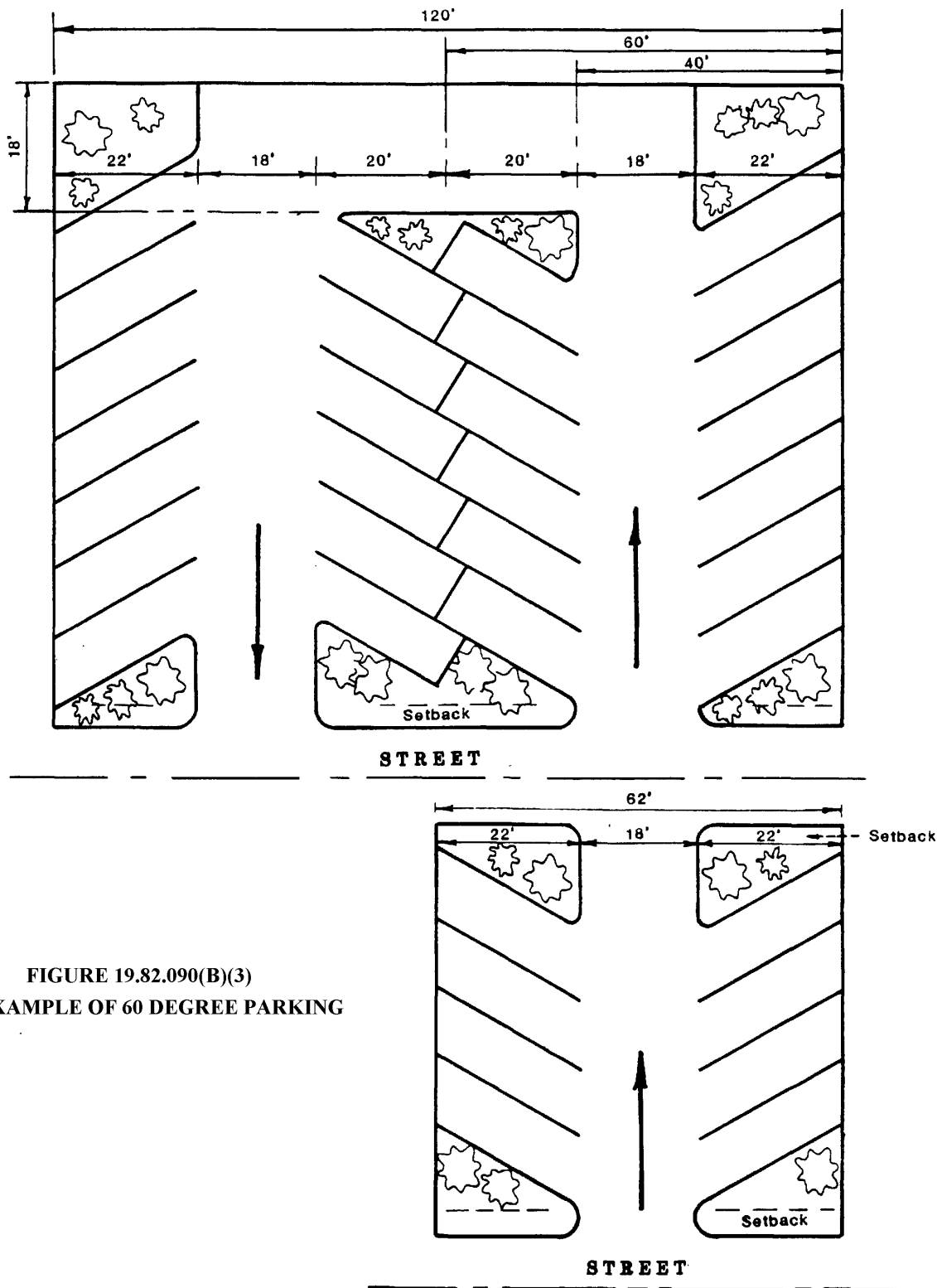


FIGURE 19.82.090(B)(3)
EXAMPLE OF 60 DEGREE PARKING

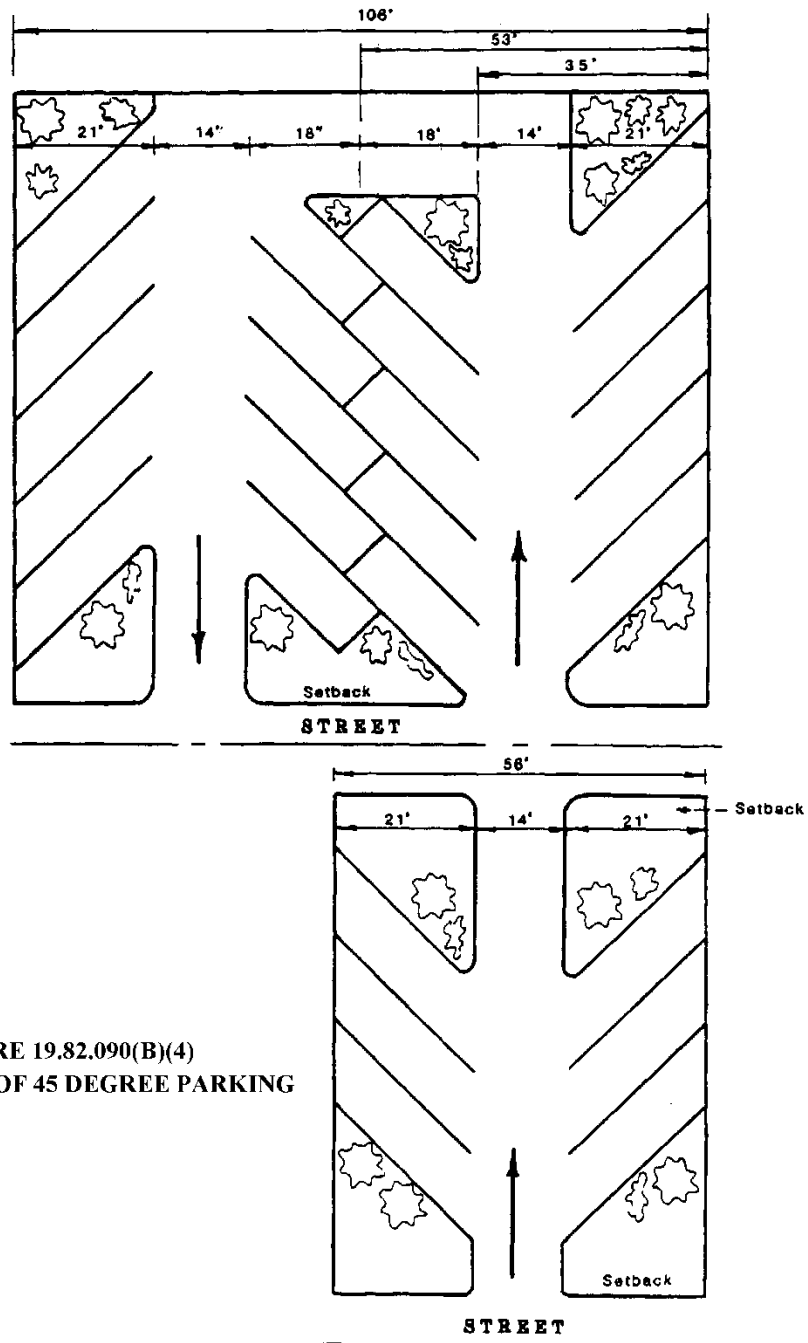
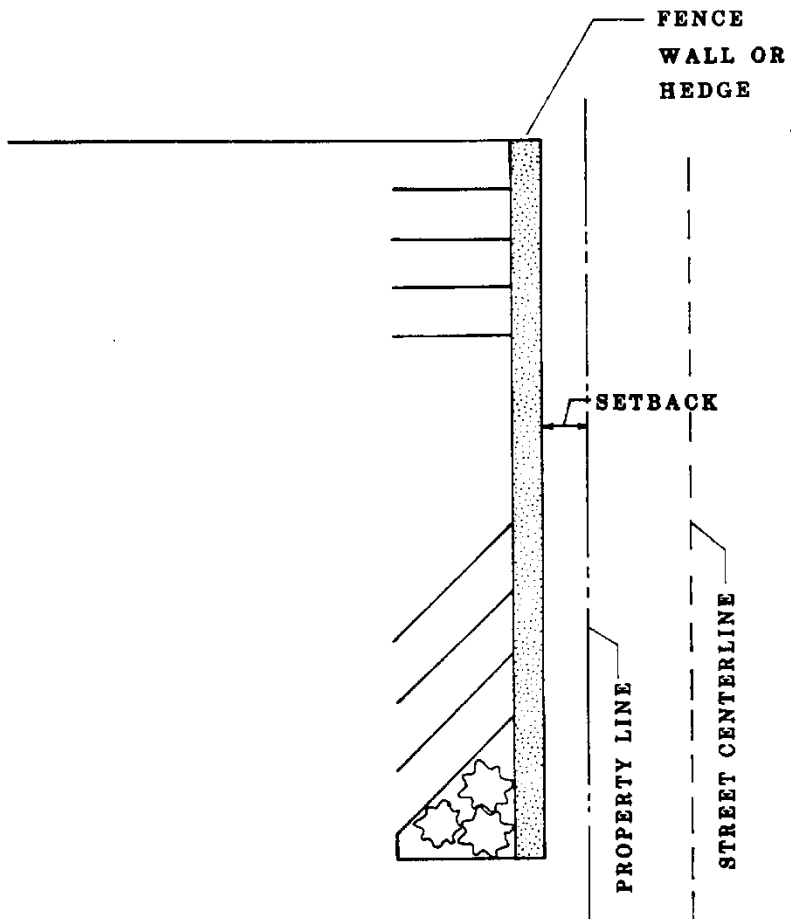


FIGURE 19.82.090(B)(4)
EXAMPLE OF 45 DEGREE PARKING

FIGURE 19.82.090(J)
PARKING FACILITY ABUTTING A PUBLIC STREET OR ROAD



CHAPTER 19.84

SIGNS

SECTIONS:

- 19.84.010 PURPOSE AND APPLICATION**
- 19.84.020 DESIGN AND DEVELOPMENT STANDARDS — MONUMENT SIGNS**
- 19.84.030 DESIGN AND DEVELOPMENT STANDARDS — POLE SIGNS**
- 19.84.040 DESIGN AND DEVELOPMENT STANDARDS — SIGNS ATTACHED TO BUILDINGS**
- 19.84.050 DESIGN AND DEVELOPMENT STANDARDS — OFF-SITE ADVERTISING SIGNS**
- 19.84.060 DESIGN AND DEVELOPMENT STANDARDS — TEMPORARY REAL ESTATE SIGNS**
- 19.84.070 DESIGN AND DEVELOPMENT STANDARDS — TEMPORARY SUBDIVISION SIGNS**
- 19.84.080 DESIGN AND DEVELOPMENT STANDARDS — PERMANENT SUBDIVISION AREA**
- 19.84.090 DESIGN AND DEVELOPMENT STANDARDS — TEMPORARY CONSTRUCTION SIGNS**
- 19.84.100 DESIGN AND DEVELOPMENT STANDARDS — TEMPORARY CAMPAIGN SIGNS**
- 19.84.110 DESIGN AND DEVELOPMENT STANDARDS — AGRICULTURAL SIGNS**
- 19.84.120 DESIGN AND DEVELOPMENT STANDARDS — AGRICULTURAL INDUSTRY SIGNS**
- 19.84.130 DESIGN AND DEVELOPMENT STANDARDS — INSTITUTIONAL IDENTIFICATION SIGNS**
- 19.84.135 DESIGN AND DEVELOPMENT STANDARDS — OILFIELD IDENTIFICATION SIGNS**
- 19.84.140 EXEMPT SIGNS**
- 19.84.150 PROHIBITED SIGNS**
- 19.84.160 COMPUTATION OF AREA**
- 19.84.170 SPECIAL SIGN PROVISIONS**
- 19.84.180 NONCONFORMING SIGNS**

19.84.010 PURPOSE AND APPLICATION

The purpose of this chapter is to promote the orderly and attractive construction, placement, and display of signs throughout the County. It is the policy of the County that the primary purpose of signs is identification and public information. Signs that cause distraction and represent potential safety hazards as well as aesthetic problems are either discouraged or prohibited. These general provisions serve as specific development standards to be applied in addition to the basic sign provisions within each zoning district.

19.84.020 DESIGN AND DEVELOPMENT STANDARDS — MONUMENT SIGNS

Freestanding monument signs shall comply with the following standards:

- A. No monument sign shall be located within any existing or designated future road right-of-way line.
- B. The maximum height of the monument sign shall be eight (8) feet as measured from grade level.
- C. Monument signs shall be a minimum of twenty (20) feet apart, including from existing monument signs on adjacent lots.
- D. Lighting of monument signs shall be arranged so as not to produce a glare on other properties in the vicinity.

19.84.030 DESIGN AND DEVELOPMENT STANDARDS — POLE SIGNS

Freestanding pole signs shall comply with the following standards:

- A. The maximum area of a pole sign shall not exceed two hundred (200) square feet per side, except as otherwise specified in the applicable base district.
- B. Pole signs shall be located so that no part of the sign extends into any existing or proposed street right-of-way line.
- C. The maximum height of a pole sign shall be twenty-four (24) feet, except as otherwise specified in the applicable base district.
- D. Pole signs shall be a minimum of twenty (20) feet apart, including from existing pole signs on adjacent lots.
- E. Lighting of pole signs shall be arranged so as not to produce a glare on other properties in the vicinity.

19.84.040 DESIGN AND DEVELOPMENT STANDARDS — SIGNS ATTACHED TO BUILDINGS

Signs attached to a building or wall shall comply with the following standards:

- A. All signs attached to a building shall be attached flat against the building and parallel thereto and shall not extend more than eighteen (18) inches from the wall of the building. For the purpose of this subsection, a wall is a surface not less than sixty (60) degrees from the horizontal. Exceptions to this provision are as follows:
 - 1. Signs may be attached to a building providing that the sign does not exceed ten (10) feet in height and that the sign does not project above the peak of the roof of the building.
- B. Lighting of signs attached to buildings shall be arranged so as not to produce a glare on other properties in the vicinity, and the source of light shall not be visible from adjacent property or a public street.

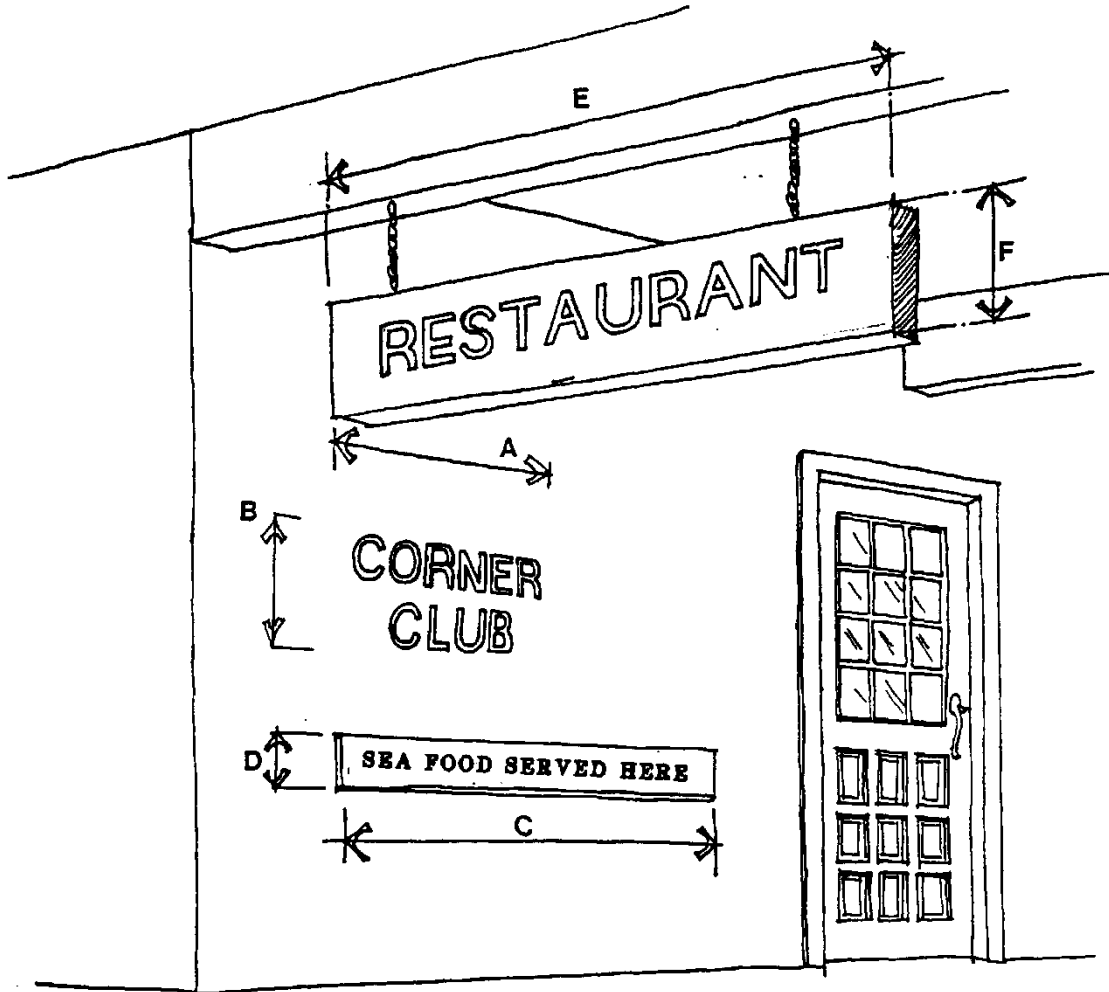
- C. Sign copy which is applied on the building in such a manner that no background is distinguishable from the overall architectural motif of the building shall be counted at seventy-five percent (75%) of the area within straight lines enclosing the copy. All other signs shall be computed at one hundred percent (100%). (See Figure 19.84.040)

19.84.050 DESIGN AND DEVELOPMENT STANDARDS — OFF-SITE ADVERTISING SIGNS

Off-site advertising signs shall comply with the following standards:

- A. Except as otherwise indicated, the total area of any face of any off-site advertising sign shall not exceed seven hundred (700) square feet nor shall the sign face exceed the length of fifty (50) feet, nor the height of sixteen (16) feet. In no case shall a sign face be taller than it is wide, nor shall the square footage exceed the amount specified by the sign regulation of the zoning district in which the sign is to be located. The total area of any face of any off-site advertising sign shall not exceed three hundred (300) square feet within the boundaries of the Metropolitan Bakersfield General Plan area. Off-site advertising signs within the Metropolitan Bakersfield General Plan area that are located on lots adjacent to a State freeway and which are designed to be read from that freeway shall be excluded from the three hundred-(300-)square-foot restriction.
- B. No more than two (2) sign faces per outdoor advertising structure shall be permitted. Back-to-back and V-type signs shall be allowed provided that they are on the same structure, and are of uniform size and further provided that the V-type display has separation between sign faces of not more than thirty degrees (30E). Any single sign face may contain multiple advertisements.
- C. Each off-site advertising sign shall be located not less than one thousand (1,000) feet from any other off-site advertising sign located on the same side of the street or highway. On lots with multiple street frontages, the one thousand- (1,000-) foot setback requirement shall be measured radially. No off-site advertising sign shall be located within one thousand three hundred and twenty (1,320) feet of the business or activity which it advertises. No off-site advertising may be located closer than twenty-five (25) feet from any other type of business identification sign. In no case shall an off-site advertising sign be located within five (5) feet of an interior side or rear property line.
- D. A legally installed off-site advertising structure which becomes a legal, nonconforming structures pursuant to Subsection A or C of this section may, with the written concurrence of both the sign structure permit holder and the underlying property owner, be relocated at the same or proximate location on the same parcel as authorized by the Planning Director. In no case shall a separation of less than five hundred (500) feet from another legal off-site advertising sign be permitted.
- E. No part of an off-site advertising sign shall be located within an existing or proposed street right-of-way.
- F. The maximum height for off-site advertising signs shall be thirty-five (35) feet, except as otherwise specified in the applicable base district.

FIGURE 19.84.040
CALCULATION FOR AREA OF WALL SIGNS



$$A \times B \times .75 = \text{area}$$

$$C \times D = \text{area}$$

$$E \times F \times 2 = \text{area}$$

- G. No outdoor advertising display shall be located within one hundred fifty (150) feet (measured radially) of property located in an E, R-1, R-2, R-3, and MP District. In no case shall an outdoor advertising display be located within one hundred (100) feet of any residential dwelling.
- H. Lighting of off-site advertising signs shall be arranged so as not to produce a glare on other properties in the vicinity, and the source of light shall not be visible from adjacent property or a public street.
- I. The applicant shall comply with the applicable provisions of the Outdoor Advertising Act, administered by the State Department of Transportation, and shall provide the County with the locations of all existing off-site advertising signs within one thousand (1,000) feet and on the same side of the street or highway as the proposed sign location.
- J. Off-site advertising signs may employ light emitting diode (LED) or digital message centers and sign face changes provided that no portion of any electronic display shall be changed any more frequently than once every four (4) seconds and shall additionally be subject to Section 5405(d) of the California Business and Professions Code, which includes provisions prohibiting flashing, blinking, or moving lights and which further prohibits any portion of the sign of the message to be in motion, simulated motion, or from changing intensity. Entry and exit modes shall be consistent for all frames, and the sign shall not employ hold modes such as twinkle or similar effects. Signs containing changeable copy shall include automatic brightness compensation features to adjust brightness to compensate for sun angle and ambient light conditions. The Planning Director may require adjustments related to brightness and intensity when deemed necessary.

19.84.060 DESIGN AND DEVELOPMENT STANDARDS — TEMPORARY REAL ESTATE SIGNS

Temporary real estate signs advertising the particular property on which the sign is located shall comply with the following standards:

- A. Not more than one (1) temporary real estate sign shall be placed on the lot, provided, however, that an auxiliary rider sign shall be allowed if attached to the same sign support, and further provided that where the lot is bounded by more than one (1) street, one (1) sign with an auxiliary rider sign shall be allowed along each adjacent street frontage.
- B. Temporary real estate signs shall not be illuminated.
- C. Temporary real estate signs shall be a minimum of ten (10) feet from any adjacent street and property line.
- D. If attached to a building, the temporary real estate sign shall not extend above the roof line or parapet wall of the building. If freestanding, the sign shall not exceed eight (8) feet in height.
- E. This subsection shall not restrict the number or size of temporary real estate signs erected out-of-doors within courtyard or mall spaces below the height of the enclosed buildings within the buildable area of the lot, provided that the signs are not visible from a public street or adjoining property.

- F. Notwithstanding the prohibition in Section 19.84.050 of this chapter, portable, temporary off-site directional real estate signs may be used in conjunction with open house real estate sales activity provided that each portable directional sign does not exceed an overall size of nine (9) square feet, including support, does not exceed a height of two and one-half (2 1/2) feet, and is not located within a road or street right-of-way. Signs shall be on display only when property is open for inspection.
- G. Real estate signs shall be removed within ten (10) days after sale of the property or immediately upon being leased.

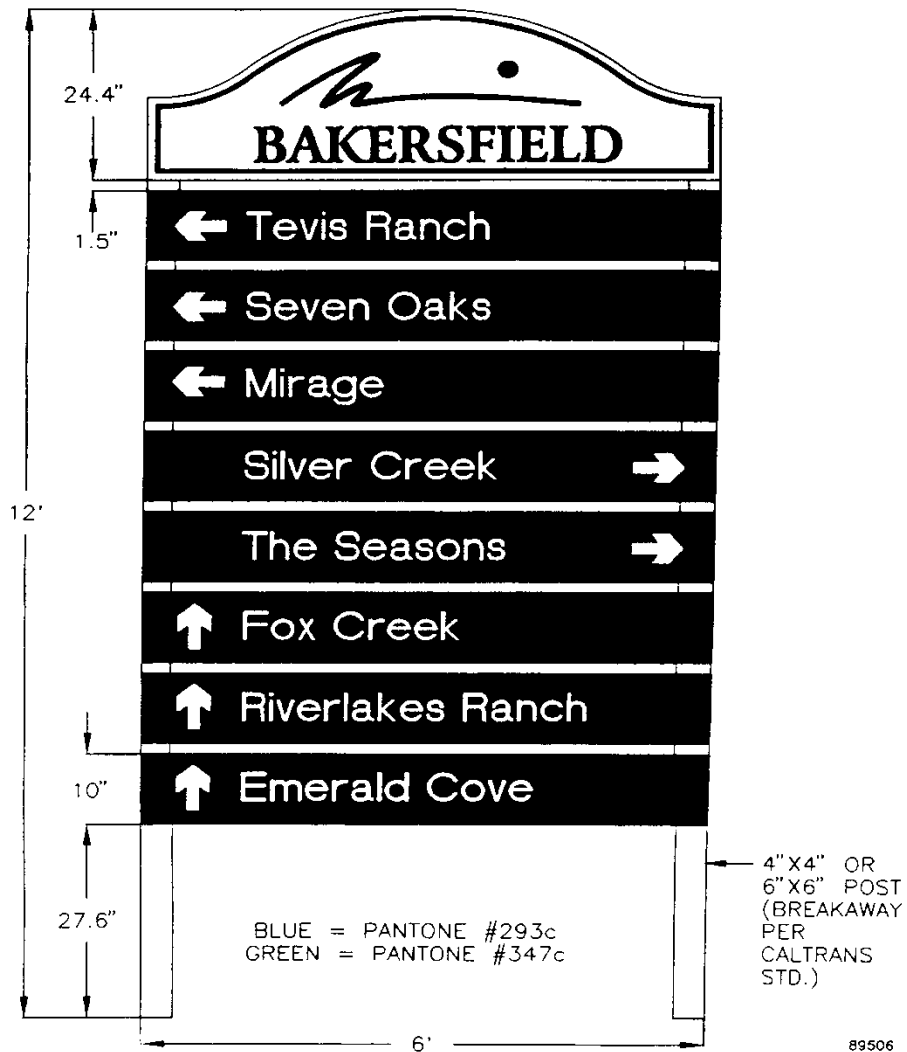
19.84.070 DESIGN AND DEVELOPMENT STANDARDS — TEMPORARY SUBDIVISION SIGNS

- A. Temporary directional subdivision signs shall comply with the following standards:
 - 1. Each sign shall not exceed ten (10) feet in height and shall not exceed one hundred (100) square feet in area.
 - 2. Up to six (6) signs may be permitted for each subdivision on any one (1) road alignment.
 - 3. No sign shall be installed until such time as any of the following occurs: a final subdivision map has been recorded, grading permits for the subdivision have been issued, or a public report for the subdivision has been issued and a copy filed with the Director of the Kern County Planning Department.
 - 4. Each sign shall be located completely outside of any private or public road right-of-way.
 - 5. Each sign shall be located a minimum distance of six hundred (600) feet apart and shall be located no closer than twenty (20) feet from any other sign or structure.
 - 6. Contents of each sign shall be limited to the name of the subdivision, name of contractors, logos, pricing information, telephone number, directional information, and directional arrow.
 - 7. Each sign shall be a pole sign, and no streamers, banners, flags, or electronic display boards shall be permitted.
 - 8. Each sign shall be removed within eighteen (18) months from the date of installation or within fourteen (14) days from the date the subdivision is sold out, whichever occurs first. A maximum of two (2) eighteen (18) month extensions may be authorized by the Director of the Kern County Planning Department.
- B. On-site subdivision signs shall comply with the following standards:
 - 1. The signs shall be located at the primary entrance to the subdivision or at the model homes.

2. Each sign shall not exceed ten (10) feet in height and shall not exceed thirty-two (32) square feet in area.
- C. In addition to the above-stated entitlements to temporary subdivision signs, the following additional provisions for all that unincorporated area included within the boundaries of the Metropolitan Bakersfield 2010 General Plan shall apply pertaining to the establishment of kiosks to provide off-site directional information pertaining to residential subdivision identification:
1. Requirements for directional kiosks.
 - a. Kiosks shall be permitted in all zone districts except in the FPP (Floodplain Primary) District and except on a lot developed with a single-family residence. They may be permitted on private land or public right-of-way that is maintained by the property owner provided the property owner's permission has been granted in writing. Signs may also be permitted within the public right-of-way or parkway that is maintained by the County or the County's contractee, subject to approval and issuance of an encroachment permit by the Kern County Roads Department. Any such sign installed within a public road right-of-way shall be installed a minimum of ten (10) feet from the existing edge of pavement (or flowline) except as otherwise authorized by the Kern County Roads Department Director. If the Kern County Roads Department Director subsequently determines that the sign constitutes a safety hazard or must be removed to accommodate road widening, the permittee shall remove the sign within thirty (30) days of a written request to do so at no cost to the County.
 - b. Kiosks shall be constructed of wood or similar product with individual panels provided for placement of subdivision or project names and direction.
 - c. Kiosk locations shall be approved by the Planning Director or appointed designee. A kiosk shall not be placed closer than one thousand (1,000) feet from an existing kiosk or approved site where a kiosk is to be constructed. The Planning Director or appointed designee may reduce the distance between kiosks where:
 - i. Kiosks are located at different corners of an intersection and face different directions.
 - ii. The street intersection where the kiosk is proposed is less than one thousand (1,000) feet away from a street intersection that contains a kiosk and it is necessary to provide direction to subdivisions or projects to which that street provides the most direct or only access.
 - iii. Kiosks (two (2) maximum) are necessary to be placed adjacent to one another because the number of subdivisions or projects that are being identified exceeds the number of panels allowed on one kiosk.

- d. Architectural design, color, letter style, and any other design elements of the kiosk shall be consistent with the standards shown in Figure 19.84.070.C.
- e. Kiosks shall not exceed a height of twelve (12) feet and a width of six (6) feet. An individual panel shall be limited to a maximum width of six (6) feet and a height of ten (10) inches. No more than eight (8) individual name panels shall be permitted on a kiosk.
- f. Kiosks may have more than one (1) face. Multiple faces are encouraged where the kiosk can be sited to serve traffic traveling in opposite directions, or where it would reduce the amount of kiosks needed to provide adequate direction to residential subdivisions. Multiple-faced kiosks shall be approved by the Planning Director or appointed designee.
- g. A name panel shall be limited to a single line of text that may contain only the subdivision, project, builder or developer's name, or combination thereof. All panels shall include a direction arrow pointing in the direction of the identified project. Mileage to the specific subdivision or project may be also provided under the direction arrow. Name panels shall conform to all design elements as approved pursuant to Subsection C.1.d.
- h. Tag signs, streamers, banners, balloons, devices, display boards, or other appurtenances shall not be added, placed upon, or erected adjacent to or within a radius of one hundred (100) feet of any existing kiosk.
- i. Kiosks shall not be illuminated nor shall they emit any kind of radio or microwave signal.
- j. Kiosks shall not obstruct the use of sidewalks, walkways, bicycle, or hiking trails and shall not obstruct the free and clear vision of motor vehicle operators, cyclists, pedestrians, or the visibility of traffic control signs and lights as determined by the Kern County Roads Department Director.
- k. Kiosks shall be set back a minimum of twenty-five (25) feet from side and rear property lines. No setback shall be required from street frontages or those kiosks located within public rights-of-way, except as otherwise specified pursuant to Subsection C.1.a.

FIGURE 19.84.070(C)



2. Permits.

- a. Any sign company or developer of a new recorded residential subdivision which contains approved lots or homes which have never been sold, may apply for a permit to install a kiosk to provide direction to their subdivision. The individual named as the permittee shall be held legally responsible for compliance with the terms of this section (19.84.070.C).
- b. Applications for kiosk shall be made on forms provided by the Planning Director or appointed designee, be signed under penalty or perjury by the applicant, and shall require a minimum, the following information:
 - i. The name, mailing address, title, and telephone number of the property owner, subdivider, and developer/builder of the specific development.
 - ii. The name, mailing address, title, and telephone number of the permittee.
 - iii. The name and location of the specific development.
 - iv. A plot plan showing the exact location of the proposed sign structure.
 - v. A statement that the development contains approved lots or new homes which have not yet been sold.
 - vi. If the permit is for the construction of a sign structure within a public road right-of-way, an encroachment permit issued by the Kern County Roads Department.
- c. The Planning Director or appointed designee may issue a permit if:
 - i. The application is complete and truthful.
 - ii. The applicant is the person or entity selling new lots or new homes.
 - iii. The development is located entirely within the Metropolitan Bakersfield 2010 General Plan area.
 - iv. The kiosk and panels meet all of the design criteria within this section.
 - v. The location criteria of this section has been satisfied.
 - vi. Appropriate fees have been paid.
- d. The installation of panels shall be administered by the permittee. If a dispute arises over the installation of a sign panel, the Planning Director shall make the decision concerning the installation of that panel. The decision of the Planning Director shall be final.

3. Program administration.

- a. Sign structures permitted under this section (19.84.070.C) shall be continuously maintained in good condition by the permittee. Upon approval by the County, sign maintenance may be assumed by a responsible party other than the permittee.
- b. Kiosks shall be sited based on demand and where they will provide the best direction to residential subdivisions where homes/lots are being sold.
- c. Sign panels shall be available to all developments selling new homes on a first-come-first-serve basis, beginning with the highest panel on the kiosk and progressing downward on the kiosk with each subsequent name. Waiting lists shall be established for each kiosk (existing or proposed) for new name panels on a first-come-first-serve basis of applications that have met the requirements of Subsection C.2.c.
- d. When a panel name is changed or a panel is removed from a kiosk, all lower panels shall be moved upwards so that any new panel is placed on the bottom of the kiosk.
- e. All panel changes shall be the responsibility of the permittee.
- f. A specific subdivision is limited to one (1) panel for each kiosk. Multiple panels shall not be combined to identify or provide information regarding the same specific subdivision. There shall be no limit on the number of kiosks a specific project may be identified on provided the kiosk is within a five- (5-) mile radius of the exterior boundaries of the subdivision to be identified.
- g. Within ten (10) days after selling the last lot or home or within two (2) years after recordation of the final map for the subdivision of which the project is located, whichever occurs first, panel signs that identify said project shall be removed from all kiosks. Two (2) extensions of time may be granted by the Planning Director not to exceed one (1) year for each request if the extension is needed to complete any sales in that project.
- h. Any kiosk sign structure shall be completely removed by the permittee whenever any of the following occur:
 - i. A period of five (5) years has elapsed since original permit approval.
 - ii. There have been no new residential subdivisions recorded in the last three (3) years within a two- (2-) mile radius of the sign structure.

- iii. The permittee has been notified by the Kern County Roads Department Director to remove the sign on the basis of public safety or necessity.
 - i. For any kiosk sign structure erected within a County road right-of-way, a performance bond in an amount sufficient to remove the structure shall be approved by and posted with the Kern County Roads Department.
- 4. Violations and abatement.
 - a. Any permit issued pursuant to this section shall be immediately revoked by the Planning Director if it has been found that the permit holder has erected and maintained any sign in violation of this section. Any affected kiosk sign structure or panel shall be completely removed within thirty (30) days upon written notification by the Planning Director or the Roads Department Director to do so.
 - b. Any order of the Planning Director or Roads Department Director shall be made in writing, addressed to the permit holder, and shall set forth the findings for revoking any permits and the method to appeal the decision. If no appeal is filed, the decision of the Planning Director or the Roads Department Director shall be final and conclusive.
- 5. Appeal.
 - a. Any decision of the Planning Director or Roads Department Director to deny or revoke a permit pursuant to this section (19.84.040.C) shall be subject to appeal by the permittee to the Kern County Planning Commission.
 - b. The applicant may file with the Planning Director a notice of appeal to the action of the Planning Director indicating the basis of appeal within seven (7) calendar days of such action. The appeal shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.06.030 of this title.
 - c. The Planning Commission shall consider the appeal within thirty (30) days of the filing of such appeal. No public hearing or notice shall be required.
 - d. The Planning Commission may reverse or affirm the action of the Planning Director. The action of the Planning Commission shall constitute a ministerial action and shall be based solely on whether or not the proposed use or development meets the development standards and conditions specified in or established pursuant to the applicable section or sections of this title.
 - e. The decision of the Planning Commission pursuant to this section may be appealed to the Board of Supervisors pursuant to Subsection A of Section 19.102.170 of this chapter.

19.84.080 DESIGN AND DEVELOPMENT STANDARDS — PERMANENT SUBDIVISION AREA IDENTIFICATION SIGNS

Permanent identification signs, including signs identifying a subdivision, mobilehome park, apartments, townhouses, condominiums, or any other residential project, shall comply with the following standards:

- A. Permanent subdivision identification signs may be either attached to an entrance fence or structure or be a monument sign. The sign shall not exceed eight (8) feet in height or forty-eight (48) square feet in size and shall be located in a maintained landscaped area on a parcel within the subdivision at a primary entrance.
- B. The sign shall not be illuminated except for low silhouette spotlighting that does not create glare on other properties in the vicinity.
- C. The design and materials of the sign shall be approved by the Planning Director.

19.84.090 DESIGN AND DEVELOPMENT STANDARDS — TEMPORARY CONSTRUCTION SIGNS

Where a building is under construction, temporary signs may be erected to identify the project owner, architect, landscape architect, contractor, builder, proposed business, or lender, provided they comply with the following standards:

- A. There shall be no more than three (3) such temporary construction signs per project.
- B. The sign shall not exceed thirty-two (32) square feet in area.
- C. The sign shall not be illuminated.
- D. If attached to the building, the sign shall not extend above the roof line or parapet wall of the building. If freestanding, the maximum height is six (6) feet.
- F. The sign shall be stationary.
- G. The sign shall be removed at the time of final inspection of the job.

19.84.100 DESIGN AND DEVELOPMENT STANDARDS — TEMPORARY CAMPAIGN SIGNS

Temporary political, religious, and civic campaign signs may be erected for a period not to exceed ninety (90) days and shall comply with the following standards:

- A. The signs shall be removed within fifteen (15) days following the conclusion of the campaign.
- B. In residential districts, each sign shall not exceed six (6) square feet in area or a height of four (4) feet.

19.84.110 DESIGN AND DEVELOPMENT STANDARDS — AGRICULTURAL SIGNS

Agricultural signs advertising agricultural products raised or produced on the subject property may be erected in all agricultural zoning districts, provided they comply with the following standards:

- A. There shall be no more than one (1) agricultural sign per legal lot.
- B. The sign shall not exceed sixteen (16) square feet in area for parcels less than five (5) acres nor exceed twenty-four (24) square feet for parcels exceeding five (5) acres. The sign shall not exceed six (6) feet in height.
- C. The sign shall be a minimum of ten (10) feet from any street right-of-way.
- D. The sign shall not be illuminated.
- E. The sign shall be stationary.
- F. The sign shall not be an off-site sign.

19.84.120 DESIGN AND DEVELOPMENT STANDARDS — AGRICULTURAL INDUSTRY SIGNS

Signs identifying agricultural industries located on the subject property may be erected in all agricultural zoning districts, provided they comply with the following standards:

- A. There shall be no more than two (2) agricultural industrial signs per legal lot.
- B. Each sign shall not exceed two hundred (200) square feet in area nor twenty-four (24) feet in height.
- C. The sign shall be a minimum of ten (10) feet from the street or road right-of-way.
- D. The sign shall not be illuminated.
- E. The sign shall be stationary.
- F. The sign shall not be an off-site sign.

19.84.130 DESIGN AND DEVELOPMENT STANDARDS — INSTITUTIONAL IDENTIFICATION SIGNS

Signs identifying churches, public and private schools, colleges, hospitals, universities, or fraternal, benevolent, and social service organizations located on the same property shall comply with the following standards, except that when such institutions are located in a commercial zoning district, the sign regulations applicable to signs in the commercial district shall govern:

- A. There shall be no more than two (2) institutional identification signs per each street frontage, not to exceed a total of six (6) such signs on a lot.
- B. Each sign shall not exceed one hundred (100) square feet in area.

- C. Lighting of institutional identification signs shall be indirect and non flashing and shall not produce glare on other properties in the vicinity.
- D. The signs shall not extend into any existing or proposed road or street right-of-way.
- E. Freestanding signs shall not exceed eight (8) feet in height. Signs attached to buildings shall not extend above the roof line or parapet wall of the building.
- F. All signs shall be stationary.
- G. Generally recognized and acceptable religious symbols that are freestanding or are attached to or part of a church (or attached to or part of a freestanding sign) may be exempted by the Planning Director from the provisions herein regarding height, area, and number of signs.

19.84.135 DESIGN AND DEVELOPMENT STANDARDS — OILFIELD IDENTIFICATION SIGNS

- A. There shall be no more than one (1) oilfield identification sign per legal lot.
- B. Each sign shall be a maximum of forty-eight (48) square feet in area and fifteen (15) feet in height.
- C. There shall be a minimum of one-quarter (1/4) mile between each oilfield identification sign.
- D. The sign shall be at least ten (10) feet from a street or road right-of-way.
- E. The sign shall not be illuminated.
- F. The sign shall be stationary.
- G. The sign shall not be an off-site sign.

19.84.140 EXEMPT SIGNS

The following signs, except as provided elsewhere in this title, are exempt from the provisions of this chapter:

- A. Approved highway directional signs
- B. Railroad signal signs
- C. Signs prohibiting trespassing and hunting, provided that they do not exceed two (2) square feet in area
- D. Warning signs required by law or erected by public agencies
- E. Utility company signs identifying cables, conduits, or hazards

- F. Public notices and announcements authorized by courts and public officials
- G. Advertising signs on buses and taxis
- H. Signs attached to bus stops and shelters
- I. Signs on automobiles and trucks that are painted on or attached flat against the vehicle to identify or advertise the associated business, provided that the vehicle is primarily used for the business and is parked on private property as a normal function
- J. Window display signs limited to painted signs on glazing, poster paper signs, and placards attached to the inside of glazing of store fronts, provided that the store front glazing is not covered in excess of fifty percent (50%)
- K. Signs that are painted on or attached to the windshield of a vehicle or boat, properly located for display
- L. Public telephone identification
- M. Signs of an instructive nature or which include information required by County, State, or federal enforcement agencies including: telephone booth, gas pump use instructions, instructions for recreational vehicle dump station, brake and smog certification, restroom identification, no smoking, propane tank identification, gas pump identification, air and water, drive to forward pump, cashier, hours of operation, required gallon to liter conversion, full- and self-service signs at each island not exceeding four (4) square feet in area, and traffic directional signs as approved by enforcement agencies for necessary traffic control and direction, provided that they do not exceed four (4) square feet in area each and do not exceed thirty (30) inches in height in front or side street yard and no symbol, name, or other message is on said signs
- N. Signs erected inside enclosed malls
- O. Signs erected out-of-doors within courtyards and mall spaces (below the height of enclosed buildings) within the buildable portion of the lot where signs are not visible from a public street or adjacent parcel.
- P. Directional, warning, or identification signs for petroleum drilling and extraction activities not exceeding two (2) square feet in area
- Q. Residential name and address signs not exceeding two (2) square feet in area

19.84.150 PROHIBITED SIGNS

The following signs are prohibited in all zoning districts:

- A. Moving or rotating signs

- B. Signs with flashing, moving, or animated illumination, including electronic illumination of any type, except as specified in Subsection J of Section 19.84.050 and Subsection A of Section 19.84.170 of this chapter
- C. Any sign displaying any obscene, indecent, or immoral matter
- D. Advertising signs that include the words, "Stop, Look, Listen" or any other word, phrase, symbol, lights, motion, sound, fumes, mist, or other effluent that may interfere with, mislead, or confuse the driving public
- E. Portable signs, except for temporary real estate signs as provided in Section 19.84.060 of this chapter
- F. Signs on inflatable advertising devices when the device is attached or secured to the ground
- G. Signs extending above roofs and roof signs, except where specifically provided for under the provisions of this title for signs attached to buildings
- H. Signs projecting from buildings, except where specifically provided for
- I. Wind activated signs
- J. Any other advertising device attached to a building, fence, pole, or vehicle on display not specifically authorized by this title

19.84.160 COMPUTATION OF AREA

The following methods will be used to compute the area of sign copy:

- A. The area of a monument or pole sign is to be computed by multiplying the total height by the total length of the sign or signs for one- (1-) sided signs, excluding framework of separate single wood post or masonry column and single wood or masonry beam. The base of a monument sign shall not be considered part of the sign when constructed of wood or masonry. (See Figures 19.84.160 (1) and (2))
- B. Where a two- (2-) sided monument or pole sign contains identical copy on each side, the area of the sign shall be computed by multiplying the total height by the total length of only one (1) side. (See Figures 19.84.160 (1) and (2))
- C. The area of a freestanding sign which has three (3) or more faces shall be computed by adding the areas of each face of the sign.
- D. The area of a freestanding sign that is an object or statuary shall be computed by the appropriate mathematical equation for determining total surface of an object.

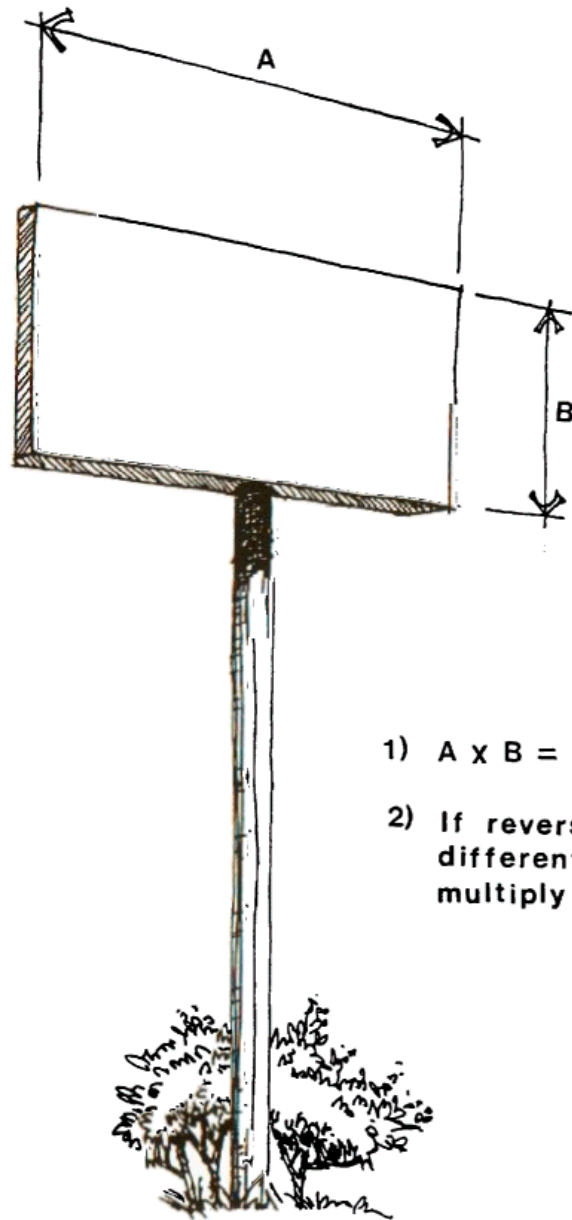
19.84.170 SPECIAL SIGN PROVISIONS

- A. Electronic time and temperature signs as part of an on-site advertising sign are permitted as regulated by development standards. Signs with electronic face changes which do not flash, blink, travel, or animate may be permitted, provided that the message content changes no more frequently than every four (4) seconds, and all messages are limited to the advertising of on-site products or services.
- B. Exit, entrance, or other on-site traffic directional signs are permitted, provided that the signs do not exceed six (6) feet in height and contain no advertising or message other than for traffic directions.
- C. Illuminated signs in storefront window glazing visible from a public street shall be considered signs and shall comply with the requirements of this chapter.
- D. Special signing required for drive-in windows for drive-in restaurants, banks, or similar businesses is permitted, provided the sign copy is necessary for information, instruction, or directions and specifically related to the special use subject to review and approval of the Planning Director who shall use discretion in approval of subject signs related to number, location, height, size, and design.
- E. Signs for uses approved in conjunction with a conditional use permit shall be as specified in the conditions of approval for that conditional use permit.
- F. Temporary special event signs and promotional devices, including, but not limited to, portable signs, balloons, and inflated devices, and searchlights may, where not otherwise permitted by this chapter, be authorized by the Planning Director for up forty-five (45) days per calendar year at any one location. Balloons and inflated devices shall not exceed an overall height of one hundred (100) feet and shall be securely anchored to the ground or a structure.

19.84.180 NONCONFORMING SIGNS

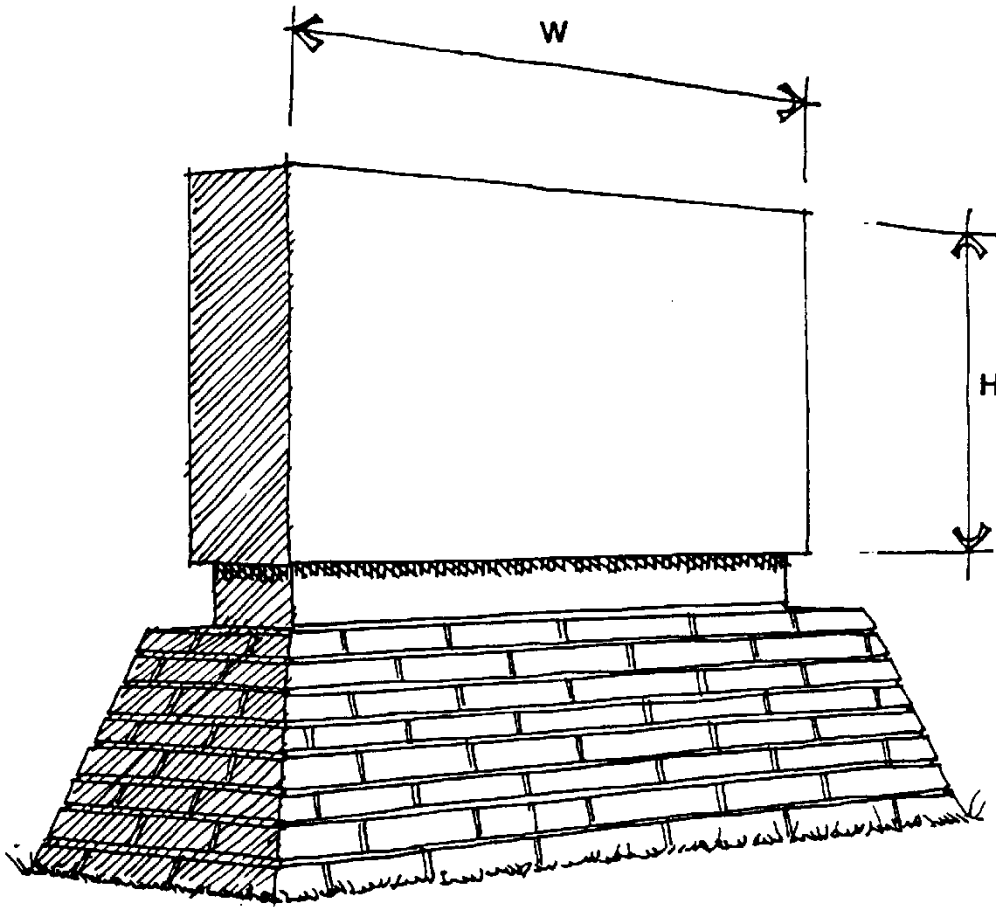
Nonconforming signs shall be subject to the requirements of Section 19.108.070 of this title.

FIGURE 19.84.160(1)
CALCULATION FOR AREA OF POLE SIGN



- 1) $A \times B = \text{AREA}$
- 2) If reverse of sign has
different message
multiply area by 2

FIGURE 19.84.160(2)
CALCULATION FOR AREA OF MONUMENT SIGN



- 1) $H \times W = \text{AREA}$
- 2) If reverse of sign has different message, multiply by 2.

CHAPTER 19.86

LANDSCAPING

SECTIONS:

19.86.010 PURPOSE AND APPLICATION

19.86.020 LANDSCAPING STANDARDS — GENERALLY

19.86.025 LANDSCAPING STANDARDS — SINGLE-FAMILY DWELLINGS

19.86.030 LANDSCAPING STANDARDS — MULTIFAMILY DEVELOPMENTS

19.86.040 LANDSCAPING STANDARDS — MOBILEHOME PARKS

**19.86.050 LANDSCAPING STANDARDS — COMMERCIAL, RECREATION, AND
INSTITUTIONAL USES**

19.86.060 LANDSCAPING STANDARDS — INDUSTRIAL USES

**19.86.065 LANDSCAPE AND IRRIGATION PLAN — WATER EFFICIENT
GUIDELINES**

19.86.070 PLOT PLAN — REQUIRED

19.86.080 PLOT PLAN — REVIEW AND APPROVAL

19.86.090 LANDSCAPING INSTALLATION — TIMING

19.86.010 PURPOSE AND APPLICATION

The purpose of this chapter is to ensure that development is aesthetically pleasing, water efficient and compatible with surrounding development by:

- Requiring the provision of adequate landscaping in connection with new development and the expansion of existing developments and changes in uses.
- Promoting the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water.
- Establishing a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that requires cross-sector collaboration of industry, government and property owners to achieve the many benefits possible.
- Establishing provisions for water management practice and water waste prevention for existing landscapes.
- Using water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use to the lowest practical amount.

Landscapes that are planned, designed, installed, managed, and maintained with the watershed based on approach can improve environmental conditions and provide benefits and realize sustainability goals.

19.86.020 LANDSCAPING STANDARDS — GENERALLY

Landscaping shall be provided in accordance with the minimum standards set out in this chapter, except as may be modified in connection with the approval of a discretionary development permit. Except as otherwise authorized by the Planning Director, or where otherwise required through approval of a discretionary permit, minimum plant and tree sizes are as follows:

Trees

15 gallon

Shrubs	5 gallon
Small shrubs and groundcovers	1 gallon

Landscaping and irrigation systems installed pursuant to this chapter shall be continuously maintained in good condition.

All landscaping shall be consistent with:

- A. California Code of Regulations, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance;
- B. Kern County Code of Building Regulations (Title 17); and
- C. The State Fire Safe regulations contained in Section 4290 of the Public Resources Code and in Title 14, California Code of Regulations, Division 1.5, Chapter 7, Subchapter 2.

19.86.025 LANDSCAPING STANDARDS — SINGLE-FAMILY DWELLINGS

- A. Single-family dwellings located within the Indian Wells Valley Land Use Management Plan area (as defined by Section 19.08.015 of this Title) shall be subject to the following:
 - 1. Landscaping installed after the referenced plan's adoption shall be subject to the following restrictions.
 - a. There shall be no turf allowed in the landscape area of the front yard
 - b. All plants and trees used within the landscape area of the front yard shall be selected from the current Approved Plant List, on file and maintained by the Indian Wells Valley Water District
 - c. A low volume irrigation system shall be used within the landscape area of the front yard.
 - d. Irrigation Drainage. All irrigation water is to remain on property during normal water run cycle, such that there is minimal or limited runoff from the area being irrigated, specifically onto sidewalks and streets
 - 2. New or replaced landscaping associated with an existing single-family dwelling, not originally subject to Section 19.86.025.A.1, is encouraged to abide by the referenced section.
 - 3. Landscaping shall be provided in accordance with the requirements of California Code of Regulations, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance and Kern County Code of Building Regulations (Title 17).
- B. Outside of the Indian Wells Valley Land Use Management Plan area (as defined by Section 19.08.015 of this Title), all new single-family dwellings that install landscaping shall be subject to the following Landscaping Standards:

1. Landscaping shall be provided in accordance with the requirements of California Code of Regulations, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance and Kern County Code of Building Regulations (Title 17).

19.86.030 LANDSCAPING STANDARDS — MULTIFAMILY DEVELOPMENTS

The following standards apply to landscaping plans for multifamily developments:

- A. A minimum of ten percent (10%) of the total developed lot area shall be landscaped.
- B. Within the Indian Wells Valley Land Use Management Plan area (as defined by Section 19.08.015 of this Title), turf and/or plants not on the current Approved Plant List, on file and maintained by the Indian Wells Valley Water District, shall be limited to no more than one-half (1/2) of the required landscape area.
- C. Front-yard and street side side-yard setback areas, excluding approved driveway entrances, maneuvering areas, and public sidewalks, shall be landscaped. Within this area, trees are required and shall be planted no farther than fifty (50) feet apart and no closer than five (5) feet from the back of the sidewalks. No plant material that will grow to a height of more than eighteen (18) inches shall be planted in the street right-of-way, except where authorized by the Kern County Roads Department.
- D. Additional planters and landscaped areas shall be provided in off-street parking areas in accordance with the requirements of Subsection I of Section 19.82.090 of this title.
- E. Within each planter or landscaped area, a water-efficient irrigation system with automatic timer and live landscaping shall be provided and maintained. The use of drip irrigation systems shall be strongly encouraged.
- F. Landscaping materials and trees installed in planters or landscaped areas shall be selected based upon their adaptability to the climatic, geologic, and topographical conditions of the site. Use and protection of native plants and natural areas is highly encouraged. Within the Indian Wells Valley Land Use Management Plan area (as defined by Section 19.08.015 of this Title), plants or trees shall be selected from the current Approved Plant List, on file and maintained by the Indian Wells Valley Water District, except as otherwise provided by Section 19.86.030.B.

19.86.040 LANDSCAPING STANDARDS — MOBILEHOME PARKS

The following standards apply to landscaping plans for mobilehome parks:

- A. A minimum of five percent (5%) of the total developed lot area shall be landscaped.
- B. Within the Indian Wells Valley Land Use Management Plan area (as defined by Section 19.08.015 of this Title), turf and/or plants not on the current Approved Plant List, on file and maintained by the Indian Wells Valley Water District, shall be limited to no more than one-half (1/2) of the required landscape area.

- C. Setback areas between streets and the perimeter fence of the mobilehome park, excluding approved driveway entrances and public sidewalks, shall be landscaped. Within this area, trees are required and shall be planted no closer than five (5) feet from the back of the sidewalks. No plant material that will grow to a height of more than eighteen (18) inches shall be planted in the street right-of-way, except where authorized by the Kern County Roads Department.
- D. Within the interior of the mobilehome park, at least one (1) tree per mobilehome space shall be planted at the time of or prior to development of each individual space.
- E. Within each planter or landscaped area, a water-efficient irrigation system with automatic timer and live landscaping shall be provided and maintained. The use of drip irrigation systems shall be strongly encouraged.
- F. Landscaped materials and trees installed in planters or landscaped areas shall be selected based upon their adaptability to the climatic, geologic, and topographical conditions of the site. Use and protection of native plants and natural areas is highly encouraged. Within the Indian Wells Valley Land Use Management Plan area (as defined by Section 19.08.015 of this Title), plants and trees shall be selected from the current Approved Plant List, on file and maintained by the Indian Wells Valley Water District, except as otherwise provided by Section 19.86.040.B.

19.86.050 LANDSCAPING STANDARDS — COMMERCIAL, INSTITUTIONAL USES, PARKS AND RECREATION

The following standards apply to landscaping plans for commercial developments; parks and recreation, entertainment, and tourist facilities; and institutional uses:

- A. A minimum of five percent (5%) of the total developed lot area shall be landscaped.
- B. Within the Indian Wells Valley Land Use Management Plan area (as defined by Section 19.08.015 of this Title), turf and/or plants not on the current Approved Plant List, on file and maintained by the Indian Wells Valley Water District, shall be limited to no more than one-half (1/2) of the required landscape area.
- C. Along any interior property line abutting residentially zoned lots, trees shall be planted. The planters shall be sufficiently large and protected so that a parked car does not extend into the minimum four- (4-) foot by four- (4-) foot tree planting area which shall be landscaped with ground cover, shrubs, or climbing plants.
- D. Planters or landscaped areas shall be provided in off-street parking areas in accordance with the requirements of Subsection I of Section 19.82.090 of this title. No plant material that will grow to a height of more than eighteen (18) inches shall be planted in the street right-of-way, except where authorized by the Kern County Roads Department.
- E. Within each planter or landscaped area, a water-efficient irrigation system with automatic timer and live landscaping shall be provided and maintained, except that an irrigation system is not required to serve planters or landscaped areas devoted exclusively to native indigenous plants. The use of drip irrigation systems shall be strongly encouraged.

- F. Landscaping materials and trees installed in planters or landscaped areas shall be selected based upon their adaptability to the climatic, geologic, and topographical conditions of the site. Use and protection of native plants and natural areas is highly encouraged. Within the Indian Wells Valley Land Use Management Plan area (as defined by Section 19.08.015 of this Title), plants or trees shall be selected from the current Approved Plant List, on file and maintained by the Indian Wells Valley Water District, except as otherwise provided by Section 19.86.050.B.

19.86.060 LANDSCAPING STANDARDS — INDUSTRIAL USES

The following standards apply to landscaping plans for industrial uses:

- A. A minimum of five percent (5%) of the developed area shall be landscaped.
- B. Within the Indian Wells Valley Land Use Management Plan area (as defined by Section 19.08.015 of this Title), turf and/or plants not on the current Approved Plant List, on file and maintained by the Indian Wells Valley Water District, shall be limited to no more than one-half (1/2) of the required landscape area.
- C. Along any interior property line abutting residentially zoned lots, trees shall be planted. The planters shall be sufficiently large and protected so that a parked car does not extend into the minimum four- (4-) foot by four- (4-) foot tree planting area which shall be landscaped with ground cover, shrubs, and climbing plants.
- D. Planters or landscaped areas shall be provided in off-street parking areas in accordance with the requirements of Subsection I of Section 19.82.090 of this title. No plant material that will grow to a height of more than eighteen (18) inches shall be planted in the street right-of-way, except where authorized by the Kern County Roads Department.
- E. Within each planter or landscaped area, an irrigation system and live landscaping shall be provided and maintained, except that an irrigation system is not required to serve planters or landscaped areas devoted exclusively to native indigenous plants. Automatic timers shall be utilized and the use of drip irrigation systems shall be strongly encouraged.
- F. Landscaping materials and trees installed in planters or landscaped areas shall be selected based upon their adaptability to the climatic, geologic, and topographical conditions of the site. Use and protection of native plants and natural areas is highly encouraged. Within the Indian Wells Valley Land Use Management Plan area (as defined by Section 19.08.015 of this Title), plants or trees shall be selected from the current Approved Plant List, on file and maintained by the Indian Wells Valley Water District, except as otherwise provided by Section 19.86.060.B.

19.86.065 LANDSCAPE AND IRRIGATION PLAN — WATER EFFICIENT GUIDELINES

- A. Projects requiring adherence to California Code of Regulations, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance shall demonstrate compliance

with the requirements prior to the issuance of building permits and prior to the commencement of any use subject to these requirements.

19.86.070 LANDSCAPE AND IRRIGATION PLAN — REQUIRED

- A. Landscape plans, which include grading and drainage information, and irrigation plans shall be prepared in accordance with the requirements specified in California Code of Regulations, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance and Kern County Code of Building Regulations (Title 17) where applicable.
- B. Section 19.86.065 of this title shall not apply to any of the following:
 - 1. Historical sites listed on any official local, State, or national register.
 - 2. Ecological restoration projects that do not require a permanent irrigation system.
 - 3. Mined land reclamation projects that do not require a permanent irrigation system.
 - 4. Agricultural uses or community gardens.
 - 5. Botanical gardens or arboretums which are open to the public.
 - 6. Any project for which the Planning Director determines that special circumstances unrelated to the cost of compliance are present and requiring strict adherence to the requirements of Section 19.86.065 of this title would not further the objectives of water conservation.
- C. Where landscape and irrigation plans are required to meet the requirements of this title, all landscape plans shall be prepared by either a licensed landscape architect or licensed landscape contractor (State Contractor's License - Class C-27) and all irrigation plans shall be prepared by a licensed landscape architect, certified irrigation designer, or licensed landscape contractor.
- D. Where landscaping is required pursuant to this chapter and is not subject to the requirements set forth in Sections A, B, and C of this section, the plot plan or a separate landscape plan, submitted in conjunction with any building permit application shall show the areas to be landscaped, the type of landscaping proposed and amount, and shall state the proposed method of irrigation. Where no building permits are required, a plot plan showing this information, or separate landscape plan in conjunction with said plot plan, shall be submitted to the Planning Director prior to commencement of said use.
- E. Public water agencies and community services districts and public utility districts that provide domestic water, may adopt more restrictive water efficient landscaping and irrigation requirements, subject to the approval of the Kern County Board of Supervisors.

19.86.080 LANDSCAPE AND IRRIGATION PLAN — REVIEW AND APPROVAL

- A. Where a discretionary or ministerial approval is required by this title for the use or uses for which the landscaping is being provided, a landscape plan showing the general location and type of proposed landscaping materials and hard surface areas shall be submitted in conjunction with the application for the ministerial permit or to satisfy the requisite condition of approval for the discretionary action.
- B. Where landscape and irrigation plans are required to meet the requirements of Section 19.86.065 of this title, a *Landscape Documentation Package*, as specified by California Code of Regulations, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance and Kern County Code of Building Regulations (Title 17), shall be submitted by the project applicant for review and approval, prior to the issuance of building permits and prior to the commencement of any use subject to these requirements. Plans for commercial and industrial projects shall be reviewed by Planning and Public Works. Landscaping proposed for single family residences shall be reviewed and approved by Public Works during building permit review.

19.86.090 LANDSCAPING INSTALLATION — TIMING

Where landscaping is required as a result of implementation of a discretionary or ministerial approval by this title, no use shall commence nor occupancy permit issued (building finalized) until:

- A. The landscaping and irrigation system has been completely installed; or
- B. The property owner has posted an acceptable financial assurance (performance bond, certificate of deposit, or letter of credit) in an amount equal to one hundred and fifty percent (150%) of the estimated cost of installation of the required landscaping and irrigation system, in which case, the property owner shall have up to one (1) year from the date of occupancy or commencement of use to install the required landscaping and irrigation system. The estimated cost of installing the required landscaping and irrigation system shall be submitted in writing for approval by the Director of the Kern County Planning Department prior to the property owner obtaining the required financial assurance.
- C. For landscaping and irrigation systems required to meet the requirements specified in California Code of Regulations, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance and Kern County Code of Building Regulations (Title 17). A *Certificate of Completion* shall be submitted to the Kern County Public Works, which shall include signed certification by the landscape architect, landscape contractor, and/or irrigation designer that landscaping and irrigation have been installed in substantial conformance with the referenced statute.

CHAPTER 19.88
HILLSIDE DEVELOPMENT

SECTIONS:

- 19.88.010 PURPOSE AND APPLICATION**
- 19.88.020 AVERAGE NATURAL SLOPE CALCULATION**
- 19.88.030 STANDARDS — GENERALLY**
- 19.88.040 STANDARDS — RESIDENTIAL DENSITY**
- 19.88.050 STANDARDS — GRADING**
- 19.88.060 STANDARDS — DRAINAGE**
- 19.88.070 STANDARDS — DRIVEWAYS AND ACCESS ROADS**

19.88.010 PURPOSE AND APPLICATION

The purpose of this chapter is to provide for the reasonable use of hillsides and mountainous areas while protecting the public health, safety, and welfare by ensuring that development will not induce soil erosion, result in excessive grading, create sewage disposal problems, increase wildfire danger and slope instability, or lead to a loss of aesthetic value. This chapter implements the goals and policies of the Kern County General Plan and various Specific Plans and sets specific standards and regulations for all grading and development of slopes exceeding thirty percent (30%) average natural slope. This chapter is not a base zoning district or combining district, however, is applicable to all development in any zoning district on parcels with an average slope that exceeds thirty percent (30%) and in areas designated Steep Slope (Map Code 2.4) by the Kern County General Plan. It is not the intent of this chapter to apply to oil and gas operations.

19.88.020 AVERAGE NATURAL SLOPE CALCULATION

- A. For the purposes of this chapter, slope is defined as the relationship between the change in elevation (rise) of land and the horizontal distance (run) over which the elevation occurs. The percent slope of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by one hundred (100).
- B. Average slope shall be calculated by using the following formula:

$$S = \frac{I \times L \times (0.00229)}{A}$$

- Where
- S = average natural slope of the total parcel (in percent)
 - I = contour interval (in feet)
 - L = total length of all contour lines within the parcel boundaries (in feet)
 - A = gross area of the parcel (in acres)
 - 0.00229 = a constant used to convert square feet into acres by one hundred percent (100%)

- C. The calculated average natural slope shall be rounded to the nearest whole number. (See Figure 19.88.020)

19.88.030 STANDARDS — GENERALLY

All development on lots with an average slope that exceeds thirty percent (30%) and in areas designated Steep Slope (Map Code 2.4) by the Kern County General Plan shall comply with the standards set out in Sections 19.88.040 through 19.88.070 of this chapter.

19.88.040 STANDARDS — RESIDENTIAL DENSITY

Residential development shall not exceed the maximum density permitted by the General Plan land use category applicable to the area in which the property is located, except that:

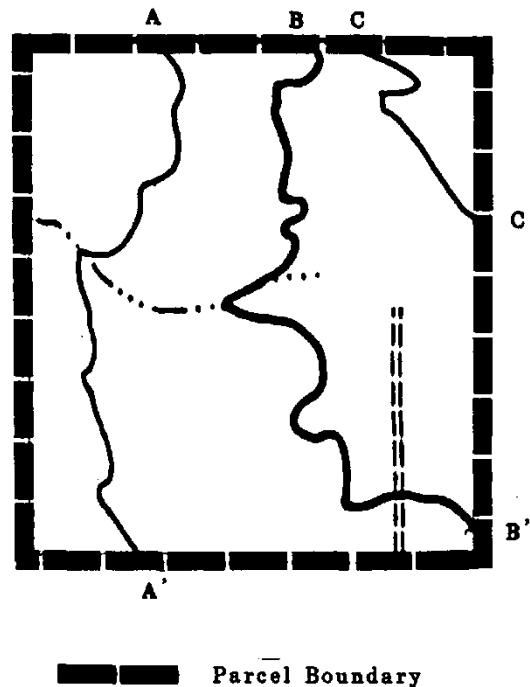
- A. No lot shall be created after the effective date of this chapter on which the average natural slope exceeds sixty percent (60%), except if the lot contains a contiguous area of ten thousand (10,000) square feet within which there is no slope greater than ten percent (10%) and on which development is proposed.
- B. One (1) single-family dwelling may be built on any lot that was legally created prior to the effective date of this chapter, regardless of slope, provided that all other requirements of this chapter are met.

19.88.050 STANDARDS — GRADING

Grading shall respect the natural contour of the existing terrain wherever possible. The following grading standards shall apply to all land subject to this chapter in addition to the grading requirements of Chapter 70 of the latest edition of the Uniform Building Code as adopted and modified, or as may be adopted or modified from time to time, by the Board of Supervisors:

- A. Grading shall be limited to building pads and access drives thereto, and extensive grading shall be discouraged.
- B. No cuts in excess of sixteen (16) feet in height from top to toe shall be allowed.
- C. Where grading is necessary, the principles of contour grading should be employed:
 - 1. Cut slopes shall not exceed two (2) horizontal to (1) vertical (2:1). Shallower slopes may be required if indicated by soils and geologic investigations to be necessary.
 - 2. Graded slopes should be rounded and shaped to simulate the natural terrain.
 - 3. Grading should follow the natural contours as much as possible.
 - 4. Graded slopes should blend with naturally occurring slopes at a radius compatible with the existing natural terrain.

FIGURE 19.88.020
CALCULATION OF AVERAGE NATURAL SLOPE



$$S = \frac{IL (0.00229)}{A}$$

I = CONTOUR INTERVAL (EG. , 5 FEET)

L = ADD LENGTH OF LINES AA',BB',CC'

A = AREA OF PARCEL IN ACRES

**S = AVERAGE NATURAL SLOPE OF THE
TOTAL PARCEL (in percent)**

**0.00229 = A CONSTANT USED TO CONVERT
SQUARE FEET INTO ACRES x 100%**

- D. Graded slopes should be screened from view under or behind buildings or by landscaping or natural topographic features wherever possible.
- E. Graded slopes shall be revegetated with a mixture of grass seed or shrubs as recommended by the Planning Director. Planting may be waived by the Planning Director for slopes that, due to the rock character of the material, will not support plant growth.

19.88.060 STANDARDS — DRAINAGE

All proposed drainage facilities shall respect the natural terrain, preserve major drainage channels in their natural state, and be designed in such a manner as to minimize soil erosion and to otherwise preserve the public health, safety, and welfare. The following standards shall apply to all lands subject to this chapter in addition to the requirements of the Kern County Subdivision and Parcel Map Ordinances:

- A. To the maximum extent possible, all natural drainage courses serving major drainage areas, and containing significant perennial vegetation which may constitute a significant wildlife habitat, should remain in their natural state.
- B. In the event that off-site drainage facilities will be required to handle increased runoff, interim drainage facilities which provide for no increase in peak runoff from a ten- (10-) year storm shall be constructed and maintained until such time as the permanent facilities are completed.
- C. The overall drainage system shall be completed and made operational at the earliest possible time during construction or shall be otherwise provided for in a manner acceptable to the County of Kern.

19.88.070 STANDARDS — DRIVEWAYS AND ACCESS ROADS

All proposed driveways and access roads shall be designed to provide convenient and safe access while minimizing the extent of grading. The following standards shall apply to all lands subject to this chapter in addition to the requirements of the Kern County Subdivision and Parcel Map Ordinances:

- A. Driveways and access roads shall enter the fronting public road or street as nearly at right angle (or radial line, if on a curve) as physical features permit.
- B. Driveways shall be designed and constructed in such a manner that stormwater runoff originating on the roadway will not drain down the drive, and stormwater runoff originating on the private property will not drain down the roadway, except in the ditch or gutter line.
- C. Adequate and safe sight distance shall be provided for a design speed of fifteen (15) miles per hour.
- D. Wherever feasible, driveways and access roads shall be installed parallel to elevation contours and shall not cut perpendicularly across contours. The maximum grade for driveways and access roads shall be fifteen percent (15%).
- E. Driveways entering a public road or street shall have a minimum paved width of twelve (12) feet and a maximum width of twenty (20) feet and shall be improved with two (2) inches of asphaltic concrete, three (3) inches of rock dust on an aggregate base, three (3) inches of road mix, or three (3) inches of concrete.

- F. Driveways and access roads serving residential projects of three (3) or more units shall be improved with a minimum of three (3) inches of road mix and shall tie to a paved road (under encroachment permit from the Kern County Roads Department, where applicable). The paving requirement may be waived by the Planning Director when site access is not obtained from a paved road and when the project is not part of a precise development (PD) plan or cluster (CL) development.
- G. Driveways and access roads shall comply with the requirements of the Kern County Fire Department.

CHAPTER 19.89

ADULT BUSINESSES

SECTIONS:

19.89.010 PURPOSE AND APPLICATION

19.89.020 DEFINITIONS

19.89.030 LOCATION REQUIREMENTS

19.89.040 DEVELOPMENT AND PERFORMANCE STANDARDS

19.89.050 ADULT BUSINESS PERMIT

19.89.060 ADULT BUSINESS PERMIT - APPLICATION - CONTENTS

19.89.070 PERMIT APPLICATION - REVIEW AND APPROVAL

19.89.080 SEVERABILITY

19.89.010 PURPOSE AND APPLICATION

The purpose of this chapter is to regulate adult businesses which, unless closely regulated, have serious secondary effects on the community. These secondary effects include, but are not limited to, the following: depreciation of property values, increases in vacancy rates in residential and commercial areas, increases in incidences of criminal activity, increases in litter, noise, and vandalism and the interference with residential property owner's enjoyment of their property in the vicinity of such businesses.

19.89.020 DEFINITIONS

Adult businesses include the following:

Any business conducted for the entertainment of adults, engaged in the selling, renting, or displaying of publications depicting the specified anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Included in the definition is any business, that as a substantial or significant course of conduct, sells, offers for sale, rents, exhibits, shows, or displays publications depicting the anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Also included in this definition is any business selling, renting, or displaying sexually oriented devices intended for use in the specified sexual activities.

A particular business at a particular location that sells, offers for sale, rents, exhibits, shows or displays specified anatomical areas or specified sexual activities in the form of a book, magazine, newspaper, pamphlet, film, video or any other form or medium, or sexually oriented devices intended for use in the specified sexual activities, which receives twenty-five percent (25%) or more of the gross revenue from, or devotes twenty-five percent (25%) or more of the stock on hand, or twenty-five percent (25%) or more of the gross floor area to such activity, is presumed to be engaging in "substantial or significant" conduct with respect to such activity.

Any business conducted for the entertainment of adults wherein an employee, patron, or any other person engages in or are shown specified sexual activities or exhibit or engage in partial or total nudity or otherwise expose specified anatomical areas. Included in this definition is any business, which as a substantial or significant portion of its business, provides live or filmed entertainment wherein specified anatomical areas of the human anatomy are exposed. Specified anatomical areas include any of the following, whether actual or simulated: (1) less than completely and opaquely

covered: (a) human genitals or pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; or (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered. Specified sexual activities means and includes any of the following: (1) the fondling or sexual touching of human genitals, pubic regions, buttocks, anus, or female breasts; or (2) sex acts, normal or deviant, actual or simulated, including intercourse, oral copulation, or sodomy; or (3) masturbation, actual or simulated; or (4) excretory functions as part of, or in connection with, any of the activities set forth above.

Such a business may not sell or display "obscene matter," as that term is defined by Penal Code Section 311 or its successors, and may not exhibit "harmful matter," as that term is defined by Penal Code Section 313 or its successors, to minors.

19.89.030 LOCATION REQUIREMENTS

- A. Adult businesses shall not be located within fifteen hundred (1,500) feet of the following whether or not located within the county:
 - 1. Any property located in a residential district, including the R-1 (Low-density Residential), R-2 (Medium-density Residential), R-3 (High-density Residential), E (Estate), or MP (Mobilehome Park) zoning districts, or equivalent zoning in any other jurisdiction; and
 - 2. Any public or private school; and
 - 3. Any church, chapel, or other publicly recognized place of worship; and
 - 4. Any park owned by a public entity.
- B. Adult businesses shall not be located within one thousand (1,000) feet of any other adult business.
- C. The distances specified in this section shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building in which the proposed adult business is to be established to the nearest property line of a use or zoning district listed above. The distances specified shall not be measured to one of the uses specified in A.1 above which are established after the commencement of the adult business use, if the adult business use is continuous, which means that interruptions in use may not exceed six (6) months.

19.89.040 DEVELOPMENT AND PERFORMANCE STANDARDS

- A. The following development standards shall apply to all adult businesses:
 - 1. No adult business shall be located in any temporary or portable structure.
 - 2. Trash dumpsters shall be enclosed by a screening enclosure so as not to be accessible to the public.
 - 3. Off-street parking shall be provided at the ratio of one parking space per one hundred (100) square feet of gross floor area and as specified in Chapter 19.82.

4. The entire exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times.
 5. Signage shall conform to the requirements of Chapter 19.84 and shall not contain sexually oriented photographs, silhouettes, or other pictorial representations.
 6. All entrances to an adult business shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.
 7. No residential structure or any other nonconforming structure shall be converted for use as an adult business.
- B. The following performance standards shall apply to all adult businesses:
1. No alcoholic beverages shall be served, sold, or consumed on the premises.
 2. The adult business shall not conduct or sponsor any special events, promotions, festivals, concerts, or similar activities which would create a demand for parking spaces beyond the number of spaces required for the business.
 3. The traffic generated by the adult business shall not overload the capacity of the surrounding street system and shall not create a hazard to public safety, as determined by the Kern County Roads Department.
 4. No adult business shall be operated in any manner that permits the observation of any persons or material depicting, describing, or related to "specified sexual activities" or "specified anatomical areas," inside the premises, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window, or other opening.
 5. No loudspeakers or sound equipment shall be used by an adult business for the amplification of sound to a level audible beyond the walls of the building in which the business is located.
 6. All exterior areas of the adult business, including buildings, landscaping, and parking areas shall be maintained in a clean and orderly manner at all times.
 7. Any license required by the Kern County Sheriff's Department pursuant to Chapter 5.08 of the Kern County Ordinance Code shall be kept current at all times.
 8. Each adult business shall conform to all applicable laws and regulations.

19.89.050 ADULT BUSINESS PERMIT — REQUIRED

No adult business shall be established until an application for an adult business permit is approved by the Board of Supervisors generally following with the procedures set out in Sections 19.102.200 through 19.102.230 of this title.

19.89.060 ADULT BUSINESS PERMIT — APPLICATION — CONTENTS

An application for an adult business permit shall include the following:

- A. Name and permanent address of applicant.
- B. The name and business address for the applicant. If the applicant is a corporation, the name shall be exactly as set forth in its Articles of Incorporation, and the applicant shall show the name and residence address of each of the officers, directors, and each stockholder owning twenty-five percent (25%) or more of the stock of the corporation. If the applicant is a partnership, the application shall show the name and residence address of each of the members, including limited partners.
- C. Name(s) and address(es) of the property owner(s).
- D. Assessor's parcel number(s).
- E. Legal description of the property.
- F. A site development plan drawn at the scale specified by the Planning Director, which includes the following information:
 - 1. Location of all existing buildings, structures, and improvements on the property;
 - 2. Location of all proposed buildings, structures, and improvements on the property;
 - 3. Existing and proposed streets and highways bordering and within the boundaries of the property;
 - 4. Location of existing and proposed parking areas;
 - 5. Proposed landscaping;
 - 6. North arrow.
- G. Elevations and floor plans of proposed buildings or structures related to the adult business.
- H. A narrative description of the proposed use or development including:
 - 1. Description of the nature of the proposed use or development and an explanation of how the proposed business will satisfy the applicable requirements set forth in Sections 19.89.020 through 19.89.040 of this chapter.

- I. Signatures or letter of consent from all property owners.
- J. The fee prescribed by uncodified ordinance or resolution for processing the application.

19.89.070 PERMIT APPLICATION — REVIEW AND APPROVAL

- A. Once an application has been completed, the Planning Director shall set the application for a nondiscretionary public hearing before the Board of Supervisors within sixty (60) days, generally following the notice procedures set out in Section 19.102.210 of this title.
- B. For purposes of application processing, any application for a permit pursuant to this chapter is considered to be a ministerial permit and, as such, is not subject to the time frames specified in Section 65950 et seq. of the California Government Code, or the California Environmental Quality Act.
- C. In considering an application for a permit pursuant to this chapter, the Board of Supervisors shall approve the permit only if it makes the following findings:
 - 1. The adult business is consistent with the location, development, and performance standards contained this chapter; and
 - 2. The adult business is located in a zone district which lists the adult business as a permitted use; and
 - 3. The zoning district classification for the property is consistent with the applicable General Plan or Specific Plan designation for the property; and
 - 4. The adult business is consistent with the requirements set forth in Chapter 5.08 of the Kern County Ordinance Code.
- D. Permit issuance or denial is not subject to appeal.

19.89.080 SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional. If for any reason this or any part thereof shall be declared invalid or unconstitutional, then all other provisions thereof shall remain valid and enforceable.

CHAPTER 19.90
ACCESSORY DWELLING UNITS

SECTIONS:

- 19.90.010 PURPOSE AND APPLICATION**
- 19.90.020 ESTABLISHMENT**
- 19.90.030 DEVELOPMENT STANDARDS**
- 19.90.040 ACCESSORY DWELLING UNIT PLOT PLAN REVIEW — REQUIRED**
- 19.90.050 PLOT PLAN REVIEW — APPLICATION — CONTENTS**
- 19.90.060 PLOT PLAN REVIEW APPLICATION — REVIEW AND APPROVAL**
- 19.90.070 PERMIT REVOCATION AND MODIFICATION**

19.90.010 PURPOSE AND APPLICATION

The purpose of this chapter is to provide for the establishment of new accessory dwelling units on existing lots in the High-Density Residential (R-3), Medium-Density Residential (R-2), Low-density Residential (R-1), Estate (E), Recreational Forestry (RF), Platted Lands (PL), Exclusive Agriculture (A), or Limited Agriculture (A-1) Districts that already contains a legally established single-family dwelling unit. The accessory dwelling unit may be occupied by family members, guests, servants, or employees of the property owner or used as a rental unit. Pursuant to Government Code Sections 65852.150 and 65852.2, accessory dwelling units are deemed to be in conformance with the density limitations established by the General Plan land use category applicable to the area within which the unit is located.

19.90.020 ESTABLISHMENT

An accessory dwelling unit may be established by any one (1) of the following methods:

- A. Alteration of interior space of an existing single-family dwelling;
- B. Conversion of an attic, basement, garage, or other previously uninhabited portion of an existing single-family dwelling or accessory structure;
- C. Addition of a separate unit onto an existing single-family dwelling;
- D. Construction of a separate structure on a lot in addition to an existing single-family dwelling;
- E. Conversion of an existing dwelling to an accessory dwelling unit in conjunction with the construction of a new single-family dwelling;
- F. Installation of a second mobilehome or manufactured home.

19.90.030 DEVELOPMENT STANDARDS

No accessory dwelling unit may be established unless it complies to the following standards:

- A. The lot upon which the accessory dwelling unit is to be established shall contain no other dwellings except for the principal dwelling. Additionally, the following minimum lot size criteria shall apply to lots upon which an accessory dwelling unit is to be established:
 - 1. The lot shall contain a minimum of seven thousand five hundred (7,500) net square feet if the lot is served by both a community water supply and public sewer.
 - 2. The lot shall contain a minimum of one half (1/2) net acre if the lot is served by a community water supply and a private septic system.
 - 3. The lot shall contain a minimum of one (1) net acre if the lot is not served by either a community water system or public sewer.
- B. The principal dwelling on the lot shall contain a minimum gross area of one thousand two hundred (1,200) square feet.
- C. Only one (1) accessory dwelling unit may be created per legal lot.
- D. The total floor space of the accessory dwelling unit may not exceed:
 - 1. One thousand two hundred (1,200) square feet or fifty percent (50%) of the total floor space of the principal dwelling, whichever is less in the instance of an attached or interior conversion or constructed accessory dwelling unit.
 - 2. One thousand two hundred (1,200) square feet in the instance of a detached accessory dwelling unit.
- E. The accessory dwelling unit shall contain separate kitchen and bathroom facilities and have a separate entrance.
- F. Either the principal dwelling or the accessory dwelling unit on the lot shall be occupied by the property owner.
- G. The accessory dwelling unit shall comply with the development standards for the zoning district in which it is located, including front-yard, rear-yard, and side-yard setbacks, minimum distance between structures, and height limits, but excluding minimum lot area per dwelling unit standards. However, no setback shall be 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 shall be required for an accessory dwelling unit that is constructed above a garage.
- H. Parking requirements for accessory dwelling units are one (1) parking space per bedroom, not to exceed two (2) parking spaces per unit except in an instance as specified below. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in

setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. The development of parking spaces and access drives shall be consistent with this chapter and Chapter 19.82 of this title except in the following instances when parking standards will not be applied:

- (1) The accessory dwelling unit is located within one-half mile of a public transit stop.
 - (2) The accessory dwelling unit is located within a Kern County designated architecturally and historically significant historic district.
 - (3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 - (4) When there is a car share vehicle service located within one block of the accessory dwelling unit.
- I. Unless the accessory dwelling unit will be a second mobilehome or manufactured home, the accessory dwelling unit shall be constructed in accordance with the provisions of the latest adopted edition of the Uniform Building Code.
- J. Unless within an architecturally and historically significant historic district, the accessory dwelling unit need not be constructed in such a manner as to be architecturally similar to the principal dwelling in terms of design, height, exterior siding, and roof pitch. Additionally, where architectural similarity is required, the accessory dwelling unit shall utilize the same type and color of roofing material and shall be painted the same colors as that of the principal dwelling. These same standards shall also apply where the Planning Director determines it necessary to prevent adverse impacts on any real property that is listed in the California Register of Historic Places.
- K. The accessory dwelling unit shall comply with applicable health standards and shall be approved by the Director of the Kern County Public Health Services Department.

19.90.040 ACCESSORY DWELLING UNIT PLOT PLAN REVIEW — REQUIRED

No accessory dwelling unit shall be established and no building permit issued until an application for plot plan review has been submitted to and approved by the Planning Director.

19.90.050 PLOT PLAN REVIEW — APPLICATION — CONTENTS

An application for a permit for a accessory dwelling unit shall include the following:

- A. Name and address of the applicant;
- B. Name and address of the property owner;
- C. Address of the principal dwelling on the lot on which the accessory dwelling unit is to be established;
- D. Assessor's parcel number;

- E. Legal description of the property;
- F. Floor space of the principal dwelling and of the proposed accessory dwelling unit;
- G. Plot plan drawn at the scale specified by the Planning Director, including the following:
 - 1. Property lines and lot dimensions;
 - 2. Location of all existing buildings and structures;
 - 3. Location of the proposed accessory dwelling unit;
 - 4. Location of all easements;
 - 5. Location of existing and proposed parking areas;
 - 6. North arrow.
- H. If located within a Kern County designated architecturally and historically significant historic district or within 500 feet of a structure listed in the California Register of Historic Places:
 - 1. Elevations showing the height, roofing materials, and exterior colors of the proposed accessory dwelling unit in relation to the principal dwelling.
 - 2. Photographs accurately showing property on which the accessory dwelling unit is to be constructed and properties adjacent to side property lines.

19.90.060 PLOT PLAN REVIEW APPLICATION — REVIEW AND APPROVAL

The plot plan review application shall be reviewed and approved in accordance with the procedures set out in Sections 19.102.040 through 19.102.060, except as follows:

Deviations to the development standards specified in this chapter shall require approval of a zone variance in accordance with the provisions set out in Chapter 19.106.

19.90.070 PERMIT REVOCATION AND MODIFICATION

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020.

CHAPTER 19.91
WIRELESS COMMUNICATION FACILITIES

SECTIONS:

- 19.91.010 PURPOSE AND APPLICATION**
- 19.91.020 SUBMITTAL REQUIREMENTS**
- 19.91.030 DEVELOPMENT STANDARDS**
- 19.91.040 ABANDONMENT**

19.91.010 PURPOSE AND APPLICATION

The purpose of this chapter is to establish reasonable guidelines and regulations for the siting of wireless communication facilities providing nonbroadcast services and shall include those facilities subject to the Federal Telecommunication Act of 1996, as amended, and shall include commercial wireless cellular radiotelephone facilities, enhanced specialized mobile radio service facilities, personal communication and paging system service facilities, fixed-point microwave and satellite service facilities, private land mobile radio service facilities, and public safety radio systems. Additionally, this chapter shall also apply to nonpersonal wireless facilities, unless specifically excluded. This chapter shall not apply to broadcast service facilities, including television and radio broadcast facilities and amateur radio facilities, nor shall it apply to an antenna mounted on an existing utility pole, provided the antenna addition does not result in an increase in overall height of the pole structure.

The siting of wireless communication facilities shall be encouraged to minimize the adverse aesthetic impacts on residential areas and other sensitive viewsheds by collocating facilities wherever feasible and through the use of stealth design technologies by disguising the facility so that it is not easily recognizable as telecommunications equipment, or other screening and design treatments, which seek to harmonize tower siting with the natural or built environment. This chapter is intended to establish objective standards for the placement and design of wireless communication facilities in a manner that recognizes the need for telecommunication providers to establish complete system coverage, while ensuring that the health, safety, and design impacts of such facilities are minimized.

19.91.020 SUBMITTAL REQUIREMENTS

In those zoning districts where a conditional use permit is required for the installation of wireless communication facilities, the following additional information shall be submitted as part of the conditional use permit application:

- A. Documentation identifying existing or proposed communication network design and a description of the need for the proposed facility, including documentation showing possible alternative sites considered for the proposed facility, together with the reasons why those alternative sites were rejected.
- B. A written description of the potential for collocation of the proposed facility at existing communication sites.

- C. A statement acknowledging the ability of other wireless communication services to potentially collocate at the proposed facility shall be submitted, unless the design of the facility cannot support additional antennas, which shall be supported by adequate evidence. While it is the County's policy to strongly encourage collocation of wireless communications facilities when feasible, the County also recognizes that collocation may not be feasible for some facilities employing stealth design, slim-line monopoles, or where the potential for frequency or electronic interference, or network coverage requirements would preclude it. The collocation potential of a proposed facility can be demonstrated if the tower will be constructed with excess structural capacity sufficient, certified by the applicant's engineer, to support three (3) or more antennas and if sufficient ground area is provided to accommodate three (3) or more equipment shelters. Except for facilities employing stealth design, proposed towers demonstrating such collocation potential shall be given preference over proposed towers without such potential.
- D. If the site is located within one-half (1/2) mile of any residentially or commercially zoned area, or within one-half (1/2) mile of areas zoned A-1 and RF, a visual impact analysis shall be submitted consisting of photo mock-ups or digitally enhanced representations showing the project site "before" and "after" installation. For installations in other areas, submit complete facility elevations and photographs of the site.
- E. Unless the proposed communications tower is a stealth designed tower, submit justification for the design of the tower and supporting systems and a description of possible alternate tower designs.
- F. Submit estimates of the maximum radio frequency radiation and electromagnetic field emissions as measured from the edge of the facility site, and provide certification that those fields do not exceed federal standards.
- G. Show the locations of existing freestanding wireless communication structures towers within one (1) mile from the edge of the facility site.
- H. Show the location of all private general purpose and public airstrips within two (2) miles of the facility site.
- I. If the applicant is not a direct provider of a wireless communications service, a letter of intent shall be submitted from such a service indicating their intent to use the proposed facility. Documentation of service providing capacity from the Public Utilities Commission shall be submitted in conjunction with the submitted letter of intent if questions arise as to the company's legal ability to provide wireless service to the affected area.
- J. Provide a USGS topographical map, with the site indicated.
- K. Indicate the location of the closest off-site dwelling.
- L. Provide latitude, longitude, site elevation in relation to mean sea level (MSL).
- M. Indicate the proposed tower height and submit elevation drawings.

19.91.030 DEVELOPMENT STANDARDS

- A. The following development standards shall apply to the siting and design of all freestanding wireless communication facilities in all zoning districts, except as otherwise indicated:
1. No new freestanding wireless communication facilities shall be installed on a site located in a residential zoning district that is not already developed with telecommunication facilities unless it blends with the surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable, unless all of the following are provided:
 - (a) Technical evidence acceptable to the approving authority showing a clear and convincing need for this facility to achieve adequate service coverage; and
 - (b) Documentation demonstrating the infeasibility of collocation on another existing telecommunications facility or the submittal of clear evidence showing that collocation on an existing telecommunications facility would create adverse impacts on the environment; and
 - (c) Documentation supporting an inability to stealth the facility owing to technical or design considerations.
 2. Communication towers located on property within, or within three hundred (300) feet of, any residentially zoned area, area zoned RF, or area designated for residential development by the applicable General Plan, shall employ stealth technology, where the tower is camouflaged so as to look like a pine tree (monopine), palm tree (monopalm), or other structure disguising the facility which is compatible to the area, as determined through the conditional use permit process.
 3. Except for communication towers to be located within an M-2 or M-3 District, freestanding towers located on property within, or within three hundred (300) feet of, an area zoned CO, C-1, C-2, or CH District, shall be limited to guy wireless, slim-line monopole towers with flush-mounted vertical antennas or, as an alternative, shall employ stealth design features. This requirement shall also apply to tower installations on properties zoned M-1 where the tower will be located within three hundred (300) feet of a commercial zone district. Slim-line monopoles or towers employing stealth design shall be strongly encouraged, but not required, on sites located within an A-1 District, unless the applicable hearing body determines that such a design is essential for making a finding of land use compatibility. A slim-line tower shall measure no more than twenty-four (24) inches in diameter at the base which tapers toward the top. The maximum distance of antenna arrays from the pole shall be eighteen (18) inches.
 4. The maximum overall permitted height of the tower, including appurtenances, is subject to Section 19.08.160 and shall not exceed eighty (80) feet in any area zoned A-1, R-1, R-2, E, MP, PL, or RF. In other zone districts, the maximum permitted height is subject to Section 19.08.160 and shall not exceed the height indicated in the applicable base zoning district or one hundred fifty (150) feet, whichever is less.
 5. No freestanding tower shall be located within fifty-five (55) feet from the centerline of any existing or designated public road. Except for freestanding

towers to be installed on agriculturally, commercially, or industrially zoned property, a minimum setback of twenty-five (25) feet from all property lines shall be required. For towers contiguous to residentially zoned areas and to areas zoned A-1 and RF, a minimum setback of one hundred twenty percent (120%) of the overall height of the tower to the affected property shall be required. In no case shall the facility be located within one hundred (100) feet of any off-site dwelling.

6. A minimum setback of one (1) times the overall height of the tower, including appurtenances, shall be observed from any State highway, as measured from the edge of the road right-of-way.
7. Prior to the issuance of building permits for new towers and antenna facilities located on any site easterly of R31E, MDB&M, or easterly of R17W, SBB&M, within Kern County, including new towers, tower modifications, antenna additions or new equipment affecting transmission capabilities, facility plans, including the height of all proposed structures and radio frequency specifications, shall be reviewed by the Air Force Flight Test Center (Plans and Policies Division) at Edwards Air Force Base and the China Lake Naval Weapons Center. Written documentation of such review shall be required before permits will be released.
8. Except within commercial and industrial zone districts, freestanding towers which will not be constructed using stealth design or slim-line monopole design, shall not be located within one (1) mile of any other freestanding wireless communications facility. This requirement shall not apply to roof-mounted antennas, to façade-integrated antennas, to approved sites which contain multiple transmission towers, or to antennas authorized by the Planning Director to be installed on other existing accessory structures.
9. A landscape plan shall be required for all new facility locations within a residentially zoned area, commercially zoned area, RF zoned area, or within one-quarter (1/4) mile of any such areas. Landscaping plans shall include perimeter landscaping around the entire communications facility site, excluding access points into the facility. Use of landscape features such as gravel and boulders in conjunction with drought tolerant plants are encouraged. Trees may be required by the approval authority when deemed necessary to ensure compatibility to the surrounding area. The landscape plan shall be in conformance with Chapter 19.86 of this title, California Code of Regulations, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance and Kern County Code of Building Regulations (Title 17).
10. Tower and support facilities located entirely within, or within one-half (1/2) mile of, a residentially zoned area shall not be equipped with external lighting, except as required by the FAA, UBC, or when required as a condition of approval of an approved conditional use permit. Where lighting is otherwise permitted, lighting fixtures shall be "down-shielded" to limit the potential for off-site lighting and glare impacts. This requirement shall not apply to approved towers employing stealth design by disguising the tower as a flag pole when the American flag will be flown at night.

11. All equipment shelters, poles, towers, antennas, and supporting structures shall be treated with nonreflective colors.
 12. Roof-mounted antennas are permitted on buildings within commercial and industrial zones and within the NR District. The maximum permitted height for roof-mounted antennas shall be fifteen (15) feet above the roof line of the structure. Façade-integrated antenna systems may also be incorporated into the architectural design of said buildings. Equipment shelters shall be enclosed in housings that are compatible to the architectural elements of the affected building.
- B. Notwithstanding the other requirements of this title, the Planning Director may waive the requirement for obtaining a conditional use permit in instances where the proposed telecommunications facility will not use a conventional tower and will be constructed upon existing water towers or tanks, petroleum storage tanks, light fixtures, and public utility structures if it is determined that such an installation will not adversely impact surrounding properties and roads.

19.91.040 ABANDONMENT

Any wireless telecommunications facilities not in operation for a consecutive period of twelve (12) months shall be deemed abandoned and shall be removed within sixty (60) days from the date written notice to the owner of the facility has been sent by the County. If the owner of the wireless communications facility does not remove the structure(s) identified in said notice within sixty (60) days, the property owner shall be served with written notice to remove the identified structure(s) within sixty (60) days. If the property owner does not remove the structure(s) within this sixty- (60-) day period, the County may remove the structure(s) at the property owner's expense and lien the property to recover all enforcement and removal costs.

CHAPTER 19.92

DENSITY BONUSES

SECTIONS:

19.92.010 PURPOSE AND APPLICATION

19.92.020 DENSITY BONUSES FOR RESIDENTIAL PROJECTS

19.92.030 DENSITY BONUS PERMIT — REQUIRED

19.92.040 DENSITY BONUS PERMIT — APPLICATION — CONTENTS

19.92.050 PERMIT APPLICATION — REVIEW AND APPROVAL

19.92.060 PRELIMINARY REVIEW

19.92.010 PURPOSE AND APPLICATION

The purpose of this chapter is to implement General Plan policies and State law requirements for density bonuses in specified residential projects. Under policies of the County General Plan, a density bonus of up to twenty percent (20%) shall be allowed for specified residential projects that provide complete infrastructure improvements, including community water distribution and sewage collection and treatment systems. Under the requirements of State law, a density bonus of twenty-five percent (25%) shall be granted for specified residential projects of five (5) or more units in which at least twenty-five percent (25%) of the units are affordable to persons and families of low or moderate income or in which ten percent (10%) of the units are affordable to lower income households. A twenty percent (20%) bonus shall be granted for those residential developments within certain zone districts when on-site daycare facilities are provided. A ten percent (10%) density bonus shall be granted to residential developments in conjunction with the submittal and approval of a cluster plan pursuant to Chapter 19.58 of this title. The density bonus shall be in addition to the maximum allowable density specified by the General Plan land use category for the area in which the project is located. With the exception of a density bonus granted in conjunction with approval of a cluster plan, only one (1) of the above density bonuses may apply to a qualifying project.

19.92.020 DENSITY BONUSES FOR RESIDENTIAL PROJECTS

- A. A density bonus of up to twenty percent (20%) over the maximum density specified by the applicable General Plan land use category shall be allowed for any residential project of fifty (50) or more units located in the Medium-density Residential (R-2), High-density Residential (R-3), Mobilehome Park (MP), or General Commercial (C-2) Districts if the residential project provides adequate on-site day-care facilities for the care of children.
- B. A density bonus of up to twenty percent (20%) over the maximum density specified by the applicable General Plan land use category shall be allowed for any residential project of five (5) or more units located in the Low-density Residential (R-1), Medium-density Residential (R-2), High-density Residential (R-3), Mobilehome Subdivision (MS), Mobilehome Park (MP), or General Commercial (C-2) Districts if the residential project provides complete public infrastructure improvements, including streets and roads, curb, gutter, and sidewalk, drainage facilities and community water distribution, and sewage collection and treatment systems operated by a public agency.

1. The extent of necessary infrastructure improvements and the amount of the density bonus up to twenty percent (20%) shall be determined by the decision-making authority reviewing and approving the project in accordance with the procedures set out in Chapter 19.102 of this title.
 2. If the density bonus provided for by this subsection is used for a qualifying project, no other density bonus may be applied to the project.
 3. The residential project qualifying for this density bonus shall comply with all regulations of the zoning district or districts applicable to the area in which it is located, all other requirements of this title, and all other requirements and regulations of the County of Kern and the State of California.
- C. A density bonus of twenty-five percent (25%) over the maximum density specified by the applicable General Plan land use category shall be allowed for any new residential project or condominium conversion project containing five (5) or more units located in the Low-density Residential (R-1), Medium-density Residential (R-2), High-density Residential (R-3), Mobilehome Subdivision (MS), Mobilehome Park (MP), or General Commercial (C-2) Districts if at least twenty percent (20%) of the total number of units will be provided for lower income households, as defined in the Health and Safety Code; or ten percent (10%) of the total units will be provided for very low income households, as defined in the Health and Safety Code; or fifty percent (50%) of the total units will be provided for qualifying residents, as defined in Section 51.2 of the Civil Code.
1. The units allowed as part of the density bonus shall not be included when determining the number of dwelling units which is equal to ten percent (10%) or twenty percent (20%) of the total. If the density bonus provided for by this subsection is used for a qualifying project, no other density bonus may be applied to the project.
 2. The residential project qualifying for this density bonus shall comply with all regulations of the zoning district or districts applicable to the area in which it is located, all other requirements of this chapter, and all other requirements and regulations of the County of Kern and the State of California, including Section 65915 of the Government Code.
 3. If the applicant requests a waiver or modification of zoning development standards as authorized by Section 65915 of the Government Code, such a request shall be made in writing in conjunction with formal submittal of a qualifying development application. If a zone variance or zone modification is required to accommodate the request, the applicant shall submit the appropriate application.
- D. A density bonus of ten percent (10%) over the maximum density specified by the applicable General Plan land use category shall be allowed in conjunction with the submittal and approval of a cluster plan pursuant to Chapter 19.58 of this title. This density bonus is in addition to any other density bonus granted pursuant to this chapter.

19.92.030 DENSITY BONUS PERMIT — REQUIRED

No development may occur pursuant to this chapter until an application for a density bonus permit has been submitted and approved as provided in this section.

19.92.040 DENSITY BONUS PERMIT — APPLICATION — CONTENTS

An application for a density bonus permit review shall include the following:

- A. Name and address of applicant
- B. Name(s) and address(es) of property owner(s)
- C. Assessor's parcel number(s)
- D. Legal description
- E. A site development plan drawn at the scale specified by the Planning Director, which includes the following information:
 - 1. Topography of the lot(s)
 - 2. Proposed street system and parking area
 - 3. Lot design
 - 4. Location of buildings
 - 5. Location of other proposed uses
 - 6. Proposed setbacks
 - 7. Areas to be reserved for parks, schools, or other public or quasi-public facilities
 - 8. Proposed landscaping
 - 9. Water supply and distribution
 - 10. Sewage disposal system
 - 11. Drainage system
 - 12. North arrow
- F. A narrative description of the proposed development, including the following:
 - 1. Total number of dwelling units and number of dwelling units per acre

2. Number of dwelling units to be made available to persons of low and moderate income or to lower income households, if applicable
3. Method of maintaining the affordability of the units described in Subparagraph (2) of this subsection above, if applicable
4. Building coverage expressed as a percent of the total area of the property
5. Area of land devoted to landscaping or open space usable for recreation purposes and its percentage of the total land area
6. Method of sewage disposal
7. Water supply, both domestic and fire
8. Proposed on-site drainage facilities
9. Methods of flood control, where appropriate
10. Phasing or development schedule

19.92.050 PERMIT APPLICATION — REVIEW AND APPROVAL

Where a discretionary permit or rezoning is otherwise required for the residential project, the density bonus permit application shall be reviewed and approved in conjunction with that discretionary permit or rezoning approval project. Where no other discretionary permit or rezoning is required for the residential project, the density bonus permit application shall be reviewed and approved in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title.

19.92.060 PRELIMINARY REVIEW

Prior to submitting a formal application for a density bonus permit pursuant to this chapter or prior to submitting a formal application for a tentative map for conversion of apartments to a condominium project, an applicant shall submit to the Planning Director a preliminary proposal in writing for the residential project or condominium project. The Planning Director shall, within ninety (90) days of receipt of a written proposal, notify the applicant in writing of the procedures the applicant must follow to secure a density bonus provided for in this chapter.

CHAPTER 19.94
HOME OCCUPATIONS

SECTIONS:

- 19.94.010 PURPOSE AND APPLICATION**
- 19.94.020 PERMITTED HOME OCCUPATIONS**
- 19.94.030 HOME OCCUPATIONS NOT PERMITTED**
- 19.94.040 MINIMUM STANDARDS**
- 19.94.050 HOME OCCUPATION PERMIT — REQUIRED**
- 19.94.060 HOME OCCUPATION PERMIT — APPLICATION — CONTENTS**
- 19.94.070 REVIEW AND APPROVAL**
- 19.94.080 PERMIT REVOCATION AND MODIFICATION**

19.94.010 PURPOSE AND APPLICATION

The purpose of this chapter is to establish standards for home occupations. In general, a home occupation is a residential accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for home occupations in this chapter are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood.

19.94.020 PERMITTED HOME OCCUPATIONS

Home occupations may include, but are not necessarily limited to, the following:

- A. Artist, sculptor, or photography studio, taxidermist, or firearm repair
- B. Author or composer
- C. Barber or cosmetologist, one (1) chair or booth only, limited to the following practices:
 - Manicurist
 - Esthetician
 - Electrologist
 - Hair Stylist or Colorist
- D. Dressmaker, seamstress, or tailor
- E. Gardening service
- F. Home crafts, such as model making, pottery, rug weaving, or lapidary work
- G. Office of a minister, rabbi, or priest

- H. Office of a salesman, sales representative, or manufacturers' representative, provided that no retail or wholesale transactions are made on the premises, except as permitted by Subsection H of Section 19.94.040 of this chapter
- I. Office of an architect, artist, broker, consultant, engineer, instructor in arts and crafts, insurance agent, land surveyor, musician, bookkeeper, accountant, typist, notary public, or private investigator
- J. School of special education whose class size does not exceed four (4) pupils at any given time
- K. Telephone answering service
- L. Saw sharpening
- M. Key and locksmith
- N. Pet grooming, provided that no more than one (1) animal associated with the use is on the premises at a time
- O. Firearm sales, provided that resident has obtained: a Federal Firearms License, a Seller's Permit from the State Board of Equalization and Certificate of Eligibility from the Department of Justice. Stocking of firearms and ammunition for retail sales shall be prohibited.

19.94.030 HOME OCCUPATIONS NOT PERMITTED

Permitted home occupations shall not in any event be deemed to include such uses as:

- A. Antique shop
- B. Barber shop or beauty parlor, except pursuant to Section 19.94.020.D
- C. Funeral chapel or funeral home
- D. Gift shop
- E. Medical or dental clinic or hospital, or chiropractic office
- F. Renting of trailers, autos, trucks, and motorcycles
- G. Restaurant or catering business
- H. Stable or kennel
- I. Taxi service
- J. Towing service
- K. Veterinary clinic or hospital
- L. Car repair or small engine repair

- M. Cabinet making
- N. Appliance repair
- O. Upholsterer, auto or furniture

19.94.040 MINIMUM STANDARDS

A home occupation shall comply with the following minimum standards:

- A. The home occupation shall be conducted solely by the occupants of the residence.
- B. Not more than twenty-five percent (25%) of the gross area of one (1) floor of a residence, or equivalent area in an enclosed detached accessory building, shall be used for such purpose, including storage space required in conjunction with the home occupation.
- C. No use shall require external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located.
- D. There shall be no outside storage of any kind related to the home occupation.
- E. The home occupation shall be conducted by appointment only.
- F. The home occupation shall not require the services of commercial carrier freight deliveries at the site in a frequency greater than normally found in a residential area.
- G. No home occupation shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
- H. There shall be no on-site sales of products or merchandise other than those produced on the premises and shall be limited to those which are incidental to the permitted home occupation.
- I. No sign shall be permitted, other than the clearly posted address of the home.
- J. Vehicles required for the operation of a home occupation shall not exceed a gross weight of five (5) tons.
- K. Class I flammable liquids or liquefied flammable gases may not be used or stored on the premises. Not more than the equivalent of seventy-five (75) cubic feet of other flammable material used in conjunction with the home occupation may be used or stored on the premises.
- L. The home occupation shall not be operated in such a manner as to cause a nuisance or interfere with the peace and quiet, and the residential character, of the neighborhood.

19.94.050 HOME OCCUPATION PERMIT — REQUIRED

No home occupation shall be established until an application for a home occupation permit has been submitted to and approved by the Planning Director as consistent with the requirements of

this chapter in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title.

19.94.060 HOME OCCUPATION PERMIT — APPLICATION — CONTENTS

An application for a home occupation permit shall include the following:

- A. Name and address of applicant
- B. Name(s) and address(es) of property owner(s)
- C. Assessor's parcel number(s)
- D. Description of the home occupation including:
 - 1. Trade name or business title
 - 2. Resale number, if any
 - 3. Detailed description of the proposed occupation
 - 4. Tools, machinery, or equipment required or used in the practice of the occupation

19.94.070 REVIEW AND APPROVAL

The home occupation permit application shall be reviewed and approved in accordance with the procedures set out in Sections 19.102.140 through 19.102.060 of this title.

19.94.080 PERMIT REVOCATION AND MODIFICATION

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this title.

CHAPTER 19.96
LARGE FAMILY DAY-CARE HOMES

SECTIONS:

- 19.96.010 PURPOSE AND APPLICATION**
- 19.96.020 DEVELOPMENT STANDARDS**
- 19.96.030 PERMIT REQUIRED**
- 19.96.040 PERMIT — APPLICATION — CONTENTS**
- 19.96.050 PERMIT APPLICATION — REVIEW AND APPROVAL**
- 19.96.060 PERMIT REVOCATION AND MODIFICATION**

19.96.010 PURPOSE AND APPLICATION

The purpose of this chapter is to authorize the establishment of large family day-care homes in residential neighborhoods where such uses will not have an adverse effect on surrounding area.

19.96.020 DEVELOPMENT STANDARDS

Large family day-care homes shall comply with the following standards:

- A. An operating license, if required, shall be obtained through the State Department of Social Services, Community Care Licensing Division, prior to or concurrently with obtaining a permit pursuant to this chapter. The applicant shall comply with all applicable State and County regulations including, but not limited to, the following:
 - 1. Large family day-care homes shall be located within a detached single-family dwelling.
 - 2. A large family day-care home may provide care for more than twelve (12) children and up to and including fourteen (14) children if all of the following conditions are met:
 - a. At least two (2) of the children are at least six (6) years of age.
 - b. No more than three (3) infants are cared for during any time when more than twelve (12) children are being cared for.
 - c. The licensee notifies a parent that the facility is caring for two (2) additional school age children and that there may be up to thirteen (13) or fourteen (14) children in the home at one time.
 - d. The licensee obtains the written consent of the property owner when the family day-care home is operated on property that is leased or rented.

- B. Sufficient off-street loading space shall be provided in addition to the required off-street parking to serve the dwelling. The required loading space may be located within the required front yard.
- C. Outside play areas shall be screened from adjacent properties with either a solid wood fence or masonry wall six (6) feet in height. The fence or wall height shall be reduced to four (4) feet within the required front yard. This screening requirement may be reduced or eliminated by the Planning Director with the written consent of all abutting property owners.
- D. No signs other than those permitted by the applicable zoning district regulations shall be permitted.

19.96.030 PERMIT REQUIRED

No large family day-care home shall be established until an application for a large family day-care home permit has been submitted to and approved by the Planning Director in accordance with the procedures set out in Section 19.96.050.

19.96.040 PERMIT — APPLICATION — CONTENTS

An application for a large family day-care home permit shall include the following:

- A. Name and address of the applicant
- B. Name(s) and address(es) of the property owner(s)
- C. Assessor's parcel number(s)
- D. Legal description of the property
- E. Plot plan drawn at the scale specified by the Planning Director, which includes the following information:
 - 1. Existing and proposed buildings and structures
 - 2. Distance of all existing and proposed buildings and structures from property lines
 - 3. Outside play areas, including screening
 - 4. Off-street loading space
 - 5. North arrow
- F. Days and hours of operation
- G. Number of children for whom care is to be provided
- H. Copy of license or license application

19.96.050 PERMIT APPLICATION — REVIEW AND APPROVAL

A large family day-care home permit application shall be approved according to the procedures set out in Sections 19.102.040 through 19.102.060 of this title, except as otherwise set forth below.

- A. Not fewer than ten (10) days prior to the date on which the decision will be made on the application, a Notice of Opportunity for Public Hearing shall be sent by mail or delivered to all property owners of property located within a 100-foot radius of the exterior boundaries of the proposed family day care home. No hearing on the application shall be held before a decision is made unless a hearing is requested by the applicant or other affected person.
- B. If a public hearing is requested by the applicant or other affected person, a Notice of Public Hearing shall be sent by mail or delivered to all property owners of property located within a 100-foot radius of the exterior boundaries of the proposed large family day care home for consideration at a hearing to be held by the Planning Director. After considering input at a public hearing, the Planning Director shall render a decision in accordance with Section 19.102.100 of this title. In reaching a decision, the Planning Director shall consider the applicant's ability to ensure compliance with the provisions of this chapter and the spacing and concentration of other large family day care homes in the immediate area and may impose conditions related to traffic control, parking and noise control, provided that any required noise control measures are consistent with the Noise Element of the governing Specific or General Plan. An application shall only be denied based on non-compliance with the requirements of this chapter or the stated intent of the applicant to violate any required conditions.
- C. The applicant or other affected person may appeal the decision of the Planning Director according to the procedures set out in Section 19.102.110 of this title.

19.96.060 PERMIT REVOCATION AND MODIFICATION

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this title.

CHAPTER 19.98
OIL AND GAS ACTIVITIES

SECTIONS:

- 19.98.010 PURPOSE AND APPLICATION**
- 19.98.020 DEFINITIONS OF OIL AND GAS PRODUCTION ACTIVITIES**
- 19.98.030 OIL AND GAS PRODUCTION BOUNDARY AREA AND TIER AREAS**
- 19.98.040 OIL AND GAS ACTIVITIES BY MINISTERIAL PERMIT**
- 19.98.050 OIL AND GAS ACTIVITIES BY CONDITIONAL USE PERMIT**
- 19.98.060 IMPLEMENTATION STANDARDS AND CONDITIONS**
- 19.98.070 OIL AND GAS CONFORMITY REVIEW AND APPROVAL — REQUIRED**
- 19.98.080 OIL AND GAS CONFORMITY REVIEW — APPLICATION CONTENTS (TIER 1)**
- 19.98.085 OIL AND GAS CONFORMITY REVIEW AND CONDITIONAL USE PERMIT — APPLICATION CONTENTS (TIERS 2-5)**
- 19.98.090 OIL AND GAS CONFORMITY REVIEW – WITH REQUIRED SURFACE OWNER SIGNATURE**
- 19.98.100 OIL AND GAS CONFORMITY REVIEW – WITHOUT REQUIRED SURFACE OWNER SIGNATURE**
- 19.98.110 MINOR ACTIVITY REVIEW — APPLICATION CONTENTS**
- 19.98.120 MINOR ACTIVITY REVIEW**
- 19.98.130 SELF CERTIFICATION**
- 19.98.140 INSPECTION COMPLIANCE**
- 19.98.145 IDLE WELLS**
- 19.98.150 PLUGGED AND ABANDONED**
- 19.98.160 PERMIT REVOCATION AND MODIFICATION**

19.98.010 PURPOSE AND APPLICATION

The purpose of this chapter is to ensure the protection of the health, safety and general welfare of communities, residents, and visitors through the permitting of responsible, streamlined and economically viable recovery of oil, gas, and other hydrocarbon substances in a manner compatible with surrounding land uses. It establishes reasonable limitations, safeguards, and controls on exploration, drilling, and production of hydrocarbon resources. The procedures and standards contained in this chapter shall apply to all exploration drilling and production activities related to oil, gas, and other hydrocarbon substances carried out within the unincorporated San Joaquin Valley portion of Kern County (See Figure 19.98.015). The effective date of this version of Chapter 19.98 is April 7, 2021.

19.98.020 DEFINITIONS OF OIL AND GAS PRODUCTION ACTIVITIES

Oil and Gas exploration and operations contain many highly technical activities. For the purposes of this Chapter 19.98, definitions of activities are located throughout the Chapter, where applicable. Unless otherwise indicated in this Chapter, the definitions in Chapter 19.04 remain applicable.

19.98.020 DEFINITIONS OF OIL AND GAS PRODUCTION ACTIVITIES

Oil and Gas exploration and operations contain many highly technical activities. For the purposes of this Chapter 19.98, definitions of activities are located throughout the Chapter, where applicable. Unless otherwise indicated in this Chapter, the definitions in Chapter 19.04 remain applicable.

19.98.030 OIL AND GAS PRODUCTION BOUNDARY AREA AND TIER AREAS

Oil and Gas production in Kern County occurs within the portion of Kern County depicted in Figure 19.98.015. This Oil and Gas Activities Boundary Area is divided into five (5) Tier Areas and depicted in Figure 19.98.015. Changes to the Oil and Gas Production Boundary Area and Tier boundaries of Figure 19.98.015 shall be through the procedures in Chapter 19.112.

The Tier Areas were designated based on the following land use planning considerations:

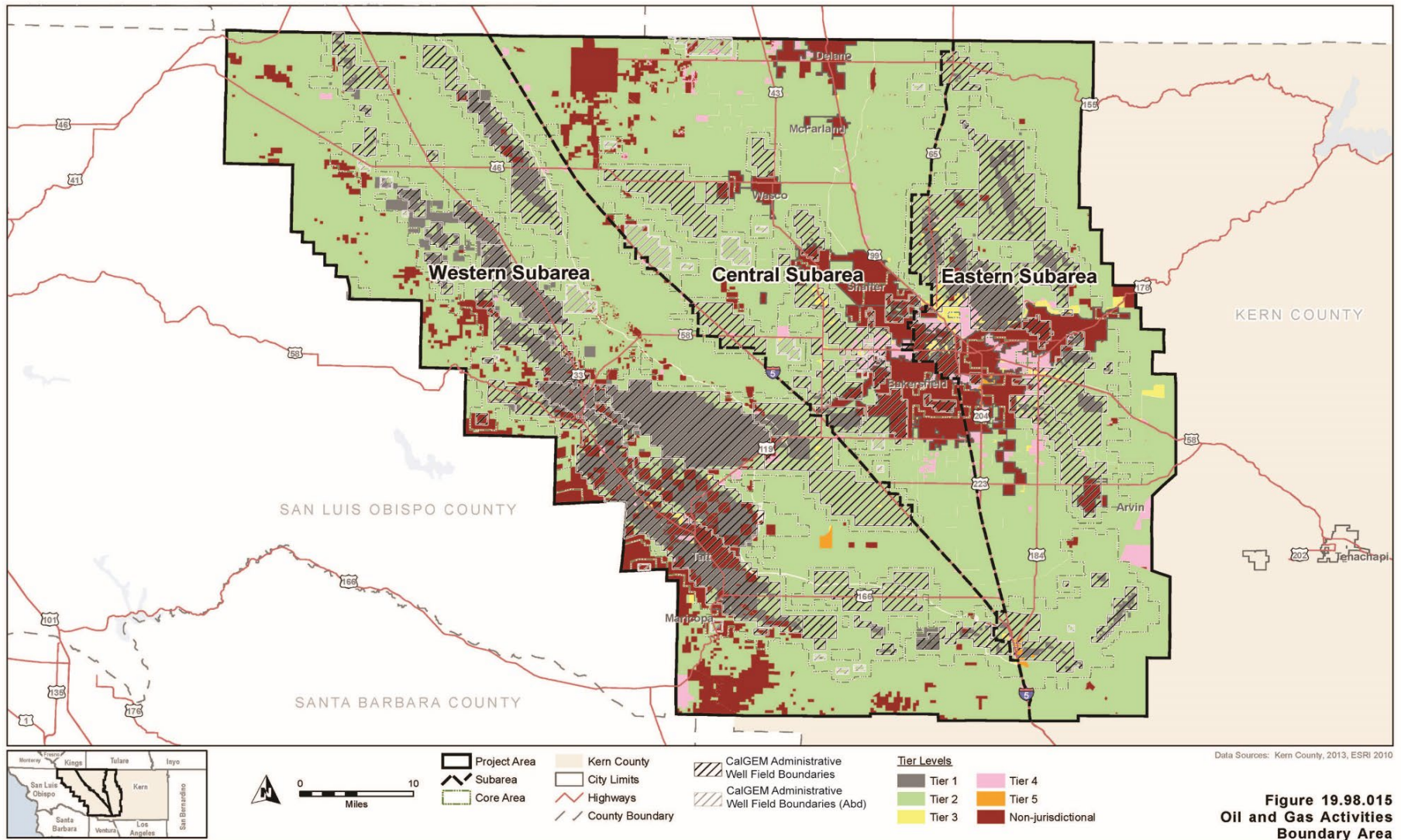
- A. Tier 1 Area is defined as all areas in which oil and gas activity is the primary land use. The existing well and activity densities preclude almost all other uses except for passive uses such as grazing.
- B. Tier 2 Area is defined as all areas that are classified Exclusive Agriculture (A) or Limited Agriculture (A-1) Districts, have agriculture as the primary surface land use, and are not included in Tier 1.
- C. Tier 3 Area is defined as other areas not within a Tier 1 Area that are located in one of the following zone districts:
 - Natural Resource (NR)
 - Recreation Forestry (RF)
 - Light Industrial (M-1)
 - Medium Industrial (M-2)
 - Heavy Industrial (M-3)
 - Floodplain Primary (FPP)
 - Drilling Island (DI)
 - Zone Districts that have the Petroleum Extraction (PE) Combining District
- D. Tier 4 Area is defined as areas not within Tier 1, 2, or 3, that include at least one of the following zone districts:
 - Estate (E)
 - Low-Density Residential (R-1)
 - Medium-Density Residential (R-2)
 - High-Density Residential (R-3)
 - Commercial Office (CO)
 - Neighborhood Commercial (C-1)
 - General Commercial (C-2)
 - Highway Commercial (CH)
 - Open Space (OS)
 - Platted Lands (PL)
 - Mobilehome Park (MP)

Authorized oil and gas activities in Tier 4 are subject to approval of a conditional use permit in accordance with 19.104 of this Title.

- E. Tier 5 are areas including all current and future Specific Plan boundaries either adopted with a Special Planning (SP) District or which include specific provisions for oil and gas operations. Oil or gas exploration and production activities would be allowed with a conditional use permit

or as permitted by the regulations contained within the adopted Specific Plan in Tier 5 areas.

- F. All other areas not defined as Tier 1-5 Areas within the Oil and Gas Production Area are considered Non-Jurisdictional because they are not within the jurisdiction of Kern County. Land owned by the United States, State of California or land within an incorporated city are exempt, unless under the authority of a written agreement with the Board of Supervisors. The regulations set forth in this chapter pertain only to accessory structures, facilities or uses that are physically connected to, provide access or services to, or otherwise support, oil and gas activities in these Non-Jurisdictional Areas.



19.98.040 OIL AND GAS ACTIVITIES BY MINISTERIAL PERMIT

- A. No well for use as an injection well and no well for the exploration for or development or production of oil or gas or other hydrocarbon substances may be drilled, and no related accessory equipment, structure, or facility may be installed in any Tier 1, 2, and 3 Areas until an application for Oil and Gas Conformity Review or Minor Activity Review has been submitted to and approved, with all adopted fees and mitigation paid, by the Planning Director as consistent with the standards set out in Section 19.98.060 of this chapter and in accordance with the procedures set out in Sections 19.98.070 through 19.98.120 of this chapter. No such well may be drilled, or related accessory equipment, structure, or facility installed, in a Tier 5 Area unless the Specific Plan procedures for authorizing such activities have been completed, or if no such procedures are included in a Specific Plan unless the Oil and Gas Conformity Review or Minor Activity Review has been submitted and approved consistent with the procedures applicable to Tier 1, 2 and 3 areas.
- B. Disposal of nonhazardous oilfield fluid waste and production water is considered an accessory facility only if the facility complies with the following:
 - 1. The nonhazardous oilfield fluid waste or production water is produced and disposed of within the same designated oilfield; or
 - 2. The nonhazardous oilfield fluid waste or production water disposed of outside the designated oilfield of origin is produced by and disposed of solely and only by the same individual, corporation, or entity or by reciprocal agreement among oil and gas operators in Kern County.
- C. The provisions of this Section apply to the first two thousand six hundred and ninety-seven (2,697) new individual well permit issued each calendar year, within the Oil and Gas Production Boundary Area. Any new well permits beyond two thousand six hundred and ninety-seven (2,697) applied for in a calendar year would be subject to a conditional use permit.

19.98.050 OIL AND GAS ACTIVITIES BY CONDITIONAL USE PERMIT

- A. In Tier 4, no well for use as an injection well and no well for the exploration for or development or production of oil, gas, or other hydrocarbon substances may be drilled, and no related accessory equipment, structure, facility or use may be installed in any zoning district described in this title in which such uses are permitted as conditional uses, or on land owned by the State of California subject to provisions of 19.98.030, until an application for a conditional use permit, which includes the information specified in Section 19.98.080, has been submitted to and approved by the Planning Commission as consistent with the standards set out in Section 19.98.060 of this chapter and in accordance with the standards and procedures set out in Sections 19.102.130 through 19.102.180 and Chapter 19.98 of this title. In approving a conditional use permit, the Planning Commission may waive any condition set out in Section 19.98.060 of this chapter if it determines that such waiver will not result in material detriment to the public welfare or the property of other persons located in the vicinity, based on findings of fact and compliance with the California Environmental Quality Act.
- B. No well for use as an injection well and no well for the exploration for or development or production of oil, gas, or other hydrocarbon substances may be drilled, and no related accessory

equipment, structure, or facility, outside the boundaries as defined in Figure 19.98.015, may be installed in any zoning district described in this title in which such uses are permitted, or on land owned by the State of California subject to provisions of 19.98.030, until an application for a conditional use permit, which includes the information specified in Section 19.98.080, has been submitted to and approved by the Planning Commission as consistent with the standards set out in Section 19.98.060 of this chapter and in accordance with the standards and procedures set out in Sections 19.102.130 through 19.102.180 and Chapter 19.98 of this title. In approving a conditional use permit, the Planning Commission may waive any condition set out in Section 19.98.060 of this chapter if it determines that such waiver will not result in material detriment to the public welfare or the property of other persons located in the vicinity, based on findings of fact and compliance with the California Environmental Quality Act.

- C. Should any activity requiring approval of an Oil and Gas Conformity Review or Minor Activity Review pursuant to Sections 19.98.070 through 19.98.120 of this chapter, not be able to comply with the Implementation Standards and Conditions set forth in Section 19.98.060, an application for a conditional use permit, which includes the information specified in Section 19.98.080, shall be submitted to and approved by the Planning Commission in accordance with the standards and procedures set out in Sections 19.102.130 through 19.102.180 and Chapter 19.98 of this title. In approving a conditional use permit, the Planning Commission may waive/modify any condition set out in Section 19.98.060 of this chapter if it determines that such waiver or modification will not result in material detriment to the public welfare or the property of other persons located in the vicinity, based on findings of fact and compliance with the California Environmental Quality Act.
- D. If a well is not completed upon land subject to a conditional use permit issued pursuant to this chapter and Chapter 19.104 of this title within twelve (12) months from the date of issuance of the permit, or within any approved period thereof, the conditional use permit shall expire and the premises shall be restored as nearly as practicable to their original condition. No permit shall expire while the permittee is continuously conducting drilling, re-drilling, completing or abandoning activities, or related operations, in a well on the lands covered by such permit, which activities were commenced while said permit was otherwise in effect. Continuous activities are those suspended for not more than ninety (90) consecutive days. If, at the expiration of the twelve- (12-) month period, the permittee has not completed his drilling program on the lands covered by such permit, the decision making authority, upon a written request of the permittee, may extend the permit for the additional time requested by permittee for the completion of such drilling, in accordance with the standards and procedures set out in Sections 19.102.130 through 19.102.180.
- E. The following accessory uses shall require a Conditional Use Permit:
 - 1. Cogeneration facility
 - 2. Landfills

19.98.060 IMPLEMENTATION STANDARDS AND CONDITIONS

Pursuant to this chapter, all activities for the exploration for or development or production of oil, gas, and other hydrocarbon substances and related accessory buildings, structures, facilities, and activities shall comply with the following standards, unless otherwise provided in this chapter:

- A. No oil or gas well shall be drilled within the following distances:

1. One hundred (100) feet of any public Major or Secondary highway or building not necessary to the operation of the well.
 2. Two hundred and ten (210) feet of any sensitive receptor (single or multi-family dwelling unit, place of public assembly (a legally permitted place where 100 or more people together in a building, or structure, for the purpose of amusement, entertainment or retail sales), churches, institution, or hospital); or
 3. One hundred (100) feet of any building utilized for commercial purposes, not used for oil and gas operations.
 4. Three hundred (300) feet of the legal parcel property line that contains a permitted public or private school. A single family or multi-family dwelling unit that may have home schooling activities shall use the single-family dwelling unit distance.
- B. All drilling and production activities shall conform to all applicable fire and safety regulations. Firefighting apparatus and supplies required by the Kern County Fire Department shall be maintained on the site at all times during drilling and production operations.
- C. All required federal, State, and County rules and regulations shall be complied with at all times, including, but not limited to, the rules and regulations of the following agencies:
1. California Geologic Energy Management Division (CalGEM)
 2. Kern County Fire Department
 3. Kern County Public Health Department
 4. Regional Water Quality Control Board
 5. San Joaquin Valley Air Pollution Control District
 6. Kern County Public Works Department
 7. California Department of Fish and Wildlife
 8. United States Bureau of Land Management
 9. United States Fish and Wildlife Service
 10. United States Environmental Protection Agency
- D. The applicant shall comply with all applicable Mitigation Measures as shown in the steps to compliance checklist in the approved Mitigation Monitoring and Reporting Program (MMRP) for the Revisions to the Zoning Ordinance (A) - 2020
- E. Temporary noise attenuation measures shall be allowed in all zone districts with the written permission of the property owner, a specific timeframe for installation and removal and a site plan review with appropriate fees.

19.98.070 OIL AND GAS CONFORMITY REVIEW AND APPROVAL — REQUIRED

In Tiers 1, 2, 3 and 5, except as provided in this section, no permitted use shall be established, no permitted development shall occur, and no building permit or grading permit shall be issued for any permitted use or development subject to this chapter until an Oil and Gas Conformity Review or Minor Activities Review has been submitted to and approved by the Planning Director in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title.

Oil and Gas Conformity Review and Minor Activities Review

Activity	Conformity Review	Minor Activity Review	No Permit Required
Drilling & Completion			
Exploration or Production Well (including cyclic steam production well) A well drilled for exploration or to produce oil and or natural gas	✓		
Reworked Well	✓		
Injection Well A U.S. Environmental Protection Agency class 2 injection well into which fluids are injected rather than produced with the primary objective typically is to maintain reservoir pressure, conduct EOR operations or dispose of produced water or gas, including: steam flood, waterflood or gas injection	✓		
Observation Well A well for the purpose of observing parameters such as temperature, fluid levels and pressure changes	✓		
SB4-Regulated Activities An activity regulated under California Senate Bill 4 (SB4) designed to enhance oil and or gas production or recovery. SB4 activities do not include activities such as steam flooding, water flooding, cyclic steaming, routine well cleanout, well maintenance or removal of formation damage due to drilling, chemical treatments that do not meet the requirements in 584, bottom hole pressure surveys, or routine activity Sidetracking, Deepening, activities that do not affect the integrity of the well of the formation	✓		
Drilling Pit or Sump A drilling pit or sump that requires a permit from the Central Valley Water Quality Control Board	✓		
Sidetrack Change in well type, perforate new or existing perforations in casing, run or remove or cement liners, place or drill out any plug (cement, sand, mechanical): essentially, any	✓		

Activity	Conformity Review	Minor Activity Review	No Permit Required
operation that permanently alters the casing of a well			
Deepening To deepen or permanently alter the casing in a well. Altering includes actions that require a CalGEM permit	✓		
Exploration and Development			
Geophysical Survey or Drilling by Scientific Means Tests conducted to determine the extent of and presence of oil and natural gas reserves and whether the resources for development	✓ *	✓	
Well Pad Preparation Construction activity consisting of clearing and grading of a new surface disturbance to accommodate the well and drilling activity or ancillary facilities that may be required for oil and gas drilling and operations	✓ *	✓	
Access Road Construction New surface disturbance that occur during the construction of a new road or expansion that includes new surface disturbance	✓ *	✓	
Electric Distribution Line Applies to new surface disturbance that occur during the construction of an electrical distribution line or expansion that includes new surface disturbance	✓ *	✓	
Pipeline Applies to new surface disturbance that occur during the construction of a pipeline or expansion that includes new surface disturbance	✓ *	✓	
Production Operations			
Well Operations and Maintenance Not Requiring a CalGEM permit			✓
Geophysical Monitoring			✓
Oil/Gas Treatment	✓ *	✓	
Produced Water Treatment	✓ *	✓	
Well Testing			✓
Pipelines	✓ *	✓	
Electric Lines	✓ *	✓	

Activity	Conformity Review	Minor Activity Review	No Permit Required
Wastewater Treatment and Injection Disposal	✓ *	✓	
Wastewater Treatment and Surface Disposal	✓ *	✓	
Waste Treatment and Disposal	✓ *	✓	
Access Road	✓ *	✓	
Vegetation			✓
Reactivation of Idle Wells	✓ *	✓	
Support Facilities			
Administrative Building or Support Facility Building	✓ *	✓	
Steam Generator Boilers that generate steam for oil and gas field production purposes	✓ *	✓	
Flare A gas combustion device used primarily for burning off raw, waste, or unusable flammable gas that cannot be effectively commercialized	✓ *	✓	
Electric Lines Overhead or buried electrical distribution lines used for oil and gas field operations	✓ *	✓	
Electric Substations Electric substations used for oil and gas field operations	✓ *	✓	
Pipelines Pipelines that part of an oil and gas field operation	✓ *	✓	
Tanks Tanks used for oil field operations	✓ *	✓	
Oil/Water Treatment Oil/ water treatment equipment used in oil and gas operations	✓ *	✓	
Produced Water Treatment Equipment used to treat produced water in an oil and gas operation	✓ *	✓	
Produced Water Percolation Pond/Sump Produced water percolation and or evaporation ponds permitted by the Central Valley Regional Water Quality Control Board and used during oil and gas field operations	✓ *	✓	
Emergency Pit, Sump or Secondary Containment	✓ *	✓	
Fencing			✓

Activity	Conformity Review	Minor Activity Review	No Permit Required
Fencing used to protect and prevent unauthorized individuals from coming into contact with oil and gas equipment and to prevent trespassing			
Well Abandonment A CalGEM process to plug and abandon a well used for oil and or gas activities including production, observation, and injection.	✓ *	✓	
Revegetation The processes taken to establish vegetation at an oil and gas operation			✓
Short Term Employee Housing Temporary housing for individuals involved in oil and gas operations that require onsite 24 hour 7 day a week oversight	✓ *	✓	
Pre-Ordinance Activities that Cause New Ground Disturbance and/or Subject to the Emission Reduction Agreement	✓ *	✓	
Note: * - Ongoing operations of existing wells, facilities and equipment, including minor modifications such as new interconnections between such facilities, does not trigger conformity review or minor activity review. When these accessory uses, equipment and facilities are proposed as part of the same project as an activity that requires an Oil and Gas Conformity Review, then these accessory activities are required to be included in the Oil and Gas Conformity Review. In all other circumstances, where new ground disturbance occurs, these accessory activities are subject to Minor Activity Review.			

19.98.080 OIL AND GAS CONFORMITY REVIEW — APPLICATION CONTENTS (TIER 1)

Applications for an Oil and Gas Conformity Review within Tier 1 Areas, pursuant to Section 19.98.040 of this chapter shall include the following:

- A. Name, telephone number and address of the applicant.
- B. Name(s), telephone number(s) and address(es) of the surface property owner(s), mineral owner(s), oil and gas operator (if different than the applicant).
- C. Assessor's parcel number(s) of all parcels located within the boundaries of the proposed operation, including accessory equipment, structures, and/or facilities. Latitude/Longitude coordinates for all existing and proposed wells.
- D. Description of the project area, including total site acreage, accessory equipment, structures, and/or facilities.

E. A site plan drawn to scale, sufficient in size to show all necessary details, no larger than 11x17, with multiple sheets (if necessary), which includes the following information:

1. Project boundary lines and dimensions, including lease lines and property lines and site size in square feet and acres.
2. Location and coordinates of all proposed well holes and related accessory equipment. Location of all roadways, pipelines, tanks, treatment or other structures and facilities to be installed. Distance from proposed well holes to section/midsection lines, located within ½ mile.
3. Location of all existing dwellings and structures, located within four thousand (4,000) feet, of the proposed well holes. Identification of the use of each structure, and distances between well holes and existing buildings shall be noted. The location of the nearest sensitive receptor shall be shown in both feet and with coordinates. Location of existing property lines and distance from well site to property line.
4. Location of all new flare gas production lines, lines for production, electrical lines, and location of tank farms to be used.
5. North arrow, date the site plan was prepared, and scale.
6. Location of all accessory/ancillary facilities (including trucking parking, onsite storage, etc.) to be installed with the proposed wells.
7. California Geologic Energy Management Division permit application number, if available.
8. Identify the proposed source of water (domestic or production), if applicable.
9. Show location of all proposed underground pipelines.
10. Location of any existing Oil and Gas Conformity Review boundaries within and/or contiguous to the proposed boundary, including total site acreage and identification of Tier Area.
11. Written documentation to allow the County to determine that all conditions required in Section 19.98.060 will be complied with, including all applicable mitigation measures as listed in the approved Mitigation Monitoring and Reporting Program for the Revisions to the Zoning Ordinance (A) – 2020
12. Evidence that notice was provided to Land/Surface Owners as required by Section 19.98.080 G.

G. Notification Requirements:

1. A physical letter of notification of application that requires a signature for delivery shall be sent by the applicant to all Land/Surface Owners of the property for which the Conformity Review is being requested, if the Land/Surface Owners are different from

the mineral owners. The notice shall include all information required by State law. The letter of notification package shall include a copy of proposed site plan, including an official County handout explaining the conformity review process. The package shall be sent 30 days before submittal of the application. The application shall include evidence that the letter was sent and the signatures received. Any application for which the Land/Surface Owner letter is returned for failure to obtain a signature, the Applicant shall provide evidence that the Land/Surface Owner of the property cannot be located through normal means such as tax records. A dated letter of authorization, with specific Assessor Parcel Numbers and the period of time applicable, from the Land/Surface Owner addressed to the County of Kern may be submitted asking that the notification be waived as allowed by State law. In site locations where mineral rights are owned by the United States Government and the surface is privately owned, the application package shall include confirmation that the proposed site plan has been submitted to the United States Bureau of Land Management.

2. A second letter shall be sent, by the applicant, when the application is submitted to the County. A dated letter of authorization, with specific Assessor Parcel Numbers and the period of time applicable, from the Land/Surface Owner, addressed to the County of Kern, may be submitted asking that the notification of application submitted be waived.
3. Access of the surface for purposes of conducting pre-application activities, such as surveys, shall be subject to any existing agreement between the Mineral Owner and the Land/Surface Owner, and State regulations. Such access is not subject to the notification requirements set forth in this title.

19.98.085 OIL AND GAS CONFORMITY REVIEW AND CONDITIONAL USE PERMIT — APPLICATION CONTENTS (TIERS 2-5)

Applications for an Oil and Gas Conformity Review within Tiers 2, 3, or Tier 5 Areas, pursuant to Section 19.98.040 of this chapter, or for a conditional use permit, for oil and gas activities within a Tier 4 Area, pursuant to Section 19.98.050 of this chapter, shall include the following:

- A. Name, telephone number and address of the applicant.
- B. Name(s), telephone number(s) and address(es) of the surface property owner(s), mineral owner(s), oil and gas operator (if different than the applicant).
- C. Assessor's parcel number(s) of all parcels located within the boundaries of the proposed operation, including accessory equipment, structures, and/or facilities. Latitude/Longitude coordinates for all existing and proposed wells.
- D. Preliminary Title Report, not over ninety (90) days old. A Guarantee of Title may be submitted for parcels with a Preliminary Title Report on file, over ninety (90) days old.
- E. Legal description of the project area, including total site acreage, located within the boundaries of the proposed operation, including accessory equipment, structures, and/or facilities in aliquot format, unless a more precise legal description is determined to be needed by the Planning Director.

F. A site plan drawn to scale, sufficient in size to show all necessary details, no larger than 11x17, with multiple sheets (if necessary), which includes the following information:

1. Topography and proposed grading of the site plan.
2. Project boundary lines and dimensions, including lease lines and property lines lines and site size in square feet and acres.
3. Location and coordinates of all proposed well holes and related accessory equipment. Location of all roadways (access roads), any proposed landscaping, pipelines, tanks, treatment or other structures and facilities to be installed, and any existing or abandoned wells if such are known to exist.
4. Location of all existing dwellings and structures, located within four thousand (4,000) feet, of the proposed well holes. Identification of the use of each structure, and distances between well holes and existing buildings shall be noted. The location of the nearest sensitive receptor shall be shown in both feet and with coordinates. Location of existing property lines and distance from well site to property line.
5. Location of all new flare gas production lines, lines for production, electrical lines, and location of tank farms to be used.
6. North arrow, date the site plan was prepared, and scale.
7. Location of all recorded easements onsite, roads, section/midsection lines, located within ½ mile of the proposed wells.
8. Location of all accessory/ancillary facilities (including trucking parking, onsite storage, etc.) to be installed with the proposed wells. Location of planned ground disturbance on irrigated or prime agricultural land.
9. Description of project boundary in relation to Tier areas as defined in Figure 19.98.015.
10. California Geologic Energy Management Division permit application number, if available.
11. Identify the location of the 100-year floodplain, if applicable.
12. Identify the proposed source of water (domestic or production), if applicable.
13. Show location of all new proposed underground pipelines.
14. Location of any existing Oil and Gas Conformity Review boundaries within and/or contiguous to the proposed boundary.
15. Written documentation in sufficient detail to allow the County to determine that all conditions required in Section 19.98.060 will be complied with, including all

applicable mitigation measures as listed in the approved Mitigation Monitoring and Reporting Program for the Revisions to the Zoning Ordinance (A) – 2020.

16. Evidence that notice was provided to Land/Surface Owners as required by Section 19.98.085 H.

G. Signature Block and Statement (Land/Surface Owner, Mineral Owner and Operator. The following statement shall be included on the first page of the site plan. The statement shall be signed by all parties, irrespective of ownership relationship. Multiple lines may be added for multiple ownership signatures. A dated letter of authorization, with specific Assessor Parcel Numbers, from the Land/Surface Owner addressed to the County of Kern may be submitted asking that the signature on the site plan be waived.

REQUIRED STATEMENT

The undersigned Land/Surface Owner is the owner of APN#_____. The undersigned is the Mineral Owner and/or Operator or Lessee of the Mineral Owner. The Land/Surface Owner and the Mineral Owner and/or the Operator or Lessee have come to an agreement regarding the use of the surface of the property in connection with the Kern County permit that is being issued with this site plan.

Land/Surface Owner:	Mineral Owner:	Operator:
_____	_____	_____
Print Name	Print Name	Print Name
_____	_____	_____
Title/Company	Title/Company	Title/Company
_____	_____	_____
Signature	Signature	Signature
_____	_____	_____
Date	Date	Date
_____	_____	_____

H. Notification Requirements – Tier 2, 3, 4 and 5 Areas.

1. A physical letter of notification of application that requires a signature for delivery shall be sent by the applicant to all Land/Surface Owners of the property for which the Conformity Review is being requested, if the Land/Surface Owners are different from the mineral owners. The notice shall include all information required by State law. The letter of notification package shall include a copy of proposed site plan, and invitation to the Land/Surface Owner(s) offering a meeting with the Mineral Owner or Operator, and including an official County handout explaining the conformity review process. The package shall be sent 30 days before submittal of the application. The application shall include evidence that the letter was sent and the signatures received. Any application for which the Land/Surface Owner letter is returned for failure to obtain a signature, the Applicant shall provide evidence that the Land/Surface Owner of the property cannot be located through normal means such as tax records. A dated letter of authorization, with specific Assessor Parcel Numbers and the period of time applicable, from the Land/Surface Owner addressed to the County of Kern may be submitted asking that the notification be waived as allowed by State law. In site locations where mineral rights are owned by the United States Government and the surface is privately owned, the application package shall include confirmation that the

proposed site plan has been submitted to the United States Bureau of Land Management.

2. Access of the surface for purposes of conducting pre-application activities, such as surveys, shall be subject to any existing agreement between the Mineral Owner and the Land/Surface Owner, and State regulations. Such access is not subject to the notification requirements set forth in this title. On split estates, it is the intent of the County that the decisions generated by this Ordinance only apply to the mineral estate. No decisions generated by this Ordinance shall change the existing rights or authority of the private surface owners to full use and enjoyment of their property under laws and regulations in effect prior to the effective date of this Ordinance, or change the existing rights or authority of the mineral owner to pursue mineral exploration and production except to require compliance with this Ordinance. The right to enter split estate private surface lands to permit oil and gas operations shall be consistent with existing law or as limited by private agreement between the parties. The right to enter split estate private surface lands by individuals or entities for purposes of conducting biological and cultural resource surveys is limited to those individuals or entities under contract to, and liable to, the mineral owner/operator, and is further limited to the locations of existing or planned oil and gas activities, and such adjacent areas required by survey protocols for relevant species.

19.98.090 OIL AND GAS CONFORMITY REVIEW – WITH APPLICABLE SURFACE OWNER SIGNATURE

- A. An applicant for a ministerial Oil and Gas Conformity Review permit pursuant to this chapter shall submit an application to the Planning Director in the format and number of copies specified by the Planning Director. The application shall contain all the information specified for the application by the applicable section of this chapter. The application shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.06.040 of this Title. For Tier 2, 3 and 5 Areas, a copy of the application shall be provided to the Land/Surface owner per the requirements of 19.98.085.H above. The application must contain the signature block and statement pursuant to Section 19.98.085.G, or shall contain a letter from the Land/Surface Owner waiving the need for said signature on the specified parcel of the proposed application. The waiver letter must be dated and provide specific language as to the length of time the letter is valid if to be used for future Oil and Gas Conformity Reviews.
- B. The Planning Director shall inform the applicant in writing within seven (7) business days of receipt that the application is complete and shall issue the permit if he/she determines that the proposed use meets the implementation standards and conditions specified in the applicable provisions of this chapter or inform the applicant that additional information is needed to complete the application and therefore the application is deemed incomplete.
- C. Within three (3) business days of reviewing the second submittal, if required, to correct any deficiencies, the Planning Director shall issue the permit if he/she determines that the proposed use meets the implementation standards and conditions specified in the applicable provisions of this chapter or inform the applicant that additional information is needed to complete the application and therefore the application is deemed incomplete.
- D. Within seven (7) business days of reviewing the third submittal to correct any deficiencies, the Planning Director shall issue the permit if he/she determines that the proposed use meets the

- implementation standards and conditions specified in the applicable provisions of chapter. If the application remains incomplete, a mandatory in person meeting with the applicant, and any consultant processing the application on behalf of the applicant, will be required to resolve the issues preventing issuance of the permit. The in-person meeting cannot be waived, and shall be held at the Kern County Planning and Natural Resources Department.
- E. Failure of the Planning Director to meet any deadline for application review or permit issuance as provided in this section shall not cause a permit to be deemed approved.
 - F. Any reviews beyond three (3), as provided above, shall require additional fees to be paid, as set forth pursuant to Section 19.06.040 of this Title, and shall be completed within thirty (30) days after the application is deemed complete.
 - G. Prior to conducting any drilling activity, the applicant (or operator, if acting on behalf of an applicant) must have received and have on file both the approved Permit to Conduct Well Operations from California Geologic Energy Management Division of Oil, and an approved Oil and Gas Conformity Review unless the activity involves facility placement not subject to California Geologic Energy Management Division permit approval.
 - H. Upon issuance of this permit:
 - 1. The County shall send a notification to the applicant, applicable responsible agencies, and the land/surface owner (if different from the mineral owner) stating a permit has been issued by the County. The approval letter shall include a stamped site plan, list of applicable conditions and mitigation measures, and a determination that the permit approval falls within the scope of the Supplemental Recirculated Environmental Impact Report (2020/2021) prepared for the Revisions to the Zoning Ordinance (A) – 2020 , and that other state, regional, and local agencies are responsible agencies under the California Environmental Quality Act.
 - 2. The applicant shall notify the Land/Surface owner of the proposed dates for access of the property to commence operations and/or to comply with mitigation measures. Such notification may take the form of multiple letters. A dated letter of authorization, with specific Assessor Parcel Numbers and the period of time applicable, from the Land/Surface Owner, addressed to the County of Kern, may be submitted asking that the notification of access be waived or has already been satisfied with a single notification letter.
 - I. If the development for which a permit has been approved pursuant to this article has not commenced within two (2) years of the granting of the permit, or if the permit has been unused, abandoned, discontinued, or has ceased for a period of two (2) years, the permit shall become null and void and of no effect.

19.98.100 OIL AND GAS CONFORMITY REVIEW - WITHOUT REQUIRED SURFACE OWNER SIGNATURE

The provisions contained in this section apply only to applications submitted within Tier 2, 3 and 5 Areas, which do not contain the surface owner signature as required by Section 19.98.070, above:

- A. An applicant for a ministerial Oil and Gas Conformity Review permit pursuant to this chapter, which does not include the Land/Surface Owner signature required pursuant to Section

19.98.085 F, shall submit an application to the Planning Director in the format and number of copies specified by the Planning Director. The application shall contain all the information specified for the application by the applicable provisions of this chapter. A copy of the application shall be provided to the Land/Surface Owner per the requirements of Section 19.98.080.F above. The application shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.06.040 of this Title.

B. The Planning Director shall inform the applicant in writing on the thirtieth (30) calendar day of receipt that the application is complete or that additional information is needed to complete the application and therefore the application is deemed incomplete. The Planning Director shall notify the Surface/Land Owner of their option for an in-person meeting with the Department to discuss the conformity review process and answer questions regarding the site plan, to be scheduled within the thirty (30) day period stated above.

C. Second Thirty (30) Day Review Period.

1. If the application is deemed complete during the thirty (30) day period in Section 19.98.100 B, a mandatory second thirty (30) calendar day review will commence immediately following the end of the first review period.
2. If the application is found to be incomplete during the review period in Section 19.98.100 B, a subsequent thirty (30) day review period will commence at the time of submittal by the Applicant of the additional documentation.
3. The Planning Director shall notify the Surface/Land Owner of their option for an additional in-person meeting with the Department to answer questions including review of any revisions to the site plan, to be scheduled within the thirty (30) day period stated above.
4. The Planning Director shall request to schedule a mandatory in-person meeting with the Applicant to review the current site plan and discuss the conformity review process.
5. On the first business day following the 30 day review period, the Planning Director shall issue the permit if he/she determines that the proposed use meets the implementation standards and conditions specified in the applicable provisions of this chapter or inform the applicant that additional information is needed to complete the application and therefore the application is deemed incomplete.

D. All subsequent reviews, due to incomplete application submittals, shall require a mandatory thirty (30) calendar day review period. The Planning Director shall issue the permit if he/she determines that the proposed use meets the development standards and conditions specified in the applicable provisions of this chapter or inform the applicant that additional information is needed to complete the application and therefore the application is deemed incomplete. If application remains incomplete, a mandatory in-person meeting with the applicant, and any consultant processing the application will be required to resolve the issues preventing issuance of the permit. The in-person meeting cannot be waived.

E. Any reviews beyond three (3), as provided above, shall require additional fees to be paid, as set forth pursuant to Section 19.06.040 of this Title, and shall be completed within thirty (30) days after the application is deemed complete.

- F. At any time during the review periods in Sections 19.98.100.A through D the applicant submits proof of the required surface owner signature on the site plan, the application will be deemed acceptable to be processed under the provisions set forth in Section 19.98.090.
- G. Failure of the Planning Director to meet any deadline for application review or permit issuance as provided in this section shall not cause a permit to be deemed approved.
- H. No sooner than thirty (30) calendar days from issuance of the Kern County Oil and Gas Conformity Review and any other necessary state or federal permits, the applicant may begin construction of the facility. This period shall be used to coordinate deposits and inspections pursuant to 19.98.140 (Inspection Compliance). Prior to conducting any drilling activity the operator must have received and have on file both the approved Permit to Conduct Well Operations, from California Geologic Energy Management Division and an approved Oil and Gas Conformity Review unless the activity involves facility placement not subject to California Geologic Energy Management Division permit approval.
- I. Upon issuance of this permit:
 - 1. The County shall send a notification to the Applicant, applicable responsible agencies, and the Land/Surface Owner stating a permit has been issued by the County. The approval letter shall include a stamped site plan, list of applicable conditions and mitigation measures, and a determination that the permit approval falls within the scope of the Environmental Impact Report prepared for the Revisions to the Zoning Ordinance (A) – 2020, and that other state, regional, and local agencies are responsible agencies under the California Environmental Quality Act.
 - 2. The Applicant shall notify the Land/Surface owner of the proposed dates for access of the property to commence operations and/or to comply with mitigation measures. Such notification may take the form of multiple letters.
- J. If the development for which a permit has been approved pursuant to this article has not commenced within two (2) years of the granting of the permit, or if the permit has been unused, abandoned, discontinued, or has ceased for a period of two years (2), the permit shall become null and void and of no effect.

19.98.110 MINOR ACTIVITY REVIEW — APPLICATION CONTENTS

An application for Minor Activity Review ministerial permit for Tier 1-3 and 5 Areas, pursuant to Section 19.98.040 of this chapter, shall include the following:

- A. Name, telephone number and address of the applicant.
- B. Name(s), telephone number(s) and address(es) of the property owner(s), mineral owner(s), oil and gas operator (if different than the applicant).
- C. Assessor's parcel number(s) of all parcels located within the boundaries of the proposed operation, including accessory equipment, structures, and/or facilities. Latitude/Longitude coordinates for all wells.

- D. Preliminary Title Report, not over ninety (90) days old. A Guarantee of Title may be submitted for parcels with a Preliminary Title Report on file, over (90) days old. For all Tier 2-5 Applications only.
- E. Description of proposed oil and gas activity and written documentation in sufficient detail to allow the County to determine that all conditions required in Section 19.98.060 will be complied with, including all applicable mitigation measures as listed in the approved Mitigation Monitoring and Reporting Program for the Revisions to the Zoning Ordinance (A) - 2020.
- F. Sufficient number of photographs to identify the extent of existing ground disturbance.
- G. For Tier 2, 3 and 5 Areas only, documentation of a letter submitted to the Land/Surface Owner(s), if different from the Mineral Owner, informing the Land/Surface owner of the Minor Activity Review application and providing a complete copy of the application, shall be mailed and received a minimum of thirty (30) days prior to application being submitted to the County for review.

19.98.120 MINOR ACTIVITY REVIEW

- A. An applicant for a Minor Activity Review ministerial permit for Tiers 1-3, and 5, pursuant to this chapter shall submit an application to the Planning Director in the format and number of copies specified. The application shall contain all the information specified for the application by the applicable section of this chapter. The application shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.06.040 of this Title. For Tier 2, 3 and 5 Areas, a copy of the application shall be provided to the Land/Surface Owner per the requirements of Section 19.98.080.F above.
- B. The Planning Director shall to inform the applicant in writing within seven (7) business days of receipt that the application is complete and shall issue the permit if he/she determines that the proposed use meets the development standards and conditions specified in the applicable provisions of this chapter or inform the applicant that additional information is needed to complete the application and therefore the application is deemed incomplete.
- C. Within three (3) business days of reviewing the second submittal, if required, to correct any deficiencies, the Planning Director shall issue the permit if he/she determines that the proposed use meets the development standards and conditions specified in the applicable provisions of this chapter or inform the applicant that additional information is needed to complete the application and therefore the application is deemed incomplete.
- D. Within seven (7) business days of reviewing the third submittal, if required, to correct any deficiencies, the Planning Director shall make reasonable efforts to issue the permit if he/she determines that the proposed use meets the development standards and conditions specified in the applicable provisions of Title. If additional information is needed, a mandatory in-person meeting with the applicant, and any consultant processing the application will be required to resolve the issues preventing issuance of the permit. The in-person meeting cannot be waived.
- E. Failure of the Planning Director to meet any deadline for application review or permit issuance as provided in this section shall not cause a permit to be deemed approved.

- F. Any reviews beyond three (3), as provided above, shall require additional fees to be paid, as set forth pursuant to Section 19.06.040 of this Title, and shall be completed within thirty (30) days after the applicant is deemed complete.
- G. Prior to conducting any activity, the operator must have received and have on file both approved applicable California Geologic Energy Management Division permit(s), if necessary, and an approved Minor Activity Review pursuant to the chapter.
- H. Upon issuance of this permit, the County shall send a notification to the applicable responsible agencies stating a permit has been issued by the County and that the agency has certain requirements under the California Environmental Quality Act as a responsible agency.
- I. If the development for which a permit has been approved pursuant to this article has not commenced within two (2) years of the granting of the permit, or if the permit has been unused, abandoned, discontinued, or has ceased for a period of two (2) years, the permit shall become null and void and of no effect.

19.98.130 SELF-CERTIFICATION

Upon issuance of Oil and Gas Conformity Review or Minor Activity, as specified in Sections 19.98.090 and 19.98.120 of this chapter, and any other necessary state or Federal permits, the applicant may begin construction of the facility. The provisions of this section do not apply to issuance of an Oil and Gas Conformity Review pursuant to 19.98.100 (Oil and Gas Conformity Review - Without Required Surface Owner Signature) of this chapter. The applicant must self-certify compliance with Chapter 19.98 during the construction and operation process. Once the project applicant has completed the construction of the oil and gas facilities, as indicated on the approved site plan, the project applicant shall provide a self-certified statement, and signed job card, in writing, to the County, in a format specified by the Director within 30 days of completion of the work.

During construction and continued operations of the activities specified by the approved site plan, the applicant will be responsible for complying with the issued Oil and Gas Conformity Review, and all applicable implementation standards as outlined in this chapter. Should a violation of a permit issued under this chapter occur on-site, a Certification and Finalization process for the Oil and Gas Conformity Review will be conducted by the County Oil and Gas Inspector or other designated county staff and self-certification for the permit will no longer be permitted for the applicant for the next issued permit, as a probationary period. Once the applicant has demonstrated compliance on the following permit, any subsequent permit may be self-certified.

19.98.140 INSPECTION COMPLIANCE – Section - 19.98.100 (Oil and Gas Conformity Review – Without Required Surface Owner Signature)

Upon receipt of an issued permit pursuant to Section 19.98.100 (Oil And Gas Conformity Review - Without Required Surface Owner Signature), the applicant must contact the Planning and Natural Resources Development Department and the Public Works Department to pay pursuant to Section 19.06.040 of this title and provide a signed Cost Recovery Agreement, and submit a video surveillance plan to be implemented during all activities related to the Oil and Gas Conformity Review. All compliance verification costs shall be incurred by the applicant, including any costs for requested onsite inspections by environmental resource experts such as biological or cultural monitors to confirm or resolve compliance issues. During construction for all activities specified

by the approved site plan, the video surveillance plan shall be operational to monitor and provide for review by staff to confirm the applicant's compliance with the issued Oil and Gas Conformity Review, and all applicable standards and conditions as outlined in the permit. The applicant's surveillance plan can be submitted without surface owner agreement, as long as there is no residence on the property. If there is a residence on the property, the surface owner must be consulted and agree to the plan details on the location of cameras and the details are shown to ensure the privacy of the residence is not compromised by the placement of the video surveillance. If a resolution cannot be reached on the surveillance plan with the surface owner for a property that contains a residence, the Planning Director shall make a final determination on the details of the plan after a meeting with the surface owner. The Plan shall outline the use of onsite cameras with real-time surveillance or 24-hour a day taped or other surveillance methods approved by the Planning Director, in conjunction with review and/or potential onsite inspections by staff, the County Inspector or third-party inspector retained by the County. Throughout operations of the activities specified by the approved site plan, the applicant shall comply with the issued Oil and Gas Conformity Review, and all applicable standards and conditions as outlined in the permit.

19.98.145 IDLE WELLS

- A. An operator shall file a notification with the County, and with the Surface/Land Owner (if different from the Mineral Owner) of any Idle or Long Term Idle Well, within 30 days of changing the well status in Tier 2 through 5.
- B. For purposes of this section, a "Idle Well" is defined as a well that has not produced oil or natural gas, or has not been used for injection for six consecutive months of continuous operation during the last five or more years. A "Long-Term Idle Well" means any well that has not produced oil or natural gas, or has not been used for injection for six consecutive months of continuous operations during the last 10 or more years. An "active observation well" means a well being used for the sole purpose of gathering reservoir data, such as pressure or temperature in a reservoir being currently produced or injected by the operator, and the data is gathered at least once every three years. An Idle well or Long-Term Idle Well does not include an active observation well.
- C. Any well operator, land owner or resident within one mile of an Idle or Long-Term Idle Well (or surface owner if different from mineral owner of the actual idle or long-term idle well subject to the notice) may file a notice with the County asking for confirmation of the status that a well is either a Idle or Long Term Idle Well, and the County shall forward this notice to the California Geologic Energy Management Division to seek information about the status of this well and the owner/permittee for the well. The County shall cooperate with the California Geologic Energy Management Division in its enforcement of regulations applicable to these wells.
- D. The County shall check with the California Geologic Energy Management Division as to whether an applicant for an Oil and Gas Conformity Review permit or Conditional Use Permit, in Tier 2 through 5, is the subject of complaint pursuant to California Public Resources Code Section 3235 for an idle well located in Tier 2 through 5, and if so shall coordinate with the California Geologic Energy Management to assure that the applicant is in compliance with applicable idle well regulations for the well(s) included in the complaint(s). An applicant not in compliance with idle well regulations, as determined by official correspondence from the California Geologic Energy Management Division, shall not be eligible to receive additional Oil and Gas Conformity Review permits or conditional use permits under this Chapter until

such time as the California Geologic Energy Management Division has advised the County that the applicant is in compliance or has entered into a written agreement with the California Geologic Energy Management Division for achieving compliance. The County shall continue to process Oil and Gas Conformity Review permits or conditional use permits under this Chapter for an applicant until such time as the County has received the official correspondence from the California Geologic Energy Management Division, making its compliance determination regarding the idle well(s) in the compliant(s).

- E. The Planning and Natural Resources Development Department shall obtain, on an annual basis, a copy of the idle well list from the California Geologic Energy Management Division.

19.98.150 PLUGGED AND ABANDONED

Any permit issued pursuant to this chapter must plug and abandon all permitted wells per the following procedures:

- A. The applicant shall obtain a Minor Activity Review permit for all wells to be plugged and abandoned that were drilled without an Oil and Gas Conformity Review and including all legal non-conforming wells.
- B. The applicant shall plug and abandon all facilities in accordance with applicable laws and regulations as administered by the California Geologic Energy Management Division.
- C. Within thirty (30) days from completion of the plugged and abandoned procedures for any well-constructed under an Oil and Gas Conformity Review permit the applicant shall submit to the Planning and Natural Resources Department a letter stating which facilities have been abandoned, including the unique well identification number for each well. Compliance with this requirement shall include written confirmation from California Geologic Energy Management Division.

19.98.160 PERMIT REVOCATION AND MODIFICATION

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this Title.

CHAPTER 19.100
SURFACE MINING OPERATIONS

SECTIONS:

- 19.100.010 PURPOSE AND APPLICATION**
- 19.100.020 PERMIT — RECLAMATION PLAN — REQUIRED**
- 19.100.030 PERMIT — APPLICATION — CONTENTS**
- 19.100.035 OPERATIONAL AUTHORITY**
- 19.100.040 DEVELOPMENT STANDARDS AND CONDITIONS**
- 19.100.050 MINOR PLAN MODIFICATIONS**
- 19.100.060 INSPECTION OF OPERATIONS**
- 19.100.065 IDLE MINES — INTERIM MANAGEMENT PLANS**
- 19.100.070 VIOLATION — NOTICE TO CORRECT**
- 19.100.080 FAILURE TO COMPLY WITH NOTICE — PERMIT REVIEW**
- 19.100.090 PERMIT REVIEW — ACTIONS BY BOARD**
- 19.100.100 ADMINISTRATIVE PENALTIES**
- 19.100.110 SECURITY TO GUARANTEE RECLAMATION**
- 19.100.120 PERMITTEE DEFAULT — PERFORMANCE BY COUNTY**
- 19.100.130 SUCCESSORS IN INTEREST**
- 19.100.140 REMEDIES NOT EXCLUSIVE**

19.100.010 PURPOSE AND APPLICATION

The purpose of this chapter is to regulate surface mining operations consistent with the requirements of the California Mining and Reclamation Act (Public Resources Code Sections 2710 et seq.) and the State Policy for Surface Mining and Reclamation Practice (Title 14 of the California Administrative Code, Sections 3500 et seq.). The requirements of this chapter are applicable to any surface mining operation undertaken in unincorporated Kern County, except for those operations specifically exempted by Sections 2714 or 2776 of the California Public Resources Code.

19.100.020 PERMIT — RECLAMATION PLAN — REQUIRED

Subject to the exceptions specified in Section 19.100.010 of this chapter, no surface mining operations may be undertaken anywhere in unincorporated Kern County unless a surface mining permit and a reclamation plan has been submitted to and approved by the Planning Commission in accordance with the procedures set out in Sections 19.102.130 through 19.102.180 of this title. All surface mining permits and reclamation plans, including amendments of same, are subject to a thirty- (30-) day review period by the State Department of Conservation. For projects requiring the preparation of an environmental document pursuant to the California Environmental Quality Act, the review period shall commence with the Department of Conservation's receipt of the draft environmental document.

19.100.030 PERMIT — APPLICATION — CONTENTS

An application for surface mining and reclamation permit shall include the following:

- A. Name and address of the applicant

- B. Name(s) and address(es) of the property owner(s) or owners of surface rights
- C. Name(s) and address(es) of owner(s) of mineral rights
- D. Name and address of lessee
- E. Name and address of operator
- F. Name and address of person designated by operator as his agent for the service of process
- G. Assessor's parcel number(s)
- H. Legal description of the subject property
- I. Site development plan drawn at a scale specified by the Planning Director, which includes the following information:
 - 1. Property boundary lines and dimensions
 - 2. Areas proposed for development
 - 3. Location of proposed buildings and structures
 - 4. Parking and vehicle maneuvering areas
 - 5. Method of vehicular access
 - 6. Location of any existing or proposed roads, water lines or other pipelines, easements proposed or existing, and any existing buildings, structures, or major areas of use for the property being considered
 - 7. Height, type, and location of fencing
 - 8. Such additional information as may be deemed necessary to permit adequate consideration of the proposal
- J. A vicinity map showing all proposed access routes and a statement as to the method proposed for transporting mined materials from the site
- K. A sufficient number of cross sections of the area to show existing grades and proposed finished grades after all surface mining has been completed shall be provided; such cross sections shall be drawn to an engineer's scale that is practical and workable
- L. Reclamation plan including the following information:
 - 1. The anticipated quantity and type of minerals for which the surface mining operation is to be conducted
 - 2. The proposed dates for the initiation and termination of such operation

3. The maximum anticipated depth of the surface mining operation
4. The size and legal description of the lands that will be affected by such operation, a map that includes the boundaries and topographic details of such lands, a description of the general geology of the area, a detailed description of the geology of the area in which surface mining is to be conducted, the location of all streams, roads, railroads, and utility facilities within, or adjacent to, such lands, the location of all proposed access roads to be constructed in conducting such operation, and the names and addresses of the owners of all surface and mineral interests of such lands
5. A description of and plan for the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation
6. A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses
7. A description of the environmental setting of the site and the effect that possible alternate reclaimed site conditions may have upon the existing and future uses of surrounding lands.
8. A description of how site reclamation may impact the public health and safety, giving consideration to the degree and type of present and probable future exposure of the public to the site.
9. A description of any areas to be mined to produce additional materials for backfilling and grading, as well as settlement of filled areas.
10. A description of the manner in which reclamation adequate for the proposed use or potential uses will be accomplished, including:
 - a. A description of the manner in which contaminants will be controlled and mining waste will be disposed
 - b. A description of the manner in which rehabilitation of affected stream bed channels and stream banks to a condition minimizing erosion and sedimentation will occur
 - c. A description of existing wildlife habitat and a plan to ensure that habitat conditions which exist are maintained or improved in the course of reclamation, unless the proposed end use precludes its use as wildlife habitat
 - d. A description of the manner in which backfilling, regrading, slope stabilization, scarification, ripping, and recontouring will occur
 - e. A description of the manner in which topsoil will be salvaged and the manner in which the site will be revegetated

- f. A description of any existing topographical features that will be significantly altered as a result of mining activity
 - g. A description of the manner in which existing site drainage patterns will be disturbed through mining activity and a description of drainage patterns that are expected after site reclamation
 - h. A description of the manner in which all buildings, structures, and equipment will be removed, including any previously abandoned structures or equipment
 - i. A description of the necessity for and the manner in which post reclamation monitoring will occur
11. A detailed line item cost breakdown estimating all reclamation costs, including, but not limited to:
- a. Costs of backfilling, regrading, slope stabilization, and recontouring
 - b. Costs of revegetation and wildlife habitat replacement
 - c. Costs of final engineering design
 - d. Costs of labor, including supervision
 - e. Costs of mobilization
 - f. Costs of equipment
 - g. Costs of removal of buildings, structures, and equipment
 - h. Costs associated with reduction of specific hazards, such as: heap leaching facilities, chemical processing ponds, soil decontamination, in-water slopes, high walls, landslides, subsidence, or other mass ground failure
 - i. Costs of drainage and erosion control measures
 - j. Costs of soil tests
 - k. Costs of haul road ripping and reseeded
 - l. Costs of fencing
 - m. Costs of liability insurance
 - n. Costs of long-term stabilization, control, containment of waste solids and liquids

12. A letter from the Kern County Engineering and Survey Services Department stating that the estimated costs of reclamation have been reviewed and found to be sufficient by that department
13. An assessment of the effect of implementation of the reclamation plan on future mining in the area
14. A statement that the person submitting the plan accepts the responsibility for reclaiming the mined lands in accordance with the reclamation plan
15. Any other information determined by the Planning Director or the State Mining and Geology Board to be necessary for consideration of the reclamation plan

19.100.035 OPERATIONAL AUTHORITY

Each approved mine site will be assigned a State Mine Identification Number by the State of California. Only one (1) individual or corporate entity may file a County-approved "Statement of Responsibility" form with the County for each State-recognized mine site, and that party shall assume full responsibility for compliance with all local and State mining-related requirements for the entire mine site. Each mine site shall have a single approved reclamation plan. One (1) annual reclamation cost estimate shall be filed annually by the Responsible Party, and while multiple financial assurance mechanisms may be approved by the Department of Engineering and Survey Services, the funds encumbered shall be those of the Responsible Party or the property owner. Subcontracting is permitted, provided that the recognized Responsible Party assumes full responsibility for any subcontracting work that may be authorized. In the event that the surface fee ownership of the property changes, the new property owner shall automatically assume Responsible Party status upon acquisition of the property until the new owner files, or causes to have filed, a new Statement of Responsibility for all mining operations for that State-recognized mine site. In the event that any dispute as to who may assume Responsible Party status for the mine site arises, the legal surface fee owner shall designate the Responsible Party for that mining operation; however, the County will recognize the change in operational authority for the mine site only after the designated Responsible Party executes and files a Statement of Responsibility with both the Planning Department and the Engineering and Survey Services Departments.

19.100.040 DEVELOPMENT STANDARDS AND CONDITIONS

Surface mining operations shall comply with the following standards:

- A. Surface mining operations shall be consistent with the goals and policies of the County General Plan.
- B. Surface mining operations shall comply with the requirements of the California Surface Mining and Reclamation Act, the State Policy for Surface Mining and Reclamation Practice, and any standards or procedures adopted by the Board of Supervisors to implement the act, state policy, or this chapter. In all cases, the following minimum development standards shall be observed:
 1. The designed steepness and proposed treatment of the mined lands' final slope shall take into consideration the physical properties of the slope material, its probable

maximum water content, landscaping requirements, and other factors. In all cases, the reclamation plan shall specify the critical gradient needed to maintain slope stability and shall specify slope angles flatter than the critical gradient for the type of material involved. Whenever final slopes approach the critical gradient for the type of material involved, an engineering analysis of the slope stability shall be performed and submitted as part of the reclamation plan.

2. Where ultimate site uses include roads, building sites, or other improvements sensitive to settlement, the reclamation plan shall provide for the compaction of fill materials in conformance with good engineering practice.
3. The removal of vegetation and overburden, if any, in advance of surface mining shall be kept to the minimum.
4. Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.
5. Settling ponds or basins shall be constructed to prevent potential sedimentation of streams at operations where they will provide a significant benefit to water quality.
6. Operations shall be conducted to substantially prevent siltation of groundwater recharge areas.
7. All reasonable measures shall be taken to protect the habitat of fish and wildlife.
8. Permanent piles or dumps of mine waste rock and overburden shall be stable and shall not restrict the natural drainage without suitable provisions for diversion.
9. Grading and revegetation shall be designed to minimize erosion and to convey surface runoff to natural drainage courses or interior basins designed for water storage. Basins that will store water during periods of surface runoff shall be designed to prevent erosion of spillways when these basins have outlet to lower ground.
10. When the reclamation plan calls for resoiling, coarse hard mine waste shall be leveled and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Surface mines that did not salvage soil during their initial operations shall attempt, where feasible, to upgrade remaining materials. The use of soil conditioners, mulches, or imported topsoil shall be considered where revegetation is part of the reclamation plan or where such measures appear necessary as determined by the Planning Director or the Soil Conservation Service. It shall not be permissible to denude adjacent areas of their soil to achieve this purpose.
11. Revegetation methods and the selection of species shall be suitable for the topographical, resoiling characteristics, and climate of the mined areas and shall be reviewed and approved by the Planning Director or the Soil Conservation Service.

- C. Surface mining operations shall comply with any conditions deemed necessary or convenient by the Planning Commission to effect the purposes of this chapter, including conditions with respect to the following:

1. The environmental objectives set forth in California Public Resources Code Section 21000
2. Protection of the health, safety, and welfare of persons residing near the site of the mining operation and the general public
3. Reasonable preservation of the values and uses and opportunity for potential uses of the adjacent and nearby areas insofar as this is not inconsistent with the provisions of the act, State policy, this chapter, or any implementing standards or procedures adopted by the Board of Supervisors

19.100.050 MINOR PLAN MODIFICATIONS

The Planning Director may review and approve minor plan modifications to approved reclamation plans in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title. Where the Planning Director determines that a proposed amendment constitutes a substantial deviation from the original plan, the proposed amendment shall be considered by the Planning Commission. Any change to adopted conditions of approval or increases in the amount of surface area to be disturbed shall be treated as a substantial deviation from the approved plan and shall be considered by the Planning Commission at a regularly scheduled public hearing.

19.100.060 INSPECTION OF OPERATIONS

- A. The Building Official shall make, or cause to be made, periodic inspections of all surface mining operations and the areas affected thereby to ascertain whether the operation is being conducted in conformity with the approved conditions of the permit and reclamation plan and all applicable statutes, regulations, and ordinances.
- B. The person conducting or in charge of all surface mining operations shall make the surface mining operation open and available for such inspection during regular County business hours or at such other times as may be mutually agreed upon by him/her and the Building Official. The provisions of this subsection shall be deemed to be a condition of each permit.
- C. At a minimum, the Building Official shall conduct an annual inspection of every surface mining operation within six months of receiving the Lead Agency's copy of the operator's annual report filed with the State Department of Conservation pursuant to Public Resources Code Section 2207. Within thirty (30) days of the County's inspection, the Building Official shall provide written notification to the State as to the results of the inspection in the manner required by the State.

19.100.065 IDLE MINES - INTERIM MANAGEMENT PLANS

- A. Within ninety (90) days of a surface mining operation becoming idle, as defined in Section 2727.1 of the Surface Mining and Reclamation Act, the operator shall submit an interim management plan for review and approval by the Planning Director. The interim management plan shall be processed in accordance with Public Resources Code Section 2770(h). The interim management plan shall be considered to be an amendment of the approved reclamation plan and shall be processed as a minor plan modification pursuant to Section 19.100.050. The interim management plan shall include, at a minimum, the following:
 1. Statements as to the reason why the mining operation is idle, including a description of those conditions necessary to reactivate the operation;

2. The requested duration of the interim management plan (five (5) years maximum);
 3. Discussions related to site security;
 4. Information regarding all pit and stockpile locations, interim slope angles and stability, and methods to minimize erosion and sedimentation concerns;
 5. Description of equipment to be retained on site;
 6. A schedule for the operator's regular inspection of the site;
 7. A description of interim reclamation or revegetation efforts;
 8. A plot plan showing disturbed areas and areas used for stockpile and equipment storage, if any.
- B. In reviewing interim management plans, the Planning Director may impose conditions necessary to safeguard the environment and the public health and safety.
- C. The operator shall notify the Planning Director in writing prior to reactivation of the mining operation.

19.100.070 VIOLATION — NOTICE TO CORRECT

- A. Either the Building Official or the Planning Director may initiate enforcement action pursuant to this section. If, after conducting the annual inspection or otherwise confirmed by an inspection of the mining operation, the Building Official finds that the surface mining operation is not in compliance with the approved mining plan, the approved reclamation plan, any permit conditions imposed by the County, the provisions of this ordinance, or the Surface Mining and Reclamation Act, the Building Official may notify the operator and the owner of the subject property of that violation by personal service or certified mail. If the violation continues beyond thirty (30) days after the date of issuance of the Building Official's notice of violation, the Building Official shall notify the Planning Director of that fact. Thereupon, the Planning Director may issue an order by personal service or certified mail requiring compliance or, if the operator does not have an approved reclamation plan, to cease all further mining activities. Said order shall specify which aspects of the surface mine's activities or operations are inconsistent with the approved mining plan, approved reclamation plan, permit conditions, the provisions of this ordinance, or the Surface Mining and Reclamation Act; shall specify a time for compliance which the Planning Director determines is reasonable, given the seriousness of the violation and any good faith efforts to comply with applicable requirements; shall set a date for a public hearing before the Planning Commission no sooner than thirty (30) days after the date of issuance of the order; and shall not take effect until the operator has been provided a public hearing concerning the violation pursuant to the provisions contained in Section 19.102.020. In instances where a violation of this chapter exists with respect to a mining operation which has not secured approval of a surface mining permit and/or reclamation plan, the requirement to hold a public hearing pursuant to this section and Section 19.100.080 may be waived by

the Planning Director. The property owner(s) shall ultimately be held responsible for any default by any lessee or operator related to permit noncompliance or site abandonment.

- B. The time within which the permittee must commence correction of the violation shall not be sooner than thirty (30) days after such notice is given, unless it is determined that earlier action is required for the protection of public safety. Any surface mining operation determined not to be in compliance with this chapter and which presents an imminent and substantial endangerment to the public health or the environment, as determined by the Planning Director or the State Department of Conservation, may be enjoined from further operations by order from a court of competent jurisdiction.

19.100.080 FAILURE TO COMPLY WITH NOTICE — PERMIT REVIEW

- A. Where the Building Official has reported a failure to comply with a notice pursuant to Section 19.100.070, the Planning Director shall set a date for a public hearing before the Planning Commission for review of the surface mining permit and/or reclamation plan pursuant to Section 19.102.020 and Sections 19.102.150 through 19.102.170 of this title.
- B. At the hearing, the Planning Commission shall determine whether or not the operator is complying with the approved mining plan, the approved reclamation plan, the permit conditions, or the provisions of this ordinance and may affirm, modify, or set aside the order issued by the Planning Director. The decision of the Planning Commission may be appealed to the Board of Supervisors, pursuant to the provisions specified in Section 19.102.170.

19.100.090 PERMIT REVIEW — ACTIONS BY BOARD

After such matter has been heard and considered, the Planning Commission may take any of the following actions:

- A. Revoke the permit
- B. Require the reclamation program to begin immediately or within a prescribed time following the effective date of revocation of the permit
- C. Allow additional time within which to cure the violation, if requested by the permittee, not to exceed a maximum of six (6) months from the date of the Board's decision
- D. Impose new or additional conditions on the permit or on the reclamation plan
- E. Increase the amount of the original security to guarantee reclamation in accordance with the plan
- F. Recommend to the Board of Supervisors proceedings to recover on any security
- G. Recommend to the Board of Supervisors that the County conduct work to accomplish the reclamation plan, to perform any conditions in default, or otherwise cure any default

- H. Recommend to the Planning Director the imposition of an administrative penalty of not more than five thousand dollars (\$5,000) per day, assessed from the original date of noncompliance with this chapter or with the conditions of any approved surface mining permit or reclamation plan, as authorized by Section 2774.1 of the Surface Mining and Reclamation Act
- I. Such other order or orders as may be appropriate to correct the violation or default

19.100.100 ADMINISTRATIVE PENALTIES

- A. Any operator who fails to comply with an order issued by the Planning Director or Planning Commission after the order's effective date or who fails to submit a report to the Director of the Department of Conservation or County as required by Section 2207 of the Public Resources Code, shall be subject to an order by the Planning Director imposing an administrative penalty of not more than five thousand dollars (\$5,000) per day, assessed from the original date of the Building Official's notice of violation or noncompliance pursuant to Section 19.100.070. In determining the amount of the administrative penalty, the Planning Director shall take into consideration the nature, circumstances, extent and gravity of the violation or violations, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and any other matters justice may require. An order imposing an administrative penalty shall become effective upon issuance, and payment shall be made to the Planning Department within thirty (30) days, unless the operator petitions the Board of Supervisors for review of the order. Said order shall be served by personal service or by certified mail upon the operator.
- B. If the operator petitions the Board of Supervisors for review of the order imposing an administrative penalty, the operator shall be notified by personal service or certified mail as to when the matter has been set for public hearing. The Board of Supervisors may affirm, modify, or set aside, in whole or in part, by its own order, any order of the Planning Director imposing an administrative penalty. Any order of the Board of Supervisors shall become effective upon issuance thereof and shall be served by personal service or certified mail upon the operator. Payment of any administrative penalty specified in the Board of Supervisor's order shall be made to the Planning Department within thirty (30) days of the service of the order.

19.100.110 SECURITY TO GUARANTEE RECLAMATION

- A. In accordance with Public Resources Code Section 2773.1, all surface mining operations under the County's jurisdiction are required to provide financial assurances in an amount adequate to guarantee complete final reclamation of the site in accordance with the approved reclamation plan. The Planning Director may authorize the phasing of financial assurances to coincide with any phased reclamation approved as part of the operation's reclamation plan. The amount of the required financial assurances shall be determined by the Planning Director based on the requirements of the reclamation plan and the cost estimates required by Section 19.100.030.L.11. Financial assurances shall be in the form of corporate surety bonds, irrevocable letters of credit, trust funds, or other mechanisms specifically authorized by the State Mining and Geology Board. The form of such financial assurance shall be subject to approval of the County Counsel and the Department of Conservation. The financial assurance shall designate the County of Kern

and the Department of Conservation as the principal beneficiaries. Prior to the County's approval of financial assurances, the financial assurances shall be subject to a forty-five (45-) day review period by the State Department of Conservation.

- B. The financial assurances shall be approved by the Planning Director and posted with the Director of Engineering and Survey Services or with such other officer of the County as the Board of Supervisors may order.
- C. Financial assurances shall be reviewed annually by the Director of Engineering and Survey Services as provided for by Public Resources Code Section 2773.1(a)(3).
- D. No approved financial assurance shall be permitted to expire unless final reclamation has been completed and certified by the Building Official. For the purposes of changes in mine operation ownership, existing financial assurances shall not be released until a new "Statement of Responsibility" has been submitted and new financial assurances have been approved and posted.
- E. The security shall be posted with the Director of the Kern County Engineering and Survey Services Department or with such other officer of the County as the Board of Supervisors may order.

19.100.120 PERMITTEE DEFAULT — PERFORMANCE BY COUNTY

- A. If the permittee fails to perform or conform to any requirement imposed by any order made under Sections 19.100.070 through 19.100.090 of this chapter within the time fixed in such order, or if no time is fixed in such order, then within a reasonable time, the Board of Supervisors shall have authority to order and otherwise undertake the planning and conduct of all or any part of the work necessary to accomplish the reclamation plan, to perform any conditions in default, or to otherwise cure any default.
- B. The officers, employees, and agents of the County, and any contractor hired by the County, and his employees, subcontractors, and agents, and any engineers, surveyors, and other experts retained by the County, may go on the site of the mine and any adjacent property of the permittee for the purposes of planning or doing all or any part of the work mentioned in Subsection A of this section, bringing and using thereon any and all equipment and machines necessary for doing such work, and using any equipment, supplies, earth, or other materials found thereon. One of the conditions of each permit shall be authorization for such entry, work, and use by or on behalf of the County.
- C. Insofar as it is practical to do so, the County shall follow the previously approved reclamation plan or conditions in the conduct of such work.

- D. The Board of Supervisors is authorized to order retention and deposit into the County general fund a portion of the proceeds from the security for its costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred in successfully enforcing the obligation of the security, and for its reasonable expenses incurred in any inspections, giving notices, conducting hearings pursuant to Sections 19.100.070 through 19.100.090 of this chapter, and for any expenses incurred in the planning, surveying, testing, and administration in preparation for the letting of any contracts, administration and enforcement of contracts, and otherwise doing any of the work mentioned in this section.
- E. The Board of Supervisors may enter into an agreement with the permittee, or any successor in interest of the permittee, under which he/she would agree to do the work needed to accomplish the reclamation plan or a specified portion thereof, or to perform any or all of the conditions in default or such other work needed to cure any default, in consideration of payment from the remaining proceeds of the security of an amount commensurate with the work completed.
- F. The Board of Supervisors may enter into an agreement with any public agency or public entity under which it would agree to do the work needed to accomplish the reclamation plan or a specified portion thereof, or to perform all or any of the conditions in default or such other work needed to cure any default, in consideration of transfer or payment to such agency or entity of all or any part of the remaining proceeds from the security.
- G. Any financial assurances remaining after the County completes final reclamation in the event of default on the part of the operator shall be returned to the operator. The operator shall be held liable for any such costs incurred by the County that exceed the amount of financial assurances posted with the County.

19.100.130 SUCCESSORS IN INTEREST

Any reference in this chapter to the permittee or applicant shall also be deemed to include any successor in interest or assign of the permittee or applicant.

19.100.140 REMEDIES NOT EXCLUSIVE

The provisions in this chapter of any remedy to the County, or to any board or officer of the County, for noncompliance with or default in the performance of any reclamation plan, or of any condition of any permit or reclamation plan, shall not be deemed as a limitation on any other remedy at law or in equity which the County, or any board or officer of the County, or any other public officer or agency, nor any member of the public, may otherwise have.

CHAPTER 19.102
PERMIT PROCEDURES

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ARTICLE I. GENERAL PROVISIONS

19.102.010 PURPOSE AND APPLICATION

The purpose of this chapter is to establish review and approval procedures for ministerial and discretionary permits provided for by this title. Application contents and development standards and conditions for the approval of permits are contained in the appropriate chapters of this title.

19.102.015 COMPLIANCE WITH CONDITIONS OR DEVELOPMENT STANDARDS

Development standards and conditions required in conjunction with the approval of a ministerial or discretionary permit shall be satisfied or bonded for prior to the final inspection of any related structure for which a building permit is required, except as otherwise specified by the applicable development standards and conditions. Where no building permits are required in conjunction with a use authorized by a ministerial or discretionary permit, all development standards and conditions shall be satisfied or bonded for prior to the commencement of said use, except as otherwise specified by the applicable development standards and conditions.

19.102.020 PERMIT REVOCATION AND MODIFICATION

Any permit, conditional use permit, variance, or zone modification issued pursuant to this chapter may be modified or revoked by the official or decision-making body that originally approved the permit by the same procedure under which the permit was issued for any of the following causes:

- A. That any term or condition of the permit, conditional use permit, variance, or zone modification has not been complied with.
- B. That the property or portion thereof subject to the permit, conditional use permit, variance, or zone modification is used or maintained in violation of any statute, ordinance, law, or regulation.
- C. That the use for which the permit, conditional use permit, variance, or zone modification was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance.
- D. That changes in technology or in the type or amount of development in the vicinity of the use or other good cause warrants modification of the conditions of operation or imposition of additional conditions of operation to assure that the use remains compatible with existing and potential uses of other property within the general area in which the use is located.

19.102.030 TIME LIMITATIONS ON CHALLENGES

Any action or proceeding to attack, review, set aside, void, or annul any decision made pursuant to this chapter, or concerning any of the proceedings, acts, or determinations taken, done, or made prior to such decision, or to determine the reasonableness, legality, or validity of any condition attached thereto, shall not be maintained by any person unless the action or proceeding is commenced within thirty (30) days after the date of the decision and the legislative body is served within sixty (60) days after the date of the decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of that decision or of these proceedings, acts, or determinations.

ARTICLE II. MINISTERIAL PERMITS ISSUED BY THE PLANNING DIRECTOR

19.102.040 GENERAL REQUIREMENTS — PERMIT TYPES

The ministerial permits specified in this title for review pursuant to this article shall be issued by the Planning Director upon submission of an application containing the information specified in applicable sections of this title and a determination by the Planning Director that the proposed use or development meets the development standards and conditions specified in the applicable section or sections of this title. These permits include:

- A. CRV recycling center permit (Section 19.08.480)
- B. Temporary animal permit plot plan review (Sections 19.14.130 and 19.60.130 through 19.60.160)
- C. Extensions for temporary mobilehomes and recreational vehicles (Sections 19.16.130 and 19.18.160)
- D. Mobilehome park plot plan review (Sections 19.26.130 through 19.26.190)
- E. Minor plan modifications (Section 19.52.130 through 19.52.180, 19.56.130 through 19.52.180, 19.56.130 through 19.56.200, 19.58.130 through 19.58.180, and 19.100.050)
- F. Commercial wind farm plot plan review (Section 19.64.130 through 19.64.150)
- G. Geologic hazard plot plan review (Section 19.68.130 through 19.68.150)
- H. Special development standards plot plan review (Sections 19.80.040 through 19.80.070)
- I. Off-street parking plot plan review not in conjunction with a ministerial permit (Sections 19.82.100 through 19.82.130)
- J. Landscaping plot plan review not in conjunction with a ministerial permit (Sections 19.86.070 through 19.86.100)

- K. Density bonus permit (Sections 19.92.030 through 19.92.060)
- L. Home occupation permit (Sections 19.94.050 through 19.94.080)
- M. Production water injection wells for the purpose of disposing of production wastewater produced in the same oilfield in which the injection well is located (Section 19.98.030)
- N. Oil and Gas Conformity Review and Minor Activity Review (Section 19.98.070 through 19.98.120)
- O. Large family day-care permit - no hearing (Sections 19.96.030 through 19.96.060)
- P. Temporary batch plant (thirty (30) days or less) plot plan review (Section 19.08.290)
- Q. Accessory dwelling unit plot plan review (Section 19.90.040 through 19.90.060)
- R. Truck parking as accessory to residential use permit (Section 19.08.252)

19.102.050 APPLICATION — APPROVAL OR DENIAL

- A. An applicant for a ministerial permit pursuant to this article shall submit an application to the Planning Director in the format and number of copies specified by the Planning Director. The application shall contain all the information specified for the application by the applicable section of this title, unless the Planning Director waives any of the information requirements. The application shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.06.030 of this title.
- B. The Planning Director shall inform the applicant either verbally or in writing within seven (7) calendar days of receipt that the application is complete or that additional information is needed to complete the application.
- C. Within seven (7) calendar days of determining the application is complete, the Planning Director shall issue the permit if he/she determines that the proposed use or development standards meets the development standards and conditions specified in the applicable section or sections of this title or deny the permit if he/she determines that the proposed use or development does not meet the standards and conditions specified in the applicable section or sections of this title.

19.102.060 PERMIT DENIAL — APPEAL

If the Planning Director denies a permit pursuant to this article, the applicant may appeal such action to the Planning Commission.

- A. The applicant may file with the Planning Director a notice of appeal to the action of the Planning Director indicating the basis of appeal within seven (7) calendar days of such action. The appeal shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.06.040 of this title.

- B. The Planning Commission shall consider the appeal within thirty (30) days of the filing of such appeal. No public hearing or notice shall be required.
- C. The Planning Commission may reverse or affirm the action of the Planning Director. The action of the Board shall constitute a ministerial action and shall be based solely on whether or not the proposed use or development meets the development standards and conditions specified in or established pursuant to the applicable section or sections of this title.
- D. The decision of the Planning Commission pursuant to Subsection C of this section may be appealed to the Board of Supervisors pursuant to Subsection A of Section 19.102.170 of this chapter.

ARTICLE III. DISCRETIONARY PERMIT DECISIONS BY THE PLANNING DIRECTOR

19.102.070 GENERAL REQUIREMENTS — PERMIT TYPES

The discretionary permits specified in this title for review pursuant to this article may be issued by the Planning Director following submission of an application containing the information specified in the applicable section of this title and a properly noticed public hearing. These permits include:

- A. Precise development plan review (Sections 19.56.130 through 19.56.200)
- B. Cluster combining site development plan review (Sections 19.58.130 through 19.58.180)
- C. Conditional use permits and variances when filed in conjunction with an application for a discretionary permit to be heard by the Planning Director (Chapters 19.106 and 19.108)
- D. Zone modifications (Chapter 19.110)
- E. Extensions of time
- F. Temporary event permit (Section 19.08.340)
- G. Temporary fruit stands (Sections 19.12.130 and 19.14.130)
- H. Temporary precise development plan (Section 19.56.180)
- I. Variances (Chapter 19.106)
- J. Small wind energy system permit (Section 19.08.415)
- K. Kern River development permit (Chapter 19.73)
- L. Airport approach height (H District) plot plan review (Sections 19.76.130 and 19.76.140)
- M. Community garden permit (Chapters 19.16, 19.18, 19.20, 19.22, 19.26, 19.28, 19.30, 19.32, 19.34, and 19.42).
- N. Accessory dwelling unit (Chapters 19.90 and 19.106)

19.102.080 APPLICATION

- A. An applicant for a discretionary permit pursuant to this article shall submit an application to the Planning Director in the format and number of copies specified by the Planning Director. The application shall contain all the information specified for the application by the applicable section of this title, unless the Planning Director waives any of the information requirements. The application shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.06.030 of this title.
- B. The Planning Director shall inform the applicant in writing within thirty (30) calendar days of receipt that the application is complete or that additional information is needed to complete the application.
- C. Upon acceptance of the application as complete and completion of an environmental document, if required, a public hearing shall be set in accordance with this chapter.

19.102.090 NOTICE AND HEARING

- A. When an application has been accepted as complete in accordance with this chapter, the Planning Director shall set the application for a public hearing.
- B. At least ten (10) calendar days before the date of any public hearing, the date, time, place of the hearing, identity of the hearing body, and the nature and location of the application shall be given by the following methods:
 - 1. Publishing such notice once in a newspaper of general circulation.
 - 2. Mailing or delivering notice, postage prepaid, to the property owner, the applicant, to each member of the Board of Supervisors, to the owners of all property within five hundred (500) feet of the exterior boundaries of the property which is subject of the application, and to any person who has filed a written request for such notice. In instances where the majority of parcels abutting the project site are one (1) acre or larger in size, owners of all property within one thousand (1,000) feet of the project site shall be provided notice. For the purposes of this notice, property owners shall be the last known name and address of the property owner names on the last assessment roll of the County. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph is greater than one thousand (1,000), a display advertisement of at least one-eighth (1/8) page in at least one (1) newspaper of general circulation may be published at least ten (10) days prior to the hearing in lieu of mailed or delivered notice.
 - 3. In lieu of the requirements set forth in Subparagraph 1 of this subsection, notice may be given by posting notices not more than three hundred (300) feet apart along each street upon which the subject property abuts for a distance of not less than three hundred (300) feet in each direction from the exterior limits of the subject property. In instances where the majority of parcels abutting the project site are one (1) acre or larger in size, notice shall be posted not more than three hundred (300) feet apart for a distance of one thousand (1,000) feet in each direction.
 - 4. Notification for the consideration of zone modifications (Chapter 19.110) shall be as specified in Subsections 19.102.090.B.1 and 3. In addition, notification shall include the mailing or delivering notice, postage prepaid, to the property owner(s),

owners of all abutting properties, the applicant(s), to each member of the Board of Supervisors, and to any person who has filed a written request for such notice.

5. Notification for the consideration of community garden permits, extension of time requests, small wind energy system permits, temporary event permits (TEP), temporary fruit stands, and temporary precise development plans, shall be provided as follows:

- (a) Mailing or delivering notice, postage prepaid, to the property owner, the applicant, to the owners of all abutting properties, to each member of the Board of Supervisors, and to any person who has filed a written request for such notice.
- (b) For small wind energy system permit applications on sites included within the restricted military air space shown as any cross-hatched area in Figure 19.08.160, notice also shall be mailed or delivered to the China Lake Naval Weapons Center and the Edwards Air Force Base Flight Test Center.

- C. Public Hearing. A public hearing shall be held before the Planning Director at a time and place in accordance with the public notice. The Planning Director may establish his/her own rules for the conduct of such hearings. Evidence shall be offered or presented, and the name of each witness shall be recorded and made a part of the permanent files. Any hearing may be continued provided that prior to adjournment or recess, the Planning Director or his/her designee shall announce the time and place to which the hearing will be continued. If it is determined to be in the public interest, the Planning Director may schedule a public hearing for any permit type specified in Section 19.102.070 directly before the Board of Supervisors, in which case a decision shall be rendered in accordance with Section 19.102.220.

19.102.100 DECISION

- A. The Planning Director may approve, conditionally approve, or deny any application following the close of the public hearing on the matter. Such decision shall include findings in accordance with the provisions of this title. The decision shall be final, subject to appeal in accordance with Section 19.102.110 of this chapter.
- B. Written notice of such decision shall be given by mail within seven (7) calendar days after the date of the decision to the applicant and any person filing a written request for notice of the decision.
- C. The decision of the Planning Director shall be final on expiration of fourteen (14) calendar days from and including the date of decision, unless a notice of appeal is filed with the Planning Director within such time.

- D. All conditions of approval shall be final, and a request to delete or to modify a condition to make it less restrictive shall only be considered at a properly noticed public hearing, unless such conditions are appealed pursuant to Section 19.102.110 of this chapter.

19.102.110 APPEAL

- A. Any decision of the Planning Director made pursuant to this article shall be subject to appeal to the Board of Supervisors.
- B. The applicant or any other person aggrieved may appeal from such decision by filing a written notice of appeal with the Planning Director prior to the time the decision becomes final. The Planning Director shall furnish forms of notice of appeal. The appeal shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.06.040 of this title.
- C. Notice of the hearing on the appeal shall be given in the manner and time provided in Section 19.102.210 of this chapter.
- D. The Board of Supervisors may reverse, affirm wholly or partly, modify, or attach other or additional conditions to the decision appealed from.
- E. The decision of the Board of Supervisors on any such appeal shall be final on adoption of an order or resolution containing its determination, and no notice thereof need be given.

19.102.120 PERMIT ISSUANCE RESTRICTION

No permit shall be issued prior to the expiration of any appeal period.

ARTICLE IV. DISCRETIONARY PERMIT DECISIONS BY THE PLANNING COMMISSION

19.102.130 GENERAL REQUIREMENTS — PERMIT TYPES

The permits specified in this article may be issued by the Planning Commission following submission of an application containing the information specified in the applicable section of this title and a properly noticed public hearing. These permits include:

- A. Conditional use permits (Chapter 19.104)
- B. Zone modifications when filed in conjunction with an application for a permit to be heard by the Planning Commission (Chapter 19.110)
- C. Surface mining permits and reclamation plans (Chapter 19.100)
- D. Secondary residential unit (Chapters 19.90 and 19.104)
- E. Density bonus permit, when filed in conjunction with an application for a permit to be heard by the Planning Commission (Sections 19.92.030 through 19.92.060)

- F. Variances, when filed in conjunction with an application for a permit to be heard by the Planning Commission (Chapter 19.106)
- G. Cluster combining site development plan review (Sections 19.58.130 through 19.58.180) when filed in conjunction with an application for a tentative tract map
- H. Precise development plans, conditional use permits, variances, and zone modifications when filed in conjunction with an application for a tentative tract map (Chapters 19.104, 19.106, and 19.110)
- I. Tentative tract maps (Chapters 18.10, 18.15, and 18.40 of the Land Division Ordinance)
- J. Legal, nonconforming use expansion (Chapter 19.108)

19.102.135 GENERAL REQUIREMENTS c ADVISORY ACTIONS

The following discretionary permits and actions shall be considered by the Planning Commission prior to consideration by the Board of Supervisors, following submission of an application containing the information specified in the applicable section of this title and a properly noticed public hearing. These permits and actions include the following:

- A. Special planning site development plan review (Sections 19.52.130 through 19.52.180)
- B. Precise development plan review, with associated variances, zone modifications, or conditional use permits, when filed in conjunction with an application for a change of zone classification (Sections 19.56.130 through 19.56.200 and Chapters 19.104, 19.106, and 19.110)
- C. Cluster combining site development plan review (Sections 19.58.130 through 19.58.180) when filed in conjunction with an application for a change in zone classification
- D. Density bonus permit when filed in conjunction with an application for a change in zone classification or an application for a permit to be heard by the Board of Supervisors (Sections 19.92.030 through 19.92.060)
- E. Conditional use permits, variances, and zone modifications when filed in conjunction with an application for a change in zone classification (Chapters 19.104, 19.106, and 19.110)
- F. Amendments to this title (Chapter 19.112)
- G. Application for change in zone classification (Chapter 19.112)
- H. Agricultural preserve inclusion or exclusion requests
- I. Adoption and amendment of any General Plan, Specific Plan, or Specific Plan Line

- J. Williamson Act Land Use Contract cancellations, excluding cancellations of less than ten (10) acres for the purposes of creating an agricultural homesite, as determined by the Planning Director
- K. Referrals from the Board of Supervisors and the Planning Director

19.102.140 APPLICATION

- A. An applicant for a discretionary permit or entitlement pursuant to this article shall submit an application to the Planning Director in the format and number of copies specified by the Planning Director. The application shall contain all the information specified for the application by the applicable section of this title, unless the Planning Director waives any of the information requirements. The application shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.06.030 of this title.
- B. The Planning Director shall inform the applicant in writing within thirty (30) calendar days of receipt that the application is complete or that additional information is needed to complete the application.
- C. Upon acceptance of the application as complete and completion of an environmental document, if required, a public hearing shall be set in accordance with this chapter.

19.102.150 NOTICE AND HEARING

- A. When an application has been submitted in accordance with this chapter, the Planning Director shall set the application for a public hearing.
- B. At least ten (10) days before the date of any public hearing, the date, time, place of the hearing, identity of the hearing body, and the nature and location of the application shall be given by the following methods:
 - 1. Publishing such notice once in a newspaper of general circulation.
 - 2. Mailing or delivering notice, postage prepaid, to the property owner, the applicant, to each member of the Board of Supervisors, to each member of the Planning Commission, to the owners of all property within five hundred (500) feet of the exterior boundaries of the property which is subject of the application, and to any person who has filed a written request for such notice. In instances where the majority of parcels abutting the project site are one (1) acre or larger in size, owners of all property within one thousand (1,000) feet of the project site shall be provided notice. For the purposes of this notice, property owners shall be the last known name and address of the property owner names on the last assessment roll of the County. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph is greater than one thousand (1,000), a display advertisement of at least one-eighth (1/8) page in at least one (1) newspaper of general circulation may be published at least ten (10) days prior to the hearing in lieu of mailed or delivered notice.

3. In lieu of the requirements set forth in Paragraph 1 of this subsection, notice may also be given by posting notices not more than three hundred (300) feet apart along each street upon which the subject property abuts for a distance of not less than three hundred (300) feet in each direction from the exterior limits of the subject property. In instances where the majority of parcels abutting the project site are one (1) acre or larger in size, notice shall be posted not more than three hundred (300) feet apart for a distance of one thousand (1,000) feet in each direction.
- C. **Public Hearing.** A public hearing shall be held before the Planning Commission at a time and place in accordance with the public notice. The Board of Supervisors shall establish rules for the conduct of such hearings. Evidence shall be offered or presented, and the name of each witness shall be recorded and made a part of the permanent files. Any hearing may be continued provided that prior to adjournment or recess, the presiding officer shall announce the time and place to which the hearing will be continued. If it is determined to be in the public interest, the Planning Director may schedule a public hearing for any permit type specified in Section 19.102.130 directly before the Board of Supervisors, in which case a decision shall be rendered in accordance with Section 19.102.220.

19.102.160 DECISION

- A. The Planning Commission may approve, conditionally approve, or deny any application specified by Section 19.102.130 following the close of public testimony on the matter or within thirty-five (35) days thereafter by resolution except as provided in Title 18. Such resolution shall include findings in accordance with the provisions of this chapter. The decision shall be final, subject to appeal in accordance with this chapter. In the event that the Planning Commission is unable to reach a majority decision, as evidenced by a tie vote, the project is deemed denied.
- B. Where an advisory action is required as specified by Section 19.102.135, the Planning Commission shall adopt a recommendation following the close of public testimony on the matter or within thirty-five (35) days thereafter by resolution. Such resolution shall include findings in support of the recommendation. In the event that the Planning Commission is unable to reach a majority decision, as evidenced by a tie vote, the project is deemed denied. Except for General Plan Amendments, within fifty (50) days from the date a decision is rendered by the Planning Commission, a public hearing shall be scheduled before the Board of Supervisors to consider the Planning Commission's recommendation.
- C. Written notice of such decision shall be given by mail within seven (7) calendar days after the date of the decision to the applicant and any person filing a written request for notice of the decision.
- D. The decision of the Planning Commission on permits specified by Section 19.102.130 shall be final on expiration of fourteen (14) calendar days from and including the date of the decision, as required by Subsection C of this section, unless a notice of appeal is filed with the Planning Director within such time.
- F. All conditions of approval shall be final, and a request to delete or to modify a condition shall only be considered at a properly noticed public hearing, unless said conditions are appealed pursuant to Section 19.102.170 of this chapter.

19.102.170 APPEAL

- A. Any decision of the Planning Commission made pursuant to Section 19.102.130 shall be subject to appeal to the Board of Supervisors.
- B. The applicant or any other person aggrieved may appeal from such decision by filing a written notice of appeal with the Planning Director prior to the time the decision becomes final. The Planning Director shall furnish forms of notice of appeal. The appeal shall be accompanied with the fee established by the Board of Supervisors pursuant to Section 19.06.040 of this title.
- C. Notice of the hearing on appeal shall be given in the manner and time provided in Section 19.102.210 of this chapter. Notice of the hearing on appeal shall also be given not less than ten (10) days before such hearing to each person entitled to notice of the preceding decision.
- D. The Board of Supervisors may reverse, affirm wholly or partly, modify, or attach other or additional conditions to the decision appealed from.
- E. A decision of the Board of Supervisors on any such appeal shall be final on adoption of an order or resolution containing its determination, and no notice thereof need be given.

19.102.180 PERMIT ISSUANCE RESTRICTION

No permit shall be issued prior to the expiration of any appeal period.

ARTICLE V. DISCRETIONARY PERMIT DECISIONS BY THE BOARD OF SUPERVISORS

19.102.190 GENERAL REQUIREMENTS — PERMIT TYPES

The discretionary permits specified in this title for review pursuant to this article may be issued by the Board of Supervisors following submission of an application containing the information specified in the applicable section of this title and a properly noticed public hearing. These permits include:

- A. SP site development plan review (Sections 19.52.130 through 19.52.180)
- B. Precise development plan review, with associated variances, zone modifications, or conditional use permits, when filed in conjunction with an application for a change of zone classification or tentative tract map (Sections 19.56.130 through 19.56.200 and Chapters 19.104, 19.106, and 19.110)
- C. CL site development plan review (Sections 19.58.130 through 19.58.180) when filed in conjunction with an application for change of zone classification or with a tentative tract map

- D. Density bonus permit when filed in conjunction with an application for a change of zone classification or an application for a permit to be heard by the Board of Supervisors (Sections 19.92.030 through 19.92.060)
- E. Appeals of discretionary decisions by the Planning Director (Subsection (A) of Section 19.102.110)
- F. Appeals of Planning Commission decisions (Section 19.102.170)
- G. Conditional use permits, variances, and zone modifications when filed in conjunction with an application for a change in zone classification or for a tentative tract map (Chapters 19.104, 19.106, and 19.110)
- H. Amendments to this title (Chapter 19.112)
- I. Application for change of zone classification (Chapter 19.112)
- J. Agricultural preserve inclusion or exclusion requests, agricultural preserve contracts, contract cancellation, and contract amendments
- K. Adoption and amendment of any General Plan, Specific Plan, or Specific Plan Line
- L. Conditional use permit for native groundwater transport or transfer outside both Kern County and its watersheds (Chapter 19.118)

19.102.200 APPLICATION

- A. An applicant for a discretionary permit pursuant to this article shall submit an application to the Planning Director in the format and number of copies specified by the Planning Director. The application shall contain all the information specified for the application by the applicable section of this title, unless the Planning Director waives any of the information requirements. The application shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.06.030 of this title.
- B. The Planning Director shall inform the applicant in writing within thirty (30) calendar days of receipt that the application is complete or that additional information is needed to complete the application.
- C. Upon acceptance of the application as complete and completion of an environmental document, if required, a public hearing shall be set in accordance with Section 19.102.210 of this chapter.

19.102.210 NOTICE AND HEARING

- A. When an application has been submitted in accordance with Section 19.102.200 of this chapter, the Planning Director shall set the application for a public hearing.
- B. At least ten (10) days before the date of any public hearing, the date, time, place of the hearing, identity of the hearing body, and the nature and location of the application shall be given by the following methods:
 - 1. Publishing such notice once in a newspaper of general circulation.
 - 2. Mailing or delivering notice, postage prepaid, to the property owner, the applicant, to each member of the Board of Supervisors, to the owners of all property within five hundred (500) feet of the exterior boundaries of the property which is subject of the application, and to any person who has filed a written request for such notice. In instances where the majority of parcels abutting the project site are one (1) acre or larger in size, owners of all property within one thousand (1,000) feet of the project site shall be provided notice. For the purposes of this notice, property owners shall be the last known name and address of the property owner names on the last assessment roll of the County. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph is greater than one thousand (1,000), a display advertisement of at least one-eighth (1/8) page in at least one (1) newspaper of general circulation may be published at least ten (10) days prior to the hearing in lieu of mailed or delivered notice.
 - 3. In lieu of the requirements set forth in Subparagraph 1 of this subsection, notice may also be given by posting notices not more than three hundred (300) feet apart along each street upon which the subject property abuts for a distance of not less than three hundred (300) feet in each direction from the exterior limits of the subject property. In instances where the majority of parcels abutting the project site are one (1) acre or larger in size, notice shall be posted not more than three hundred (300) feet apart for a distance of one thousand (1,000) feet in each direction.
 - 4. The notification for appeals of discretionary decisions by the Planning Director shall be the same as required for that particular permit application as specified in Section 19.102.090
 - 5. Notification requirements for items listed in Subsection 19.102.190.J shall be as required by the California Land Conservation Act of 1965.
- C. Public Hearing. A public hearing shall be held before the Board of Supervisors at a time and place in accordance with the public notice. The Board of Supervisors may establish rules for the conduct of such hearings. Evidence shall be offered or presented, and the name and address of each witness shall be recorded and made a part of the permanent files. Any hearing may be continued provided that prior to adjournment or recess, the presiding officer shall announce the time and place to which the hearing will be continued.

19.102.220 DECISION

- A. The Board of Supervisors may approve, conditionally approve, or deny any application following the close of the public hearing on the matter or within thirty-five (35) days thereafter by resolution. Such decision may include findings in accordance with the provisions of this title. The decision shall be final. An applicant, before a final vote is taken, may request a continuance until such time that all Board members are present to vote on the matter.
- B. Written notice of such decision shall be given by mail within seven (7) calendar days after the date of the decision to the applicant and any person filing a written request for notice of the decision.
- C. The decision of the Board of Supervisors shall be final on adoption of an order or resolution containing its determination.
- D. In the event a written request is received to modify conditions of approval subsequent to the approval of a discretionary permit by the Board of Supervisors, the request shall be considered by that hearing body which is authorized to consider that particular type of discretionary permit.

19.102.230 APPEAL

There shall be no appeal from a decision by the Board of Supervisors under this title.

CHAPTER 19.103
DEVELOPMENT AGREEMENTS

SECTIONS:

19.103.010 PURPOSE AND APPLICATION
19.103.020 MINIMUM DEVELOPMENT SIZE
19.103.030 APPLICATIONS
19.103.040 APPLICANT QUALIFICATIONS
19.103.050 REVIEW OF APPLICATION
19.103.060 PUBLIC HEARINGS AND NOTICE
19.103.070 BOARD OF SUPERVISORS ACTION
19.103.080 AMENDMENT OR CANCELLATION
19.103.090 ANNUAL REVIEW
19.103.100 RIGHTS OF THE PARTIES AFTER CANCELLATION OR TERMINATION
19.103.110 MISCELLANEOUS PROVISIONS

19.103.010 PURPOSE AND APPLICATION

The provisions of this chapter will provide assurance to applicants for development projects that, upon approval of a project, the applicant may proceed with the project in accordance with the policies, rules, and regulations, and subject to conditions of approval in effect at the time of approval. Development agreements entered into pursuant to this chapter will strengthen the public planning process, encourage private participation in comprehensive planning, reduce the economic costs of development, and provide a level of benefit to the County that exceeds the benefits normally derived from development projects.

These regulations are adopted for the purposes authorized and under the authority of Government Code Sections 65864 through 65869.5.

19.103.020 MINIMUM DEVELOPMENT SIZE

A development agreement may be authorized for any development containing a minimum of five (5) gross acres. The Planning Director may grant a waiver to the project size eligible for a development agreement if the Director determines that the consideration of the development agreement, in the particular case, is in the best interest of the County.

19.103.030 APPLICATIONS

- A. The Planning Director shall prescribe the form for each application, notice, and document provided for or required by these regulations for the preparation and implementation of development agreements.
- B. The Director may require an applicant to submit such pertinent information and supporting data as he considers necessary to process the application. Adequate funds to secure costs for hiring consultants, including attorney services, may also be required.

- C. The application shall be accompanied by a fee(s) in an amount to be set by the Board of Supervisors.
- D. The applicant shall present to the Director the written consent to the development agreement of all parties having any record title interest in the real property which is subject to the development agreement, including mineral rights owners who have the right of surface entry. The Board of Supervisors may waive the requirement for the signatures of mineral or equitable rights owners if a written request is filed in conjunction with the filing of a proposed development agreement. All such requests shall be accompanied by documentation that adequately supports all of the following findings:
 - 1. Waiver of the requested signatures of the owners of interest can be determined to be in the public interest that development not be prevented.
 - 2. It can be determined that the surface owner has exhausted all reasonable means for locating owners of interest and obtaining their signatures.
 - 3. In the case of requests for waiver of signatures of mineral rights owners, in addition to the above findings, it can be determined that the proposed development agreement provides for future development of mineral rights through the establishment of a zoning district, pursuant to the Kern County Zoning Ordinance, that permits the exploration and extraction of the underlying minerals as a matter of right.
- E. The applicant shall provide sufficient information to enable the Director to perform an Initial Study pursuant to Public Resources Code Section 21160.
- F. The applicant shall provide sufficient information to establish that the project is consistent with the Kern County General Plan and any applicable Specific Plan.
- G. The applicant shall submit a proposed development agreement which shall include the following:
 - 1. A description of the property sought to be covered by the agreement, including a legal description.
 - 2. A description of the proposed uses, height and size of buildings, density or intensity of use, and provision for reservation or dedication of land for public purposes.
 - 3. Conditions, terms, restrictions, and requirements for subsequent County discretionary actions.
 - 4. Proposed time when construction would be commenced and completed, including a phasing plan.
 - 5. Proposed public benefits inclusive of an implementation phasing plan.
 - 6. Termination date for the agreement, not to exceed ten (10) years from the date of execution, except where a longer time is necessary to fund debt financing requirements for public facilities.
 - 7. A description of all local permits required for project implementation.

8. A proposed schedule for annual review which details what progress shall be expected to be completed during the course of each year of the proposed development agreement.
 9. An agent representing the legal ownership for all property subject to the proposed development agreements.
 10. A description of the infrastructure, public facilities, and public services required to serve the proposed development and a description of how these facilities and services will be provided.
- H. If the development agreement requires applicant financing of necessary excess public facilities, it may include terms relating to subsequent reimbursement over time for such financing.
 - I. All development agreements shall contain an indemnity clause requiring the developer to indemnify and hold the County harmless against claims arising out of any or all prior or subsequent related development approvals, including all legal fees and costs.
 - J. A development agreement is a contract that is negotiated and voluntarily entered into by County and developer and may contain any additional or modified conditions, terms, or provisions agreed upon by the parties, including sanctions and failure to meet requirements.
 - K. A development agreement may include conditions relating to financial guarantees for performance of obligations stated in the agreement.

19.103.040 APPLICANT QUALIFICATIONS

Only a qualified applicant or his authorized agent may file an application pursuant to this chapter. A qualified applicant is a person who (which) has a legal or an equitable interest in the real property which is the subject of the development agreement. Such interest must be such that the applicant has or will have control of the use of the property during the proposed term of the agreement. All applicants shall submit proof of their interest in the real property and of the authority of the agent, if any, designated to act for the applicant, including a current title report from a reputable title insurance company or other equivalent evidence to verify the legal or equitable interest of the applicant in the property. In the case of multiple legal or multiple equitable ownership, if the applicant is a legal owner, all legal and equitable owners must sign as a party or as consenting to the development agreement, and if the applicant has only an equitable interest, all equitable owners must sign as a party or as consenting to the development agreement, unless their signatures are waived as provided herein. Signatures will each be appropriately notarized to facilitate recording.

19.103.050 REVIEW OF APPLICATION

- A. The Planning Director shall review each application to determine whether it is complete and accurate. If the application is found to be incomplete or inaccurate, the Director shall reject the application and inform the applicant of the items necessary to properly complete the application. The Director shall reject any application where the development agreement would be inconsistent with the General Plan, any applicable Specific Plan, zoning, or any other land use regulations applicable to the subject property. If the

application for a development agreement is submitted in conjunction with an application for other land use approvals, the proposed development agreement shall be reviewed for consistency with the existing and, separately, the proposed land use approvals.

- B. If the Planning Director determines that the application is complete and accurate, copies of the application shall be forwarded to each appropriate County department, applicable outside agency, and any agency or individual who requests, in writing, a copy of the application. The Director shall specify a time period for department, agency, and individual responses to the application to be submitted to the Director. Following review of said responses and after consultation where appropriate, the Director shall prepare a staff report and recommendation to the Board of Supervisors.

19.103.060 PUBLIC HEARINGS AND NOTICE

- A. A public hearing shall be held by the Board of Supervisors on any completed application for a development agreement subject to the same proceedings as provided for changes in zone district classification and, more specifically, as specified by Section 19.102.210.
- B. The failure of any person, entitled to notice required by State law or this chapter, to receive notice as a result of mistake or inadvertence does not affect the authority of the County to enter into a development agreement.
- C. The public hearing shall be conducted in accordance with the procedural standards adopted under California Government Code Section 65804 for the conduct of zoning hearings. Each person interested in the matter shall be given an opportunity to be heard. The applicant has the burden of proof at the public hearing on the proposed development agreement.
- D. No action, inaction, or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by the court by reason of any error, irregularity, informality, neglect, or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedures whatever unless after an examination of the entire case, the court is of the opinion that the error complained of was prejudicial, and that by reason of the error, the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury was done if error is shown.

19.103.070 BOARD OF SUPERVISORS ACTION

- A. At the public hearing, the Board of Supervisors shall conditionally or unconditionally approve, disapprove, or approve and if approved shall adopt an ordinance approving the agreement, which ordinance approval shall automatically authorize the Chairman of the Board of Supervisors to execute the agreement on behalf of the County. In acting to approve a development agreement, the Board of Supervisors shall make the following findings:
 - 1. That the proposal is consistent with the objectives, policies, general land uses, and programs specified in the General Plan and any applicable Specific Plan;

2. That the proposal is compatible with the uses authorized in, and the regulations prescribed for, the area in which the real property is located;
 3. That the proposal will not be detrimental to the health, safety, and general welfare of the public;
 4. That the proposal is in the public interest and accrues a public benefit not usually obtained through the land development approval process without a development agreement;
 5. That the proposal is consistent with the provisions of Government Code Sections 65864 through 65869.5 and all other applicable laws and regulations.
- B. Within ten (10) days following complete execution of a development agreement, the Clerk of the Board of Supervisors shall record with the County Recorder a fully executed copy of the development agreement and ordinance. This ten (10) day period shall commence from the date the development agreement is fully executed by the applicant and by the Chairman of the Board of Supervisors. The agreement shall be binding upon, and the benefits of the agreement shall inure to, the parties and all successors in interest to the parties to the agreement.
- C. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in California Government Code Section 65868, or if the Board of Supervisors terminates or modifies the agreement as provided in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the Clerk of the Board shall have notice of such action recorded with the County Recorder.

19.103.080 AMENDMENT OR CANCELLATION

- A. Any party to a development agreement may propose an amendment to or cancellation of the agreement in whole or in part.
- B. Except as otherwise provided in this section, the procedure for proposing and adopting an amendment to, or a cancellation in whole or in part of, the development agreement shall be the same as the procedure for entering into an agreement in the first instance. However, if the County initiates a proposed amendment to or a cancellation in whole or in part of the agreement, the County shall first give written notice to each party other than the County who executed the agreement of its intention to initiate such proceedings, not less than thirty (30) days in advance of giving public notice of the hearing to consider such amendment or cancellation.
- C. Any amendment to the development agreement which does not relate to the duration of the agreement, permitted uses of the property, density, or intensity of use, height, or size of proposed buildings, provisions for reservation or dedication of land, or to any conditions, terms, restrictions, and requirements relating to subsequent discretionary actions related to design, improvement and construction standards and specification, or any other condition

or covenant relating to the use of the property shall not require a noticed public hearing before the parties may execute an amendment to the agreement.

19.103.090 ANNUAL REVIEW

- A. The Planning Director shall review the development agreement annually to ascertain the good faith compliance by the property owner with its terms.
- B. The developer shall initiate the required annual review by submitting a written request at least sixty (60) days prior to the review date specified in the agreement. The property owner shall also provide evidence as determined necessary by the Planning Director to demonstrate good faith compliance with the provisions of the development agreement. The burden of proof by substantial evidence of compliance is upon the property owner.
- C. If the Planning Director finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded.
- D. If the Planning Director finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Director may recommend that the Board of Supervisors modify or terminate the agreement. The written decision of the Director recommending modification or termination of the agreement shall be delivered to the property owner not later than ten (10) days after the final action of the Director. The Director shall then set the matter for public hearing before the Board of Supervisors in the manner set forth in Section 19.103.060.
- E. If as a result of an annual review it finds and determines, on the basis of substantial evidence, that the owner or successor in interest has not complied in good faith with the terms and conditions of the agreement, the Board of Supervisors may terminate or modify the agreement. The decision of the Board of Supervisors is final.

19.103.100 RIGHTS OF THE PARTIES AFTER CANCELLATION OR TERMINATION

- A. In the event that a development agreement is cancelled or terminated, all rights of the property owner or successors in interest under the development agreement shall terminate. The County may, in its sole discretion, determine to retain any and all benefits, including, but not limited to, reservations or dedications of land, and payments of fees, received by the County.
- B. Notwithstanding the above paragraph, any termination of the development agreement shall not prevent the property owner from completing a building or other improvements authorized pursuant to a valid building permit, but the County may take any action permitted by law to prevent, stop, or correct any violation of law occurring after cancellation of the development agreement.

19.103.110 MISCELLANEOUS PROVISIONS

- A. Unless otherwise provided by the development agreement, the County's rules, regulations, and official policies governing permitted uses of the property, density, and design; and improvement and construction standards and specifications applicable to development of the property shall be those County rules, regulations, and official policies in force on the effective date of the development agreement; however, there is no absolute vesting as to timing and phasing of any project, except as specifically authorized in the development agreement.
- B. A development agreement shall not prevent the County, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth in the development agreement. Additionally, a development agreement shall not prevent the County, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which the County determines is required for the public health, safety, or welfare, except as otherwise provided for in the development agreement.
- C. A development agreement shall not prevent the County from denying or conditionally approving any subsequent land use permit or authorization for the project on the basis of such existing or new rules, regulations, and policies.
- D. All development agreements shall be subject to the regulations and requirements of the laws of the State of California, the Constitution of the United States, and any codes, statutes or executive mandates, and any court decisions, State or federal, thereunder. In the event that any such law, code, statute, mandate, or decision made or enacted after a development agreement has been entered into prevents or precludes compliance with one (1) or more provisions of the development agreement, then the development agreement may be modified or suspended in the manner and pursuant to the procedures specified in the development agreement, as may be necessary to comply with such law, code, statute, mandate, or decision.
- E. All development agreements entail and consist of a separate procedure from other land use planning procedures and shall not take the place of the Zoning Ordinance, the General Plan, a Specific Plan, development plan, conditional use permit, subdivision approval, building permit, or any other County planning function. Public hearings on a proposed development agreement may, but need not, be held concurrently with the public hearings on related land use approvals.
- F. This ordinance governs the interpretation of any development agreement enacted under this ordinance.
- G. The procedures for enforcement, modification, or termination of a development agreement specified in this section and in California Government Code Section 65865.4 are nonexclusive. A development agreement may be enforced, modified, or terminated by any manner otherwise provided by law or by the terms of the development agreement. However, the developer's sole remedy shall be injunctive, not damages. The agreement shall not provide for any form of binding arbitration.
- H. Should any provision of this ordinance or a subsequent development agreement be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining

provisions of this ordinance and development agreement shall remain in full force and effect unimpaired by the holding, except as may otherwise be provided in a development agreement.

- I. Any judicial review of an ordinance approving a development agreement shall be by writ of mandate pursuant to Section 1085 of the Code of Civil Procedure; and judicial review of any County action taken by the County pursuant to this ordinance, other than initial approval of a development agreement, shall be writ of mandate pursuant to Section 1094.5 of the Code of Civil Procedure. The use of the term "substantial evidence" in this ordinance with respect to the quantum of proof necessary in connection with a finding of noncompliance is not intended to limit, nor impose a standard of review upon, any court pursuant to a proceeding initiated for that purpose.
- J. Any action or proceeding to attack, review, set aside, void, or annul any decision of the County taken pursuant to this ordinance shall not be maintained by any person unless the action or proceeding is commenced within ninety (90) days after the date of the decision.

CHAPTER 19.104
CONDITIONAL USE PERMITS

SECTIONS:

- 19.104.010 PURPOSE AND APPLICATION**
- 19.104.020 APPLICATION CONTENTS**
- 19.104.030 REVIEW AND APPROVAL PROCEDURES**
- 19.104.040 BASIS FOR APPROVAL**
- 19.104.050 TERMS AND CONDITIONS**
- 19.104.060 PERMIT REVOCATION AND MODIFICATION**

19.104.010 PURPOSE AND APPLICATION

The purpose of this chapter is to establish procedures and general standards for the review and approval of conditional use permits authorized by various sections of this title. Whenever a use is listed in any section of this title as a use permitted subject to securing a conditional use permit, it shall be approved only if it is consistent with the County General Plan and meets all requirements of this title and subject to any conditions deemed appropriate by the decision-making authority.

19.104.020 APPLICATION CONTENTS

An application for a conditional use permit shall include the following:

- A. Name and address of applicant
- B. Name(s) and address(es) of the property owner(s)
- C. Assessor's parcel number(s)
- D. Legal description of the property
- E. A site development plan drawn at the scale specified by the Planning Director, which includes the following information:
 - 1. Location of all existing buildings, structures, and improvements on the property
 - 2. Location of all proposed buildings, structures, and improvements on the property
 - 3. Existing and proposed streets and highways bordering and within the boundaries of the property
 - 4. Location of existing and proposed parking areas
 - 5. Proposed landscaping
 - 6. North arrow
- F. Elevations of proposed buildings or structures related to the conditional use permit

- G. A narrative description of the proposed use or development including:
 - 1. Description of the nature of the proposed use or development
 - 2. Identification of the applicable zoning district or districts and the section of this chapter under which the conditional use permit is requested
 - 3. Reasons which the applicant feels justify the granting of the conditional use permit
- H. Signatures or letter of consent from all property owners unless County initiated.

19.104.030 REVIEW AND APPROVAL PROCEDURES

The application for a conditional use permit shall be reviewed and approved, conditionally approved, or denied by the decision-making authority in accordance with the procedures set out in Chapter 19.102 of this title.

19.104.040 BASIS FOR APPROVAL

The decision-making authority may approve or conditionally approve an application for a conditional use permit if it finds all of the following:

- A. The proposed use is consistent with the goals and policies of the applicable General or Specific Plan.
- B. The proposed use is consistent with the purpose of the applicable district or districts.
- C. The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Sections 19.08.030 through 19.08.080 of this title.
- D. The proposed use meets the minimum requirements of this title applicable to the use.
- E. The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

19.104.050 TERMS AND CONDITIONS

- A. Any conditional use permit may include such terms and conditions deemed appropriate or necessary by the decision-making authority to make the findings specified in Section 19.104.040 of this chapter. If no terms or conditions are specified, the use permit shall be considered unconditional and valid for an indefinite period.
- B. If the development for which a conditional use permit has been approved pursuant to this article has not commenced, or permits for such development have not been issued, within one (1) year of the granting of the use permit, or if the conditional use permit has been unused, abandoned, discontinued, or has ceased for a period of one (1) year, the use permit shall become null and void and of no effect, unless an extension has been granted by the decision-making authority upon written request for an extension before the expiration of the one- (1-) year period. This provision shall not apply to applications approved in conjunction with another discretionary permit. In such cases, the expiration period shall coincide with that of the associated permit.

- C. All conditions of approval shall be final, and a request to delete or to modify a condition to make it less restrictive shall only be considered at a properly noticed public hearing, unless said conditions are appealed pursuant to Section 19.102.170 of this title.

19.104.060 PERMIT REVOCATION AND MODIFICATION

Any conditional use permit issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this title.

CHAPTER 19.106

VARIANCES

SECTIONS:

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19.106.010 PURPOSE AND APPLICATION

Where special physical circumstances exist limiting the development of a particular property in accordance with development standards of a zoning district, relief from the development standards may be secured by the granting of a variance from those standards. The granting or denial of a variance will be based on whether the particular circumstances conform to the standards of this chapter. Under no circumstances will a variance from permitted or conditionally permitted uses be considered or granted.

19.106.020 APPLICATION CONTENTS

An application for a variance shall include the following:

- A. Name and address of applicant
- B. Name(s) and address(es) of the property owner(s)
- C. Assessor's parcel number(s)
- D. Legal description of the property
- E. Site development plan drawn at a scale specified by the Planning Director, which includes:
 - 1. Location of all existing buildings, structures, and improvements on the property
 - 2. Location of all proposed buildings, structures, and improvements on the property
 - 3. North arrow
- F. Elevations of all buildings or structures related to the variance sought
- G. A narrative description of the proposed use or development, including:
 - 1. Description of the nature of the proposed use or development
 - 2. Identification of the applicable zoning district or districts and section(s) of this title containing the standards from which variance is sought
 - 3. Explanation of the variance sought

4. Reasons which the applicant feels justify the granting of the variance

H. Signatures or letter of consent from all property owners of record unless County initiated.

19.106.030 REVIEW AND APPROVAL PROCEDURE

The application for a variance shall be reviewed and approved, conditionally approved, or denied by the decision-making authority in accordance with the procedures set out in Chapter 19.102 of this title.

19.106.040 BASIS FOR APPROVAL

The decision-making authority may approve or conditionally approve an application for a variance if it finds all of the following:

- A. Special circumstances exist applicable to the subject property, including size, shape, topography, location, or surroundings, such that the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district or districts.
- B. The granting of the variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is located.
- C. The granting of the variance will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity.

19.106.050 TERMS AND CONDITIONS

- A. Any variance granted may include such terms and conditions as deemed necessary or appropriate by the decision-making authority to effect the purpose of this title. If no additional terms or conditions are specified, the variance shall be considered unconditional and valid for an indefinite period.
- B. If the development for which a variance has been approved pursuant to this chapter has not commenced, or permits for each development have not been issued, within one (1) year of the granting of the variance, the variance shall become null and void and of no effect, unless an extension has been granted by the decision-making authority, upon the written request for an extension before the expiration of the one- (1-) year period. This provision shall not apply to applications approved in conjunction with another discretionary permit. In such cases, the expiration period shall coincide with that of the associated permit.
- C. All conditions of approval shall be final, and a request to delete or to modify a condition to make it less restrictive shall only be considered at a properly noticed public hearing, unless such conditions are appealed pursuant to Section 19.102.170 of this title.

19.106.060 VARIANCE REVOCATION AND MODIFICATION

Any variance issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this title.

CHAPTER 19.108
NONCONFORMING USES, STRUCTURES, AND LOTS

SECTIONS:

- 19.108.010 PURPOSE AND APPLICATION**
- 19.108.020 NONCONFORMING STRUCTURES**
- 19.108.030 NONCONFORMING USES OF STRUCTURES**
- 19.108.040 NONCONFORMING USES OF LAND**
- 19.108.050 NONCONFORMING LOTS**
- 19.108.060 NONCONFORMING SETBACKS**
- 19.108.070 NONCONFORMING SIGNS**
- 19.108.080 DETERMINATION OF NONCONFORMING STATUS**

19.108.010 PURPOSE AND APPLICATION

Within the zoning districts established by this title, or as subsequently amended, there exist structures, uses, lots, and signs which were lawful before the ordinance from which this title derives was passed or amended but which would be prohibited or restricted under the conditions of this title or future amendments. The Board of Supervisors of Kern County declares that nonconforming structures, uses, lots, and signs are incompatible with permitted uses in the zoning districts involved and such nonconforming uses, lots, and signs shall not be enlarged, expanded, or extended, except as provided for in this title. Such nonconforming structures, uses, and signs shall not be used as grounds for adding other structures or uses prohibited by this title.

19.108.020 NONCONFORMING STRUCTURES

- A. Any nonconforming structure may be continued and maintained provided there is no physical change other than necessary maintenance and repair in such a structure, except as otherwise provided by this chapter.
- B. A nonconforming structure shall not be enlarged in area, space, or volume.
- C. Any nonconforming structure which is vacant for a period of one (1) year or more shall not again be used or occupied for a nonconforming use.
- D. Any nonconforming structure may be reconstructed, repaired, or rebuilt when damaged by fire, earthquake, explosion, or act of God if the reconstruction and repair expense does not exceed one hundred and fifty percent (150%) of the actual cash value of the building at the time such damage occurred, and provided there is no expansion of the total area of the building as it existed prior to the damage. All such reconstruction shall be commenced within one (1) year from the date of damage.
- E. Where buildings or accessory structures have been rendered nonconforming as a result of a change in front-yard setback requirements, said buildings or structures may be reconstructed at the same location, provided there is no greater degree of nonconformity.

- F. Any use of a street, highway, alley, or railroad right-of-way which has been rendered nonconforming as a result of amendment of this title shall be completely removed within one (1) year of such amendment.
- G. Where a legally constructed building has been rendered nonconforming as a result of a change in required yards and setbacks, the Planning Director may authorize up to a fifty percent (50%) expansion of the structure without consideration of a formal zone modification or variance provided that: (1) there is no greater degree of encroachment into the required setback; (2) there is no significant change in the proposed use of the structure; (3) there is no significant change in the existing height of the structure; and (4) the addition will meet all adopted Uniform Building Code and Fire Code requirements.

19.108.030 NONCONFORMING USES OF STRUCTURES

- A. Any nonconforming use may be maintained and continued provided there is no increase or enlargement of the area, space, or volume occupied or devoted to such nonconforming use, except as otherwise provided in this section and Section 19.108.040.
- B. Any part of a building, structure, facility, or land occupied by a nonconforming use that is changed to or replaced by a use conforming to the provisions of this title shall not thereafter be used or occupied by a nonconforming use.
- C. Any part of a building, structure, facility, or land occupied by a nonconforming use that has been discontinued or abandoned for a period of one (1) year or more shall not again be used or occupied for a nonconforming use. In instances where the assessed value of improvements on the property exceeds fifty thousand dollars (\$50,000), as determined by the County Assessor, the nonconforming use shall not be reestablished if the use has been discontinued or abandoned for a period of two (2) years or more.
- D. If only minor structural alterations are required, a nonconforming use of a building may be changed to a similar or less intense nonconforming use.

19.108.040 NONCONFORMING USES OF LAND

- A. A nonconforming use of land shall not be expanded, extended, or intensified in any way with respect to scope, duration, or frequency of the use, except as follows:

The Planning Commission may authorize the expansion or intensification of legal, nonconforming uses if, after consideration at a public hearing noticed pursuant to Section 19.102.150, both of the following findings can be made:

- 1. The proposed expansion will not create any significant adverse impacts to surrounding properties.
- 2. The only other remedy to bring the use into conformance would require an amendment to the applicable General Plan.

Public hearing notification shall consist of mailing notices to property owners having property within three hundred (300) feet from the exterior boundaries of the subject

property. Published notice in a local newspaper shall not be required, unless the Planning Director determines that such additional notice is warranted. In consideration of a request to expand or intensify a legal, nonconforming use, the terms and conditions for any approval shall be as specified in Section 19.104.050.

- B. A nonconforming use of land shall not be changed to or replaced by any other use except a use that complies with the regulations of the zoning district in which the subject property lies.
- C. Any nonconforming use of land that has been discontinued or abandoned for a period of one (1) year or more shall not be reestablished. In instances where the assessed value of improvements on the property exceeds fifty thousand dollars (\$50,000), as determined by the County Assessor, the nonconforming use shall not be reestablished if the use has been discontinued or abandoned for a period of two (2) years or more.
- D. The exploration for or development or production of oil, gas, or other hydrocarbon substances lawfully constructed prior to April 7, 2021 shall be considered nonconforming uses of land. Any subsequent , maintenance, production, operations, well stimulation treatments, alterations or expansion, and other activities involving existing wells, including ancillary facilities, are allowed subject to Chapter 19.98 of this Title.
- E. A legal, nonconforming dwelling in any zone district may be replaced with the approval of the Planning Director, provided that all applicable requirements of this title, other than density or conditional use permit requirements, can be satisfied.
- F. Any use of land continuously in existence for a period of twenty (20) years or more may qualify as a legal, nonconforming use pursuant to Section 19.108.080, irrespective of when zoning requirements became effective for that property, provided that the Planning Director determines that the use is not significantly incompatible with surrounding land uses and that there is no significant threat to the public health, safety, and welfare in allowing the use to continue.

19.108.050 NONCONFORMING LOTS

Any lot which was legally recorded prior to the effective date of the ordinance from which this title derives may be used in conformance with the uses permitted by the zoning district in which it is located, provided that all yard and setback requirements are met. Said lots may also be deemed nonconforming with regards to the provisions of a General or Specific Plan based upon their status, but can be enlarged, expanded or extended through a land division action so long as:

- (a) The legal, nonconforming substandard lot is made greater in size; and
- (b) Any resulting new lots are not rendered substandard in size with respect to their existing map code designation and zone classification.

19.108.60 NONCONFORMING SETBACKS

Any use permitted under the provisions of this title that currently exists with nonconforming setbacks may:

1. Be replaced in the same location if damaged or destroyed by fire, earthquake, explosion, or act of God regardless of the cost of such reconstruction; or
2. Be maintained in accordance with the provisions of this Title provided there is no greater degree of nonconformity with regard to setback.

19.108.070 NONCONFORMING SIGNS

- A. The provisions of this section shall apply to all signs in the unincorporated County not otherwise regulated by State or federal law. Except as otherwise provided in this title, any sign lawfully in use on the effective date of the ordinance from which this title derives but made nonconforming thereby may continue to be used for a period of five (5) years. Any sign which becomes nonconforming because of an amendment to this title may continue to be used for a period of five (5) years from the effective date of such amendment.
- B. Nonconforming signs in existence beyond five (5) years, as provided for in Subsection (A) of Section 19.108.060 of this chapter, are declared illegal signs and a public nuisance and shall be abated as provided for in Chapter 19.114 of this title.
- C. Nonconforming signs shall be kept in good repair during the five- (5-) year period the sign may be used. Alterations or modifications to any nonconforming sign are prohibited, except for structural repair resulting in the same size or shape.
- D. A requirement for a nonconforming sign to be removed or altered so as to comply with the requirements of this title may be imposed as a condition on the approval of a subdivision, conditional use permit, variance, or other discretionary development approval.

19.108.080 DETERMINATION OF NONCONFORMING STATUS

Where there is doubt regarding the legal, nonconforming status of structures, uses of structures, uses of land, parcel size, or signs, documentation shall be submitted to the Planning Director to establish legal, nonconforming status. The burden of proof in submitting adequate documentation for determination of legal nonconforming status shall rest entirely on the party making said request. The Planning Director shall grant legal, nonconforming status only when the preponderance of information submitted clearly establishes the legality of the applicable use, structure, or parcel size. The determination of the Planning Director shall be final unless an appeal is filed within seven (7) days from, and including the date of, determination, in which case the matter shall be considered by the Board of Supervisors as provided for in Section 19.108.090 of this title.

19.108.090 APPEAL

- A. Any decision of the Planning Director made pursuant to this article shall be subject to appeal to the Board of Supervisors.
- B. The applicant or any other person aggrieved may appeal from such decision by filing a

written notice of appeal with the Planning Director prior to the time the decision becomes final. The Planning Director shall furnish forms of notice of appeal. The appeal shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.06.040 of this title.

- C. Notice of the hearing on the appeal shall be given in the manner and time provided in Section 19.102.210 of this chapter.
- D. The Board of Supervisors may reverse, affirm wholly or partly, modify, or attach other or additional conditions to the decision appealed from.
- E. The decision of the Board of Supervisors on any such appeal shall be final on adoption of an order or resolution containing its determination, and no notice thereof need be given.

CHAPTER 19.110
ZONE MODIFICATIONS

SECTIONS:

- 19.110.010 PURPOSE AND APPLICATION**
- 19.110.020 APPLICATION CONTENTS**
- 19.110.030 REVIEW AND APPROVAL PROCEDURE**
- 19.110.040 DEVELOPMENT STANDARDS SUBJECT TO MODIFICATION**
- 19.110.050 BASIS FOR APPROVAL**
- 19.110.060 TERMS AND CONDITIONS**
- 19.110.070 ZONE MODIFICATION REVOCATION AND MODIFICATION**

19.110.010 PURPOSE AND APPLICATION

The purpose of this chapter is to provide limited relief from the strict application of development requirements specified in this title where the granting of the modification would promote uniform development or relieve an unreasonable hardship, but would not be detrimental to the public health, safety, or welfare or to property or residents in the area. A zone modification shall not be granted where the relief sought should more appropriately be sought through the variance procedure.

19.110.020 APPLICATION CONTENTS

An application for a modification shall include the following:

- A. Name and address of the applicant
- B. Name(s) and address(es) of the property owner(s)
- C. Assessor's parcel number(s)
- D. Legal description of the property
- E. Site development plan drawn at the scale specified by the Planning Director, which includes the following information:
 - 1. Location of all existing buildings, structures, and improvements
 - 2. Location of all proposed buildings, structures, and improvements
 - 3. North arrow
- F. Elevations of all buildings or structures related to the modification sought
- G. A narrative description of the proposed use or development, including:

1. Description of the nature of the proposed use or development
 2. Identification of the applicable zoning district or districts and section(s) of this title containing the standards for which the zone modification is sought
 3. Explanation of the zone modification sought
 4. Reasons which the applicant feels justify the granting of the zone modification
- H. Signatures or letter of consent from all property owners of record unless County initiated.

19.110.030 REVIEW AND APPROVAL PROCEDURE

An application for a modification shall be reviewed and approved, conditionally approved, or denied by the decision-making authority in accordance with the procedures set out in Chapter 19.102 of this title.

19.110.040 DEVELOPMENT STANDARDS SUBJECT TO MODIFICATION

The decision-making authority may approve a zone modification to any of the following standards:

- A. Minimum lot size requirements, not to exceed fifteen percent (15%) reduction in such requirements.
- B. Off-street parking requirements, not to exceed fifteen percent (15%) reduction in such requirements, where ten (10) or more parking spaces are required.
- C. Yard and setback requirements, not to exceed twenty-five percent (25%) reduction in such requirements.
- D. Height limits, excluding signs, not to exceed twenty-five percent (25%) in such requirements.
- E. Height, location, or construction requirements for fences, walls, and hedges.
- F. Height and square footage limits for accessory buildings per Section 19.08.180.A.

19.110.050 BASIS FOR APPROVAL

The decision-making authority may approve, conditionally approve, or deny an application for a modification if it finds all of the following:

- A. The modification does not exceed the limits specified in Section 19.110.040 of this chapter.
- B. The granting of the modification will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity.
- C. Either of the following:
 1. The modification would promote uniformity in development on the lot or in the area

2. The modification would alleviate an unreasonable hardship on the property owner or applicant imposed by the strict application of the requirements of this title.

19.110.060 TERMS AND CONDITIONS

- A. Any zone modification granted may include such terms and conditions as deemed necessary or appropriate by the decision-making authority to effect the purpose of this title. If no additional terms or conditions are specified, the zone modification shall be considered unconditional and valid for an indefinite period.
- B. If the development for which a zone modification has been approved pursuant to this chapter has not commenced, or permits for such development have not been issued, within one (1) year of the granting of the zone modification, the zone modification shall become null and void and of no effect, unless an extension has been granted by the decision-making authority upon the written request for an extension before the expiration of the one- (1-) year period. This provision shall not apply to applications approved in conjunction with another discretionary permit. In such cases, the expiration period shall coincide with that of the associated permit.
- C. All conditions of approval shall be final, and a request to delete or to modify a condition to make it less restrictive shall only be considered at a properly noticed public hearing, unless said conditions are appealed pursuant to Section 19.102.170 of this title.

19.110.070 ZONE MODIFICATION REVOCATION AND MODIFICATION

Any zone modification issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this title.

CHAPTER 19.112
AMENDMENTS TO ZONING TITLE

SECTIONS:

- 19.112.010 PURPOSE AND APPLICATION**
- 19.112.020 INITIATION BY BOARD OF SUPERVISORS**
- 19.112.030 INITIATION BY AN INTERESTED PERSON**
- 19.112.040 NOTICE OF PUBLIC HEARING**
- 19.112.050 PUBLIC HEARING**
- 19.112.060 DECISION**
- 19.112.070 TIME LIMITATIONS ON CHALLENGES**

19.112.010 PURPOSE AND APPLICATION

The purpose of this chapter is to establish procedures for the amendment of this title and the Official Zoning Maps. Amendments to this title may be initiated by the Board of Supervisors on its own motion or by the application of any interested person.

19.112.020 INITIATION BY BOARD OF SUPERVISORS

The Board of Supervisors may at any time and in any form deemed appropriate by the Board initiate an amendment to any portion of this title. An amendment may be any of the following types:

- A. An amendment to the text of this title not changing regulations or standards affecting the use of any property.
- B. An amendment to the text of this title changing regulations or standards affecting the use of property.
- C. Amendment to the Official Zoning Maps reclassifying property from one (1) district to another, including applying a combining district to or removing a combining district from property.

19.112.030 INITIATION BY AN INTERESTED PERSON

A property owner, his/her authorized representative, or any other interested person may initiate an amendment to the Official Zoning Maps to reclassify property from one (1) district to another by submitting an application to the Planning Director.

- A. An application for a reclassification of property shall include:
 - 1. The name and address of the applicant
 - 2. The name(s) and address(es) of the property owner(s)
 - 3. Assessor's parcel number(s)

4. Legal description of the property
 5. A map of the property
 6. Identification of the zoning district reclassification being sought
 7. Signatures or letter of consent from all property owners of record
 8. If the property is designated as a flood hazard area according to the Flood Insurance Rate Maps (FIRM), the application shall include a request for the applicable flood hazard zoning, including legal descriptions for same, as required by the Planning Director.
- B. The application shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.108.020 of this title.
 - C. The Planning Director shall inform the applicant in writing within thirty (30) calendar days of receipt that the application is complete or that additional information is needed to complete the application.

19.112.040 NOTICE OF PUBLIC HEARING

- A. At least ten (10) days before the date of any public hearing on a proposed amendment to the text of this title changing regulations or standards affecting the use of any property or on an amendment to the Official Zoning Maps reclassifying property from one (1) district to another, notice of the hearing, identity of the hearing body, and the nature of the amendment, and identification of affected properties shall be given by the following methods:
 1. Publishing such notice once in at least one (1) newspaper of general circulation.
 2. Mailing or delivering notice, postage prepaid, to the property owner, the applicant, to each member of the Board of Supervisors, to each member of the Planning Commission, to the owners of all property within three hundred (300) feet of the exterior boundaries of the property which is subject of the application, and to any person who has filed a written request for such notice. For the purposes of this notice, property owners shall be the last known name and address of the property owner names on the last assessment role of the County. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph is greater than one thousand (1,000), a display advertisement of at least one-eighth (1/8) page in at least one (1) newspaper of general circulation may be published at least ten (10) days prior to the hearing in lieu of mailed or delivered notice.
 3. In lieu of the requirements set forth in Paragraph (1) of this subsection, notice may also be given by posting notices not more than three hundred (300) feet apart along each street upon which the subject property abuts for a distance of not less than three hundred (300) feet in each direction from the exterior limits of the subject property.
- B. At least ten (10) days before the date of any public hearing on a proposed amendment to the text of this title not changing regulations or standards affecting the use of any property, notice of the hearing, including the date, time, place of the hearing, identity of the hearing

body, and the nature of the amendment, shall be given by publishing such notice once in at least one (1) newspaper of general circulation.

19.112.050 PUBLIC HEARING

- A. A public hearing shall first be held before the Planning Commission at a time and place in accordance with the public notice. The Board of Supervisors shall establish rules for the conduct of such hearings. The name of each witness shall be recorded and made a part of the permanent files. Any hearing may be continued provided that prior to adjournment or recess, the Planning Commission shall announce the time and place to which the hearing will be continued. Planning Commission shall adopt a recommendation for consideration by the Board of Supervisors as specified in Section 19.102.160.B.
- B. Within forty-five (45) days from the date a decision is rendered by the Planning Commission, a public hearing shall be scheduled before the Board of Supervisors to consider the Planning Commission's recommendation. A public hearing shall be held before the Board of Supervisors at a time and place in accordance with the public notice. The Board of Supervisors may establish rules for the conduct of such hearings. The name of each witness shall be recorded and made a part of the permanent files. Any hearing may be continued provided that prior to adjournment or recess, the Board of Supervisors shall announce the time and place to which the hearing will be continued.

19.112.060 DECISION

- A. The Board of Supervisors shall approve by ordinance or deny by order the proposed amendment within thirty-five (35) days following the close of the public hearing. The decision shall be final.
- B. Where the amendment was initiated by an interested person pursuant to Section 19.112.030 of this chapter, written notice of the decision shall be given by mail, within seven (7) days after the date of the decision, to the applicant and any person filing a written request for notice of the decision.

19.112.070 TIME LIMITATIONS ON CHALLENGES

Any action or proceeding to attack, review, set aside, void, or annul any decision made pursuant to Section 19.112.060, or concerning any of the proceedings, acts, or determinations taken, done, or made prior to such decision, or to determine the reasonableness, legality, or validity of any condition attached thereto, shall not be maintained by any person unless the action or proceeding is commenced within thirty (30) days after the date of decision, and the legislative body is served within sixty (60) days after the date of the decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of that decision or of these proceedings, acts, or determinations.

CHAPTER 19.114
ENFORCEMENT AND PENALTIES

SECTIONS:

- 19.114.010 PURPOSE AND APPLICATION**
- 19.114.020 VALIDITY AND ISSUANCE OF PERMITS**
- 19.114.030 INSPECTION**
- 19.114.040 COMPLAINTS REGARDING VIOLATION**
- 19.114.050 NONCOMPLIANCE WITH PERMIT CONDITIONS**
- 19.114.060 MISDEMEANOR**
- 19.114.065 NOTICE OF ZONING VIOLATION**
- 19.114.070 ADMINISTRATIVE PENALTIES**
- 19.114.080 CIVIL ACTION**
- 19.114.090 ABATEMENT PROCEEDING**
- 19.114.095 VIOLATIONS AND COMPLIANCE WITH STANDARDS AND CONDITIONS**
- 19.114.100 RECOVERY OF COSTS**

19.114.010 PURPOSE AND APPLICATION

The purpose of this chapter is to establish provisions for enforcement of this title. The steps in the process are outlined as well as the penalties involved. This section puts all persons on notice as to the proceedings and penalties involved if any provision of this title is violated. The procedures contained in this chapter do not limit or modify the authority of the County of Kern to pursue enforcement under the provisions of Chapter 19.100 of this title.

19.114.020 VALIDITY AND ISSUANCE OF PERMITS

- A. No department, official, or employee of the County of Kern vested with the duty or authority to issue permits or licenses for buildings, structures, or uses subject to the requirements of this title shall issue a permit or license in conflict with the provisions of this title; any permit or license issued in conflict with any provision of this title shall be null and void. Further, no ministerial or discretionary permit or license shall be issued by any department, official, or employee of the County of Kern for any building, structure, or use subject to the requirements of this title on a parcel of land where the department, official, or employee is aware that a violation of this title exists, except as provided for below.
- B. If the application is for a ministerial permit, a zone modification, or zone variance and the approval of said permit will abate all violations of this title as determined by the Planning Director, the Planning Director may authorize the processing of the permit without first requiring the abatement of the violation or the formal consideration of the matter at a Director's Hearing provided that:
 - 1. The property owner has provided written acknowledgment of the existence of all violations of this title affecting the property for which a permit is being sought, and;

2. All outstanding administrative penalty fees, administrative costs, civil penalties, and enforcement costs incurred by any department of the County in investigating and seeking to abate all violations of this title affecting said property, and known by the Planning Director, have been paid.
- C. For all other classes of permits for property found to be in violation of this title, the application shall not be accepted for processing prior to the abatement of all such violations until the matter is first considered by the Hearing Officer at a Director's hearing. Notification of the scheduled date of consideration at a Director's hearing shall be sent by mailing or delivering notice, postage prepaid, to the property owner, the applicant, each member of the Board of Supervisors and to the owners of all abutting properties at least ten (10) calendar days prior to the date of the hearing and shall specify the date, time, and place of the hearing and the location and nature of the alleged violation of this title. The Hearing Officer may authorize the processing of the application if all of the following findings are made:
1. The violation or violations will not likely result in potentially significant health, safety, or welfare impacts on the property or the surrounding properties, and;
 2. The property owner has provided written acknowledgment of the existence of all violations of this title affecting the property for which a permit is being sought, and;
 3. The property owner is not presently known to be in violation of this title related to any other property owned over which the County has land use authority, unless that property's violation(s) are being abated with a concurrent application before the Hearing Officer, and;
 4. The application, if approved, will fully abate all violations of this title affecting the property for which permit approval is being sought, and;
 5. All outstanding administrative penalty fees, administrative costs, civil penalties, and enforcement costs incurred by any department of the County in investigating and seeking to abate all violations of this title affecting said property and known by the Hearing Officer, have been paid.
- D. If the Hearing Officer cannot make all of these required findings, the application shall not be processed until such time as all violations of this title affecting the property for which a permit is being sought and all other property owned by the same property owner over which the County has land use authority have first been abated. If the Hearing Officer can make the required findings, the final decision may contain stipulations deemed necessary to limit potentially significant health, safety or welfare impacts on the property or on surrounding properties. The decision of the Hearing Officer shall be final unless an appeal is filed within seven (7) days from, and including the date of, decision, in which case the matter shall be considered by the Planning Commission as provided for in Section 19.102.060 of this title. In the event that the Hearing Officer authorizes the processing of an application without requiring abatement of the violations, the Hearing Officer may reschedule the application for reconsideration if there are excessive delays in processing the application brought about by the applicant's action or inaction or in instances where there are fundamental changes in circumstances surrounding the nature of the violation.
- E. Any application authorized for filing pursuant to this section shall be assessed a late filing fee equivalent to fifty percent (50%) of the minimum filing fee normally required for

processing that application, in addition to the normal minimum filing fee for that application. If multiple applications are required, the late filing fee shall be assessed to each application filing fee.

- F. If violations of this title are discovered subsequent to formal acceptance of the application for processing, application processing shall be suspended until either the violations have been abated or, in the event that the only noted violations will be abated through approval of the pending discretionary permit/s, the matter is first considered as specified in Subsections B and C above.

19.114.030 INSPECTION

The Building Official or Planning Director may upon the presentation of proper credentials to the occupant or owner enter any premises, building, or structure at any reasonable time for the purpose of investigating and inspecting said premises, building, or structure to determine whether the same are being used in compliance with the provisions of this title. If admission or entry is refused, the Building Official may apply to the District Attorney to obtain an inspection warrant.

19.114.040 COMPLAINTS REGARDING VIOLATION

Whenever a violation of this title occurs or is alleged to have occurred, any person may file a complaint with the Building Official stating fully the causes and basis thereof. The complaint shall be investigated, and such action thereon as provided by this title taken as deemed appropriate.

19.114.050 NONCOMPLIANCE WITH PERMIT CONDITIONS

Whenever a complaint has been received or any County official believes that the conditions of a permit, variance, or other entitlement granted under the provisions of this title have been violated, the Building Official shall investigate such allegations. If such a violation, in the opinion of the Building Official, has occurred, an official Notice to Comply and/or compliance letter may be given. If correction of the violation(s) does not occur within the specified period, the Building Official may initiate revocation proceedings in accordance with the provisions of Section 19.102.020 of this title.

19.114.060 MISDEMEANOR

Any person, business, or owner or possessor of any property who violates this Chapter, or who, with the lawful authority to prevent it, causes, permits or allows such a violation, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for not exceeding six (6) months, or by both such fine and imprisonment. Each day the violation of this title continues shall be considered a separate offense.

19.114.065 NOTICE OF ZONING VIOLATION

Whenever the Building Official or his designee has knowledge of a violation of Title 19 of this code, he may cause a notice of intent to record a notice of violation to be mailed to the then current owner of record of the property. The notice shall state that within thirty (30) days of the date of the notice, the owner may request a hearing with the Board of Supervisors to present evidence that a violation does not exist. The notice shall further describe the property and violation in detail.

Following the sending of the notice of intent to record a notice of violation and prior to recording the notice, if it is determined that no violation exists, the Building Official or his designee shall mail a clearance letter to the then owner(s) of record.

In the event that a meeting is not requested and the violation has not been corrected, the Building Official may record, without fee, a notice of violation and/or a notice of substandard property in the Office of the County Recorder.

Upon request, the Building Official or his designee shall issue the affected property owner a notice of expungement of violation and/or a notice of substandard property upon correction of all violation(s) noticed hereunder.

19.114.070 ADMINISTRATIVE PENALTIES

- A. Any person, business, or owner or possessor of any property who violates this Chapter, or who, with the lawful authority to prevent it, causes, permits or allows such a violation, is subject to the regulations pertaining to the imposition and collection of administrative penalties as provided for in Chapter 8.54.
- B. Each day that more than six (6) cannabis plants are being cultivated on any legal parcel of record shall constitute a separate and distinct violation and shall be subject to all remedies provided in this title. Each cannabis plant grown in excess of six (6) on any legal parcel of record shall constitute, in and of itself, a separate and distinct violation of this chapter and shall be subject to all remedies provided in this Chapter.
- C. In determining the amount of any administrative penalty, the enforcing officer shall take into consideration the nature, circumstances, extent and gravity of the violation or violations, any harm caused by the violation or violations, any prior history of violations, the degree of culpability, the responsible parties' ability to pay the penalty, the market value of the marijuana plants being cultivated in violation of this chapter, the assessed value of the land on which the violation or violations occurred and any other factors in furtherance of justice. The imposition of administrative penalties is not an exclusive remedy, but is in addition to all other civil and criminal remedies available to the county to remedy violations of this Chapter.
- D. Administrative penalties for violation of this Chapter shall be assessed as follows:
 - 1. A penalty up to one thousand dollars (\$1,000.00) for violation of this Chapter at the time a notice of violation is served on the responsible party or parties and either:
 - 2. a. A penalty up to one thousand dollars (\$1,000.00) per day for each day a violation remains unabated past the deadline set forth in the notice of violation; or
 - b. For every plant being cultivated over the six-plant limit established by this Chapter, a per plant penalty to be administered according to the following schedule for each day a violation remains unabated past the deadline set forth in the notice of violation:

Number of Plants Under Cultivation in Excess of 6	Per Plant Per Day Penalty
1—10	Up to \$25.00
11—20	Up to \$50.00
21—30	Up to \$75.00
31—40	Up to \$100.00
41—50	Up to \$150.00
51 or more	Up to \$300.00

- E. The enforcing officer shall begin the administrative process by issuance of a notice of violation.

If the violation does not create an immediate threat to health or safety, the enforcing officer shall provide for a reasonable period of time, not to exceed five (5) days from the date the notice of violation is served, for the responsible party or parties to abate the cultivation of all marijuana plants being cultivated in excess of six (6). If within the time period stated in the notice of violation the responsible party or parties completely remedy the violation, then the enforcing officer will take no further enforcement action relative to the excess cultivation violation other than collection of the administrative penalty imposed pursuant to subsection D.1.

If the violation creates an immediate threat to public health and safety, the violation may be summarily abated pursuant to Chapter 8.44.

- F. The notice of violation shall be issued on a form containing:
1. The name and address of the responsible party or parties;
 2. The address of the real property where the violation occurred;
 3. A statement of the acts, events or conditions which resulted in violation of this Chapter, including a reference to this Chapter and the date(s) of occurrence;
 4. The amount of the administrative penalty to be imposed pursuant to subsection D.1.;
 5. The number of days the responsible party or parties have to abate the violation or be subject to the imposition of additional administrative penalties pursuant to subsection D.2.;
 6. Identification of appeal rights, including the time the notice of violation may be appealed to the Board of Supervisors;
 7. Notification that appeal to the Board of Supervisors does not toll the daily accrual of administrative penalties; and
 8. The signature of the public official issuing the notice of violation and the date the notice was issued.

9. A statement of financial condition form shall accompany the notice of violation.
- G. Following expiration of the time period for abatement stated in the notice of violation, if all plants being cultivated in excess of twelve (12) have not been abated, then the enforcing officer may issue a notice of violation and imposition of daily administrative penalty, which shall be issued on a form containing:
1. The name and address of the responsible party or parties;
 2. The address of the real property where the violation occurred;
 3. A statement of the acts, events or conditions which resulted in violation of this Chapter, including a reference to this chapter and the date(s) of occurrence;
 4. That the time period allowed for abatement has lapsed and the violation has not been abated;
 5. The amount of the daily administrative penalty to be imposed, the reasons for it and that the penalty will be imposed each day the violation remains unabated;
 6. Identification of appeal rights, including the time within which the notice of violation and imposition of daily administrative penalty may be appealed to the Board of Supervisors;
 7. Notification that appeal to the Board of Supervisors does not toll the daily accrual of administrative penalties; and
 8. The signature of the public official issuing the notice of violation and the date the notice was issued.
- H. The notice of violation and the notice of violation and imposition of daily administrative penalty may be combined with a notice and order to abate issued pursuant to Chapter 8.44.
- I. All notices provided for in this Chapter shall be served by first class mail, postage prepaid, as follows:
1. On the responsible party or parties at the address of the real property where the violation occurred;
 2. On the real property owner(s) at any address appearing on the last equalized County assessment roll; and
 3. The last known address of any responsible party if other than the real property where the violation occurred.
- Service made as provided in this Chapter shall be effective on the date of mailing.
- J. In lieu of personally serving any of the notices as provided in subsection I., service of the notices may be made as follows:

1. By leaving a copy during usual business hours with the person apparently in charge of the responsible party's place of business and thereafter mailing by first class mail, postage prepaid, a copy to the responsible party at the address where the copy was left; or
 2. By leaving a copy at the responsible party's dwelling or usual place of abode and thereafter mailing by first class mail, postage prepaid, a copy to the responsible party at the address where the copy was left; or
 3. If the responsible party has a property manager or rental agent overseeing the premises, service may be effected as provided in subsection J.1. or J.2. on the manager or rental agent; or
 4. If a responsible party or parties cannot be located or served as provided in subsection J.1., J.2., or J.3., then by posting the property with the Notice and mailing a copy of the notice by first class mail, postage prepaid, to the address of the real property where the violation occurred or is occurring.
- K. The failure of any responsible party or other person to receive any notice required to be given or posted pursuant to this Chapter shall not affect in any manner the validity of any proceedings taken pursuant to this Chapter.
- L. The notice of violation and the notice of violation and imposition of daily administrative penalty shall inform the recipients of their right to request a hearing before the Board of Supervisors in accordance with this Chapter. If such a hearing is not requested within ten (10) days after issuance of the notice, the proposed penalty shall become final and conclusive, and the person or persons to whom the notice was issued shall immediately make payment of the penalty amount to the County.

Filing an appeal shall not toll the daily accrual of administrative penalties.

A hearing shall be requested by completion of a request for hearing form and returning it to the address stated on the form within ten (10) days after issuance of the notice.

- M. If any recipient of a notice of violation or the notice of violation and imposition of daily administrative penalty requests a hearing before the Board of Supervisors, the person shall be notified by first class mail, postage prepaid, when the matter is set for hearing. Whenever possible, the hearing shall be set within fifteen (15) days after the request is made.

If the violation has been abated, the hearing notification shall state the final amount of the penalty to be imposed. If the violation has not been abated, the notification shall state the amount of the penalty as of the time of the notification and the estimated amount the penalty will be as of the time of the Board hearing if the violation remains unabated.

After the hearing, the Board may impose, modify, or disapprove, in whole or in part, by its own order, the penalty set forth in the notice. The decision of the Board shall be final and conclusive. Any order of the Board shall become effective upon issuance and shall be served by first class mail, postage prepaid, upon the appellant. Payment of an administrative penalty specified in the Board's order shall be made to the County within twenty (20) days of service of the order, unless timely appealed to the Superior Court.

- N. Interest shall accrue on all amounts due under this section at the legal rate, from the effective date of the administrative penalty order to the date payment is made pursuant to the laws applicable to civil money judgments.

In addition to any other legal remedy, whenever the full amount of the administrative penalty has not been fully satisfied within thirty (30) days after the penalty becomes final, the amount owed may be declared a lien on real property owned by the responsible party or parties pursuant to Section 8.54.130 and may also be declared a special assessment against real property owned by the responsible party or parties pursuant to Section 8.54.130. In addition, the County may withhold issuance of licenses, permits and other entitlements for any property owned, possessed or leased by the responsible party whenever an administrative penalty resulting from a violation of this Chapter remains unpaid.

- O. Administrative penalties imposed pursuant to this Chapter shall also constitute a personal obligation of each responsible party. In the event that administrative penalties are imposed on two (2) or more persons for the same violation, all such persons shall be jointly and severally liable for the full amount of the penalties imposed. In addition to any other remedy, the County may prosecute a civil action to collect any administrative penalty imposed pursuant to this Chapter.
- P. The payment of administrative penalties does not bar the County from taking any other enforcement action regarding a violation that is not corrected within the time period stated in the notice of violation. This Chapter does not supersede Kern County Ordinance Code Chapter 8.54.

19.114.080 CIVIL ACTION

Any person, business, or owner or possessor of any property who violates this Chapter, or who, with the lawful authority to prevent it, causes, permits or allows such a violation, shall be liable in a civil action brought in the name of the County, or in the name of the people of the State of California by the district attorney, in any competent jurisdiction of the state court system for the following: 1) equitable relief which may be issued by the court in order to enjoin any conduct, past conduct, or proposed conduct which constitutes a violation of this title; 2) all costs incurred by the County in enforcing the provisions of this title, including but not limited to, any costs of investigation and abatement; 3) reasonable attorney fees incurred by the County in enforcing the provisions of this title, if the County elects to specifically plead for the recovery of such attorney fees in the complaint, otherwise attorney fees shall not be recoverable by either party; and 4) civil penalties which shall be issued by the court, in an amount not to exceed one thousand dollars (\$1,000.00) per violation, after considering the relevant circumstances of the case, including but not limited to, the nature and seriousness of the misconduct, the number of violations, the persistence of the of misconduct, the duration of the misconduct, the willfulness of the misconduct, and the defendant's assets, liabilities, and net worth. If applicable, each day a violation of this title continues shall be considered a separate offense. The enforcement provisions and remedies set forth in this section are not exclusive, but are in addition to any other enforcement remedy available to the county under any applicable state or federal statute, the Kern County Ordinance Code, or any other lawful power the county may possess. If any part of this section is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness, or unconstitutionality, shall not affect the validity, lawfulness, or constitutionality of any other part of this section.

19.114.090 ABATEMENT PROCEEDING

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title, or any use of land, building, or premises conducted, operated, or maintained contrary to the provisions of this title or contrary to a permit or variance or the terms and conditions imposed therein is declared to be unlawful and a public nuisance, and the Building Official and/or the District Attorney shall commence action or proceedings for the abatement and removal and/or enjoinder thereof in the manner provided by this code or law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant relief as will abate and remove such building or structure and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building, structure, or vehicle or using any property contrary to the provisions of this title.

19.114.095 VIOLATIONS AND COMPLIANCE WITH STANDARDS AND CONDITIONS

Any violation of this title requiring compliance with development standards contained in this title, or requiring compliance with conditions adopted in the conjunction of the issuance of a discretionary permit pursuant to this title, shall not be deemed to be abated until such time as all applicable standards and/or adopted conditions of approval have been satisfied.

19.114.100 RECOVERY OF COSTS

This section establishes procedures for the recovery of administrative costs incurred by the County in the enforcement process, for the abatement of conditions defined as a violation by Section 19.04.879 in cases where no permit is required pursuant to the provisions of this title to abate such violation. These procedures are used where a violation is abated in advance of initiation of the procedures specified by this chapter.

- A. **Definition of Costs.** For the purpose of this chapter, costs shall mean administrative costs, including staff time expended and reasonably related to violation abatement cases where no permit is required, for items including, but not limited to, attorney's fees, investigation, site inspection and monitoring, reports, telephone contacts, correspondence, photography labs, consultants, and meetings with affected parties.
- B. **Cost Accounting and Recovery Required.** The enforcement personnel shall maintain records of all administrative costs incurred by responsible County departments associated with the enforcement process pursuant to this chapter and shall recover the costs from the property owner as provided by this section. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Planning Director.
- C. **Notice of Cost Recovery Requirements.** The enforcement personnel shall include in the notice of violation a statement of the intent of the County to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing if he or she objects to such charges. The notice shall state that the property owner will receive, at the conclusion of the enforcement case, a summary of administrative costs associated with the processing of the enforcement case at the hourly rate in effect at the time the case is initiated. The notice shall state that the property owner will have the right to object to the charges by filing a request for hearing with the Board of Supervisors within thirty (30) days of service of the summary of charges, pursuant to Subsection D of this section.
- D. **Summary of Costs.** At the conclusion of the enforcement case, the enforcement personnel shall send a summary of costs associated with enforcement to the property owner by certified mail. The summary shall include a notice which states that if the owner objects to the charges, a request for hearing must be filed as provided by Subsection E of this section, and that if no such hearing is requested, the owner's right to object will be waived, and he or she will be fully liable for the charges, to be recovered in a civil action in the name of the County, in any court of competent jurisdiction within the County.
- E. **Hearing on Objection to Charges.** Any property owner who receives a summary of costs pursuant to Subsection D of this section shall have the right to a hearing before the Board of Supervisors on his or her objections to the proposed costs, as follows:
 - 1. **Request for Hearing.** A request for hearing shall be filed with the Planning Department within thirty (30) days of the service by mail of the summary of costs, in the form of a letter setting forth the nature of the property owner's objections to the costs.

2. **Scheduling of Hearing.** Within thirty (30) Not less than ten (10) days of the filing of the request for hearing, and on thirty (30) days written notice to the owner, the Board of Supervisors shall hold a hearing on the owner's objections and determine the validity thereof.
 3. **Decision by the Board of Supervisors.** In determining the validity of the costs, the Board of Supervisors shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to, whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation provided by the owner; whether reasonable minds can differ as to whether a violation exists. The decision of the Board of Supervisors shall be final.
- H. **Collection of Charges.** In the event that no request for hearing is filed pursuant to Subsection E of this section or after a hearing, the Board of Supervisors affirms the validity of the costs, the property owner shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the Building Official. The County shall be reimbursed for all of said costs within forty-five (45) days from the date of decision pursuant to Subsection E or, if no appeal is filed, within thirty (30) days from the mailing of the summary of costs pursuant to Subsection D. Payment may be received at the Planning Department. Delinquent fees shall be subject to a penalty of twenty-five percent (25%) of the total summary of costs. If payment is not received, such costs shall be recoverable in a civil action in the name of the County in any court of competent jurisdiction within the country.

CHAPTER 19.116

LIQUOR LICENSE DETERMINATION OF PUBLIC CONVENIENCE

SECTIONS:

19.116.010 PURPOSE

19.116.020 APPLICATION

19.116.030 NOTICE

19.116.040 HEARING

19.116.010 PURPOSE

In order to comply with the provisions of the State of California Business and Professions Code as it relates to the issuance, upgrade, and transfer of liquor licenses, the following procedures and requirements are adopted by the Kern County Board of Supervisors with respect to consideration of requests for determination of public convenience.

19.116.020 APPLICATION

- A. All requests for a determination of public convenience for the issuance, upgrade, or transfer of a liquor license pursuant to the State of California Business and professions Code shall be filed with the Kern County Planning Department in application form as specified by the Planning Director.
- B. Minimum application information shall include, but shall not be limited to, the following:
 - 1. The address for which the liquor license is requested.
 - 2. The Assessor's parcel number for the proposed license location.
 - 3. A description of the type of liquor license proposed.
 - 4. A brief history of land use on the property for which the license is proposed and, if applicable, the length of time that any previous license has been in effect.
 - 5. A brief statement in support of a determination that issuance of the requested license is in the public convenience.
 - 6. A copy of the application submitted to the State of California, Department of Alcoholic Beverage Control.
 - 7. Names and locations of any other liquor licensee within a five hundred- (500-) foot radius of the proposed license location.

19.116.030 NOTICE

Upon submittal of all required information in support of a request for a determination of public convenience and payment of the filing fee by the applicant, the Planning Department shall serve notice no later than ten (10) days prior to the scheduled public hearing to consider the request. Said notice shall be provided by mail to all property owners and existing liquor licensees within five hundred (500) feet of the location for which the liquor license is requested. An additional notice shall also be mailed to the Kern County Sheriff's Department. The required notice shall contain the following:

1. Purpose of the Notice
2. Date, time, and location of the public hearing to consider the request.
3. Location for which the liquor license is requested.
4. Type of liquor license requested.
5. Name of the department, staff member, and address where additional information can be obtained or written comments submitted to.
6. An explanation that the notice is for County purposes only and is not a substitute for any notice that the State of California may provide.

19.116.040 HEARING

The Board of Supervisors shall conduct a public hearing for the purpose of considering testimony, both verbal and written, related to the request for public convenience. In order to assist the Board of Supervisors, the Planning Department shall prepare a written staff report prior to the date of the public hearing. Such report shall contain, but shall not be limited to, the following:

1. Location of requested license.
2. Any pertinent history or background related to the property.
3. Type of license requested.
4. Recommendation related to the request and recommended findings in support of the recommendation.
5. Copies of any correspondence received.

Upon conclusion of a public hearing and any continuances thereto, the Board of Supervisors shall adopt a resolution with findings setting forth the decision related to the request.

CHAPTER 19.118

REGULATION OF TRANSPORT OR TRANSFERS OF NATIVE GROUNDWATER OUTSIDE KERN COUNTY AND ITS WATERSHEDS, INCLUDING THOSE THROUGH JOINT USE OF CAPACITY IN AND SALES TO OWNERS OR OPERATORS OF WATER CONVEYANCE FACILITIES

SECTIONS:

19.118.010 PURPOSE AND INTENT

19.118.020 SCOPE

19.118.030 CONDITIONAL USE PERMIT REQUIREMENT

19.118.040 APPLICATION PROCESSING AND FEES

19.118.050 REQUIRED FINDING

19.118.060 MONITORING AND REPORTING

19.118.070 MODIFICATIONS AND REVOCATION

19.118.080 SEVERABILITY

19.118.090 CIVIL PENALTY

19.118.010 PURPOSE AND INTENT

- A. Under existing law, it is the policy of the State to facilitate the transport or transfer of water and water rights where consistent with the public welfare of the place of export.
- B. Under the provisions of the California Water Code (hereafter "Water Code") Sections 1810 et seq., neither the State nor any regional or local public agency may deny a bona fide transferor of water, as defined, the use of a water conveyance facility which has unused capacity as defined, for the period of time for which that capacity is available, if fair compensation, as specified, is paid for that use, subject to conditions specified in Water Code Sections 1810(a), (b), (c), and (d).
- C. Water Code Section 1810(d) provides that use of a water conveyance facility to transfer water may be denied if the use of the water conveyance facility will injure any legal user of water, will unreasonably affect fish, wildlife or other in-stream beneficial uses, or will unreasonably affect the overall economy or the environment of the county from which the water is being transferred.
- D. Transfers or transport of native groundwater from Kern County to any area located both outside the watershed of the aquifer producing the water and the County, including those undertaken pursuant to Water Code Sections 1810 et seq., could adversely and significantly affect the overall economy or the environment of any part of Kern County.
- E. It is the purpose and intent of this chapter to establish an effective county policy concerning transfers or transport of native groundwater to any area located both outside both Kern County and the watershed of the aquifer producing the water, including those undertaken pursuant to Water Code Sections 1810 et seq. and sales from any water seller selling to the owner or operator of any water conveyance facility where the transferor, seller or buyer

has the intent to or actually does use any native groundwater, directly or indirectly, outside both Kern County and the watershed of any aquifer underlying Kern County in whole or in part from which the water is produced or removed, that will assure that the overall economy and environment of any part of Kern County are protected in the manner described by Water Code Section 1810(d).

19.118.020 SCOPE

This chapter shall only apply to transport or transfers of native groundwater from or taking place in the unincorporated areas of Kern County lying within the southeastern drainage of the Sierra Nevada and Tehachapi mountain ranges as defined by the jurisdiction of the Lahontan Regional Water Quality Control Board.

As used in this chapter, the term "native groundwater" includes connate water and percolating groundwater originating as precipitation within Kern County or its watershed areas. The term "native groundwater" does not include water which is both recharged by artificial means, including water recharged through groundwater banking programs, and which originates outside Kern County and its watershed areas.

There shall be a rebuttable presumption that the quantity of imported water brought into the County is reduced by losses during both transport through and storage in Kern County, reducing the quantity available for unregulated delivery outside the County.

19.118.030 CONDITIONAL USE PERMIT REQUIREMENT

Except as otherwise provided herein, any person, district, or public agency, including any bona fide transferor of water as defined in Water Code Section 1811(a), who proposes to engage, directly or indirectly, in the transport or transfer of native groundwater from Kern County, where the transporter, transferor, seller or buyer has the intent to use or actually does use any native groundwater, directly or indirectly, in any area located both outside Kern County and the watershed of any aquifer underlying Kern County in whole or in part from which the water is produced or removed, including transfers pursuant to the provisions of Water Code Sections 1810 et seq., or any water seller selling to the owner or operator of any water conveyance facility, shall first obtain a conditional use permit as provided in this Chapter, prior to the commencement of any such water transport, transfer or delivery connected with a sale. The following are exempt from the application of this Chapter:

- A. The transport or transfer of water during periods of declared emergency in order to prevent or mitigate the flooding of real property located within Kern County.
- B. The transport or transfer of water to the extent of the highest historical average annual quantity prior to December 15, 1997, by means of substantially similar transport facilities as established by claim of exemption determination and to the extent the transfer is to substantially the same areas as was done historically.
- C. The transport or transfer of water in the form of manufactured or processed goods or products, agricultural products, or in bottles or any other portable containers including tanker trucks.

- D. Water used within that portion of the community of Red Mountain located both outside the watershed for the Fremont Valley hydrologic unit and within Section 6 of Township 30 South, Range 41 East, Mount Diablo Base and Meridian.

Processing claims of exemption under Subsections A, B, C, and D above shall be guided generally by the procedures relating to establishment of nonconforming uses contained in Chapter 19.108 of this Code.

19.118.040 APPLICATION PROCESSING AND FEES

Applications for a conditional use permit for water transport or transfer subject to this Chapter shall be processed generally in the same manner as other conditional use permit applications, and the fee shall be the same as the fee for processing other conditional use permit applications under Chapter 19.104 of this code. The CEQA Notice of Availability and the notice of the hearing on the conditional use permit application shall each be given by mail to the owners, as shown on the latest equalized assessor's roll, of property overlying any part of the hydrologic unit, as shown on the latest Water Quality Control Plan for the Lahontan Region Plate 1B, from which the water is to be removed under the conditional use permit.

19.118.050 REQUIRED FINDINGS

- A. A conditional use permit for transport or transfer of native groundwater subject to this Chapter shall not be approved, unless the decision-making authority makes a written finding that the proposed water transport or transfer will not unreasonably affect the overall economy of any part of Kern County and will not unreasonably affect the environment of any part of Kern County.
- B. A proposed water transfer or water transport shall be found by the decision making authority to affect unreasonably the overall economy of any part of Kern County or to affect unreasonably the environment of any part of Kern County, if the proposed transfer or water transport of native groundwater, including all proposed mitigation measures, will cause a significant effect or effects on the overall economy or the environment of any part of the county, or if the proposed native groundwater transport or transfer when added to all the other native groundwater extracted from the affected aquifer will result in native groundwater being removed from the affected aquifer at an annual rate exceeding 100 per cent of the long-term average annual aquifer recharge. A determination of whether or not the proposed water transport or transfer will have a significant effect or whether a mitigation measure or measures will reduce such a significant effect to less than a significant level shall be made by the decision-making authority by generally referring to the analytical model of the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.), its guidelines, and relevant case law.
- C. In determining whether a proposed native groundwater transfer or transport will unreasonably affect the overall economy of any part of Kern County, the County decision-making authority shall consider all relevant factors, including but not limited to potential injuries to legal users of water in any part of the County, indirect economic impacts to suppliers, service providers, and others in any part of the county, impacts to the tax base of any part of the County, and the cumulative effects of the proposed water transport or transfer when considered together with the effects of past native groundwater transfers and

past water transport to any area located both outside the County and the watershed of the aquifer producing the water, as well as the effects of all approved or anticipated future native groundwater transfers and transport to any areas located both outside the County and the watershed of the aquifer producing the water on any part of the County's overall economy.

- D. In determining whether a proposed native groundwater transport or transfer will unreasonably affect the environment of any part of Kern County, the decision-making authority shall consider all relevant factors, including but not limited to effects on plants, fish and wildlife and other in-stream uses, effects on water levels in wells, effects on springs and seeps, effects on riparian and groundwater dependant vegetation, effects on endangered plant or animal species, and the cumulative effects of the proposed water transfer or sale when considered together with the effects of past native groundwater transfers or sales and past water exports to any areas located both outside the County and the watershed of the aquifer producing the water, as well as the effects of approved or anticipated future native groundwater transfers and exports to any areas located both outside the County and the watershed of the aquifer producing the water on any part of the County's overall economy.
- E. Each finding made pursuant to this chapter shall contain a description of the evidence which supports the finding. The format for each finding shall be as follows: "FINDING" followed by specific "Evidence" in support thereof.

19.118.060 MONITORING AND REPORTING

The decision-making authority shall incorporate into each conditional use permit for a transfer of native groundwater a monitoring and/or reporting program. The monitoring and/or reporting program shall be of such scope and extent as the decision-making authority finds to be necessary to ensure that the proposed native groundwater transfer will not unreasonably affect the overall economy or the environment of any part of the County. Such a monitoring and/or reporting program may include, but shall not be limited to, in-stream flow measurements, reports of the amounts of surface water diverted and/or amounts of groundwater pumped, monitoring of wells, monitoring of groundwater levels, monitoring of spring and seep flow, and monitoring of vegetation, wildlife, and fish.

19.118.070 MODIFICATIONS AND REVOCATION

In the event that evidence obtained through the monitoring and/or reporting program or other evidence indicates that a native groundwater transport or transfer subject to a conditional use permit has unreasonably affected or has the potential to unreasonably affect the overall economy or the environment of any part of the county, the County decision-making authority shall conduct a noticed public hearing into the matter. If at the conclusion of the hearing, the decision-making authority finds that any native groundwater transport or transfer under a conditional use permit, if continued, would cause an unreasonable effect on the overall economy or the environment of any part of the County, the decision-making authority shall modify the provisions of the conditional use permit to the extent that it is necessary to avoid the occurrence of such an effect. If the decision-making authority finds that a native groundwater transport or transfer subject to a conditional use permit has unreasonably affected the overall economy or the environment of any part of the County, the decision-making authority shall order the implementation of such mitigation measures as it may

find necessary to reduce the level of any such effects to a less than significant impact. In addition, the decision-making authority may modify the conditional use permit to the extent that it is necessary to avoid the occurrence of such unreasonable effects in the future or, alternatively, the decision-making authority may revoke a conditional use permit if it finds that the native groundwater transport or transfer cannot be continued without causing such an unreasonable effect. The permit process of this chapter shall not be construed to grant any right or entitlement, but rather the conditional use permit evidences that the health, welfare and safety of the residents of any part of the County will not be harmed by the transfer or transport of native groundwater subject to the conditional use permit. The conditional use permit in no way exempts, supersedes, or replaces any other applicable provision of federal, State, or local law or regulations, and any actions provided for in California groundwater law, well drilling and maintenance or building permit requirements.

19.118.080 SEVERABILITY

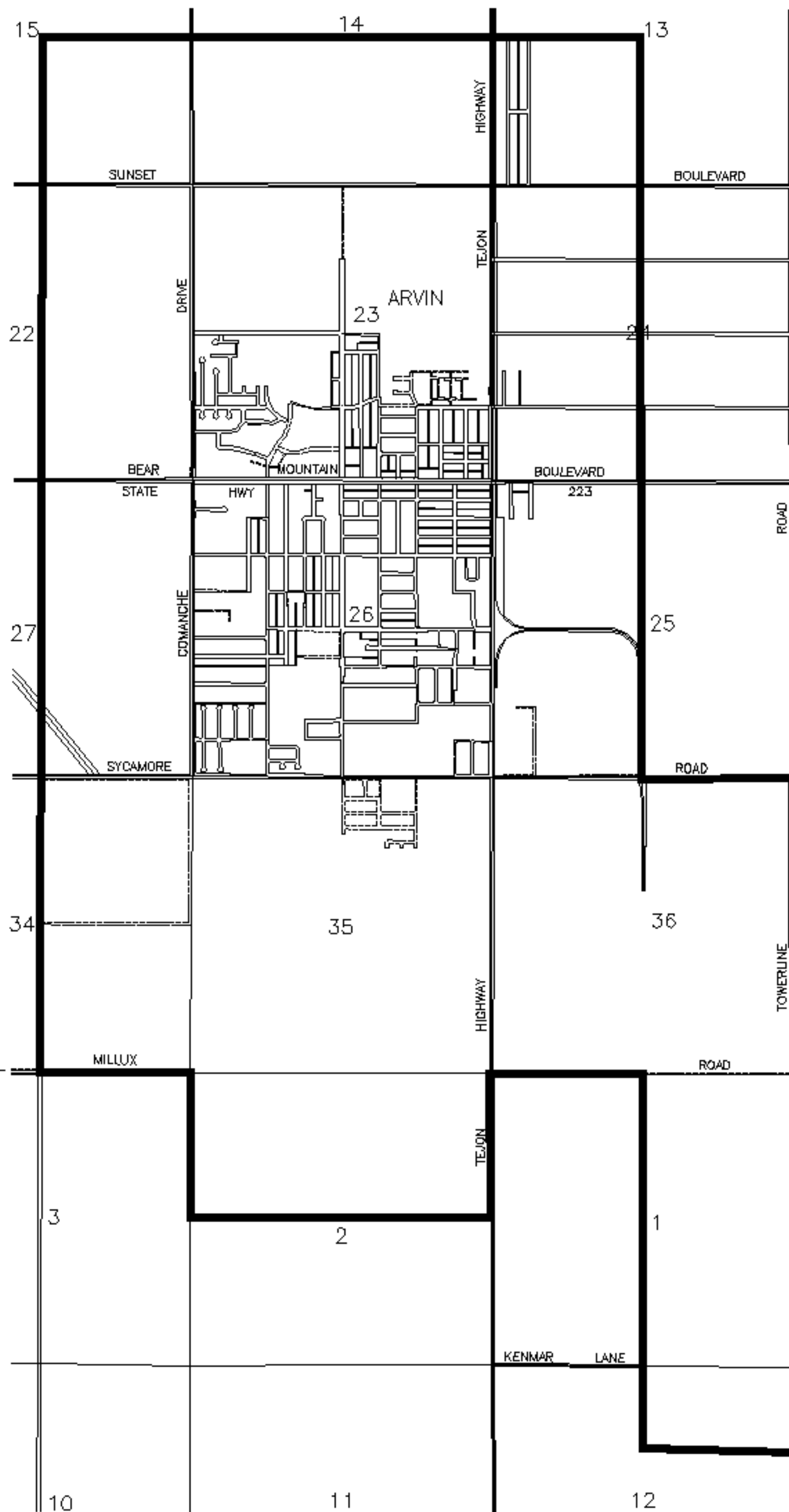
If any section, subsection, sentence, clause or phrase of this Chapter is for any reasons held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Kern County Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

19.118.090 CIVIL PENALTY

The County may elect to proceed with a civil action against a violator, including injunctive relief. Any person, district, public agency or otherwise who may violate this Chapter shall be subject to fines of up to five thousand dollars (\$5,000) per separate violation. A separate violation shall exist for each and every day or portion thereof during which such violation is committed, continued, or permitted, and a separate violation shall exist for each and every groundwater well or other water source used on any day or portion thereof to commit, continue, or permit each such violation.

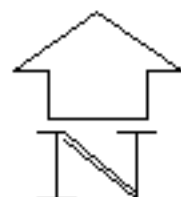
APPENDIX A

TYPE "A" IMPROVEMENTS AREA MAPS



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DRAWN BY: UB

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COUNTY OF KERN
STATE OF CALIFORNIA
KERN COUNTY
PLANNING DEPARTMENT
APPENDIX "A"

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TYPE "A" IMPROVEMENTS
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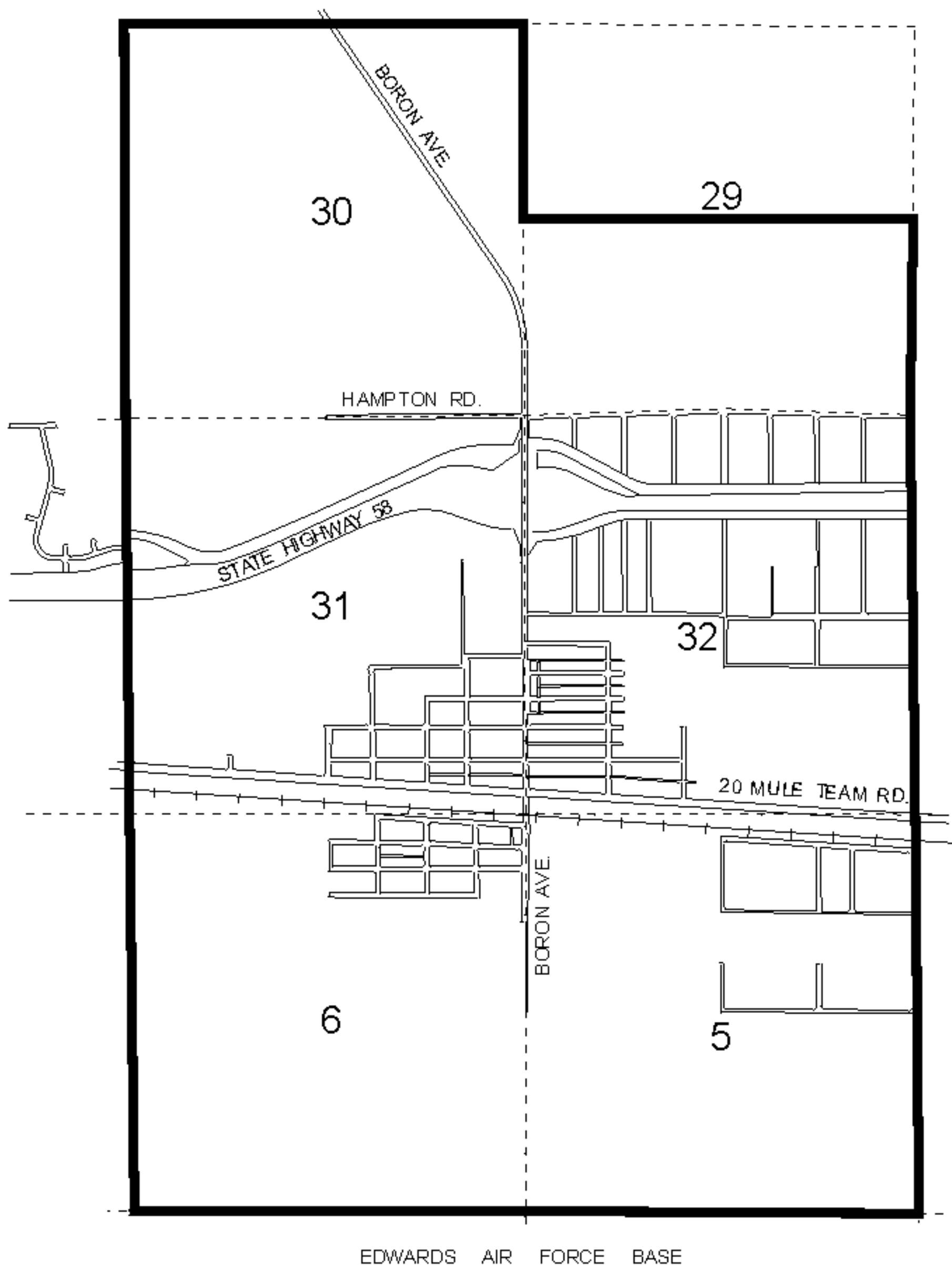
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COUNTY OF KERN
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PLANNING DEPARTMENT
APPENDIX "A"**

**BAKERSFIELD
TYPE "A" IMPROVEMENTS
REQUIRED**



EDWARDS AIR FORCE BASE



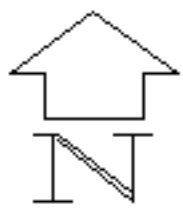
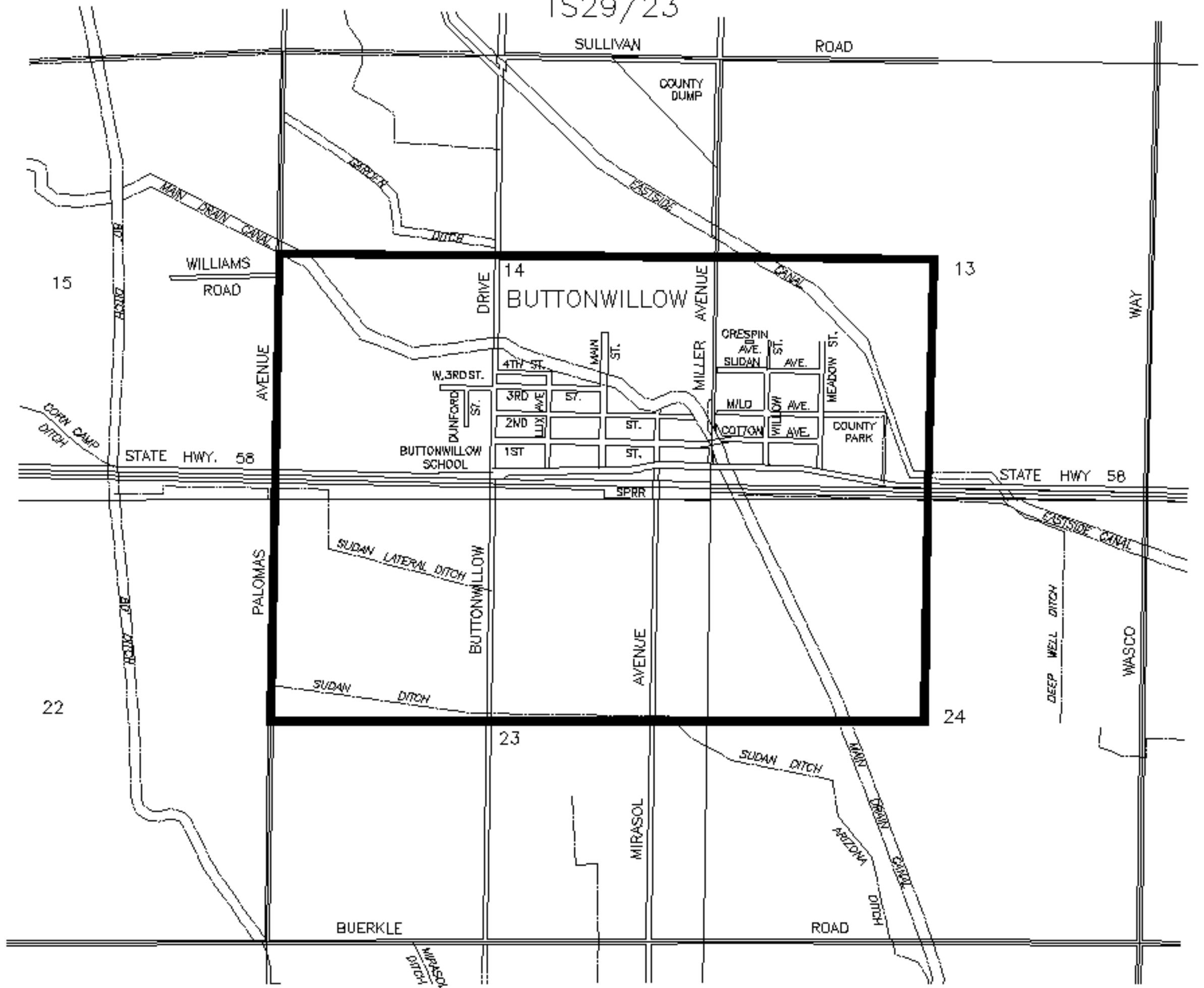
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COUNTY OF KERN
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PLANNING DEPARTMENT
APPENDIX "A"**

BORON
**TYPE "A" IMPROVEMENTS
REQUIRED**

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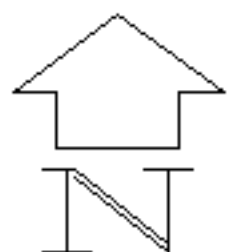


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APPENDIX "A"

BUTTONWILLOW
TYPE "A" IMPROVEMENTS
REQUIRED



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COUNTY OF KERN
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APPENDIX "A"

DELANO
TYPE "A" IMPROVEMENTS
REQUIRED

T11N R8W

DESERT LAKE

BOULEVARD

STATE

HWY 58

34

35

JUNIPER AVENUE

SAGE

ST.

AVENUE

TAMARISK

AVENUE

JOSHUA

AVENUE

CHAPARRAL

AVE.

MONTTE VISTA ST.

SERRA VIEW ST.

EL MIRAGE

DEL ORO STREET

TWENTY MULE TEAM ROAD

A.T. & S.F.



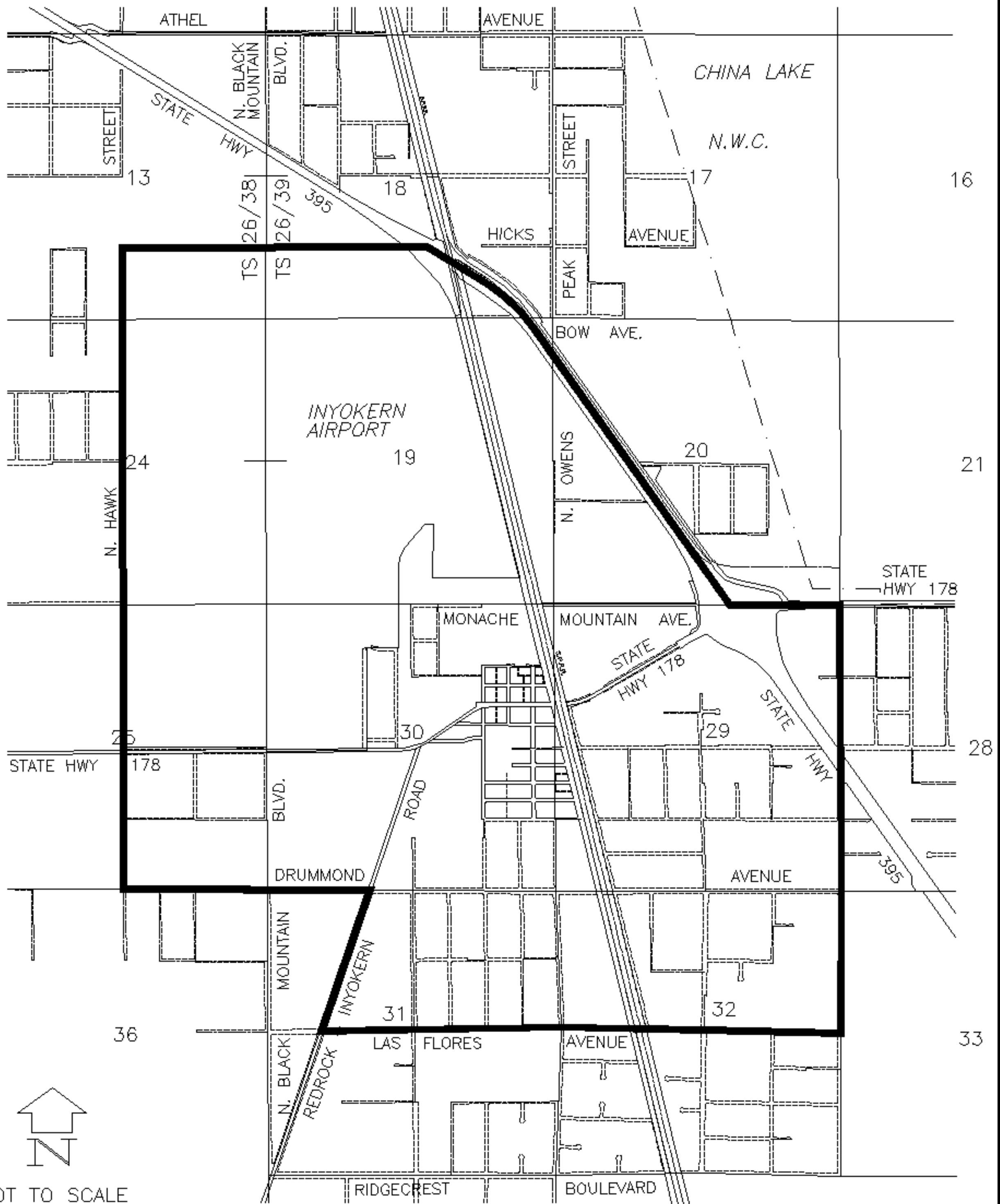
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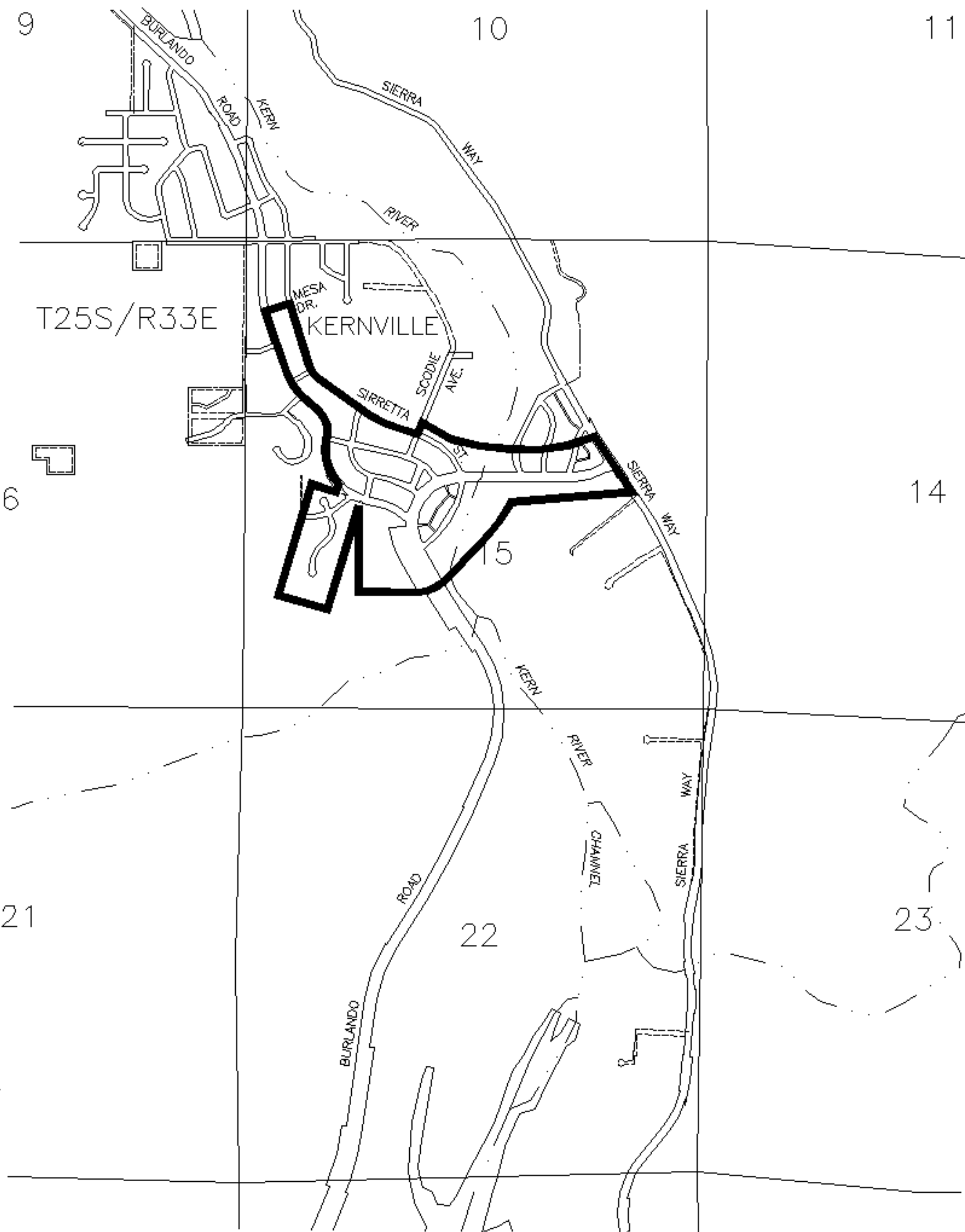
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TYPE "A" IMPROVEMENTS
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APPENDIX "A"

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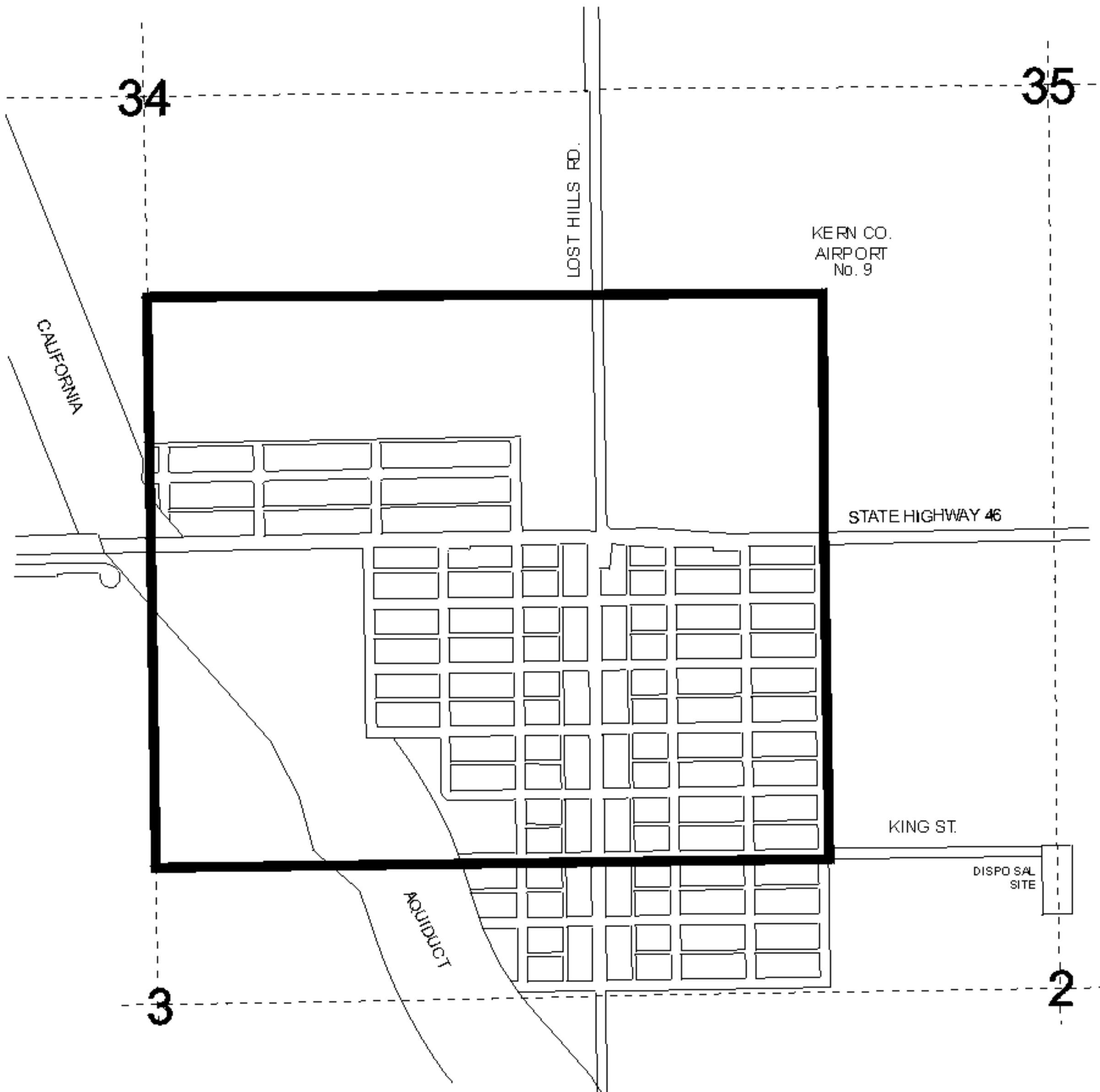


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APPENDIX "A"

KERNVILLE
TYPE "A" IMPROVEMENTS
REQUIRED



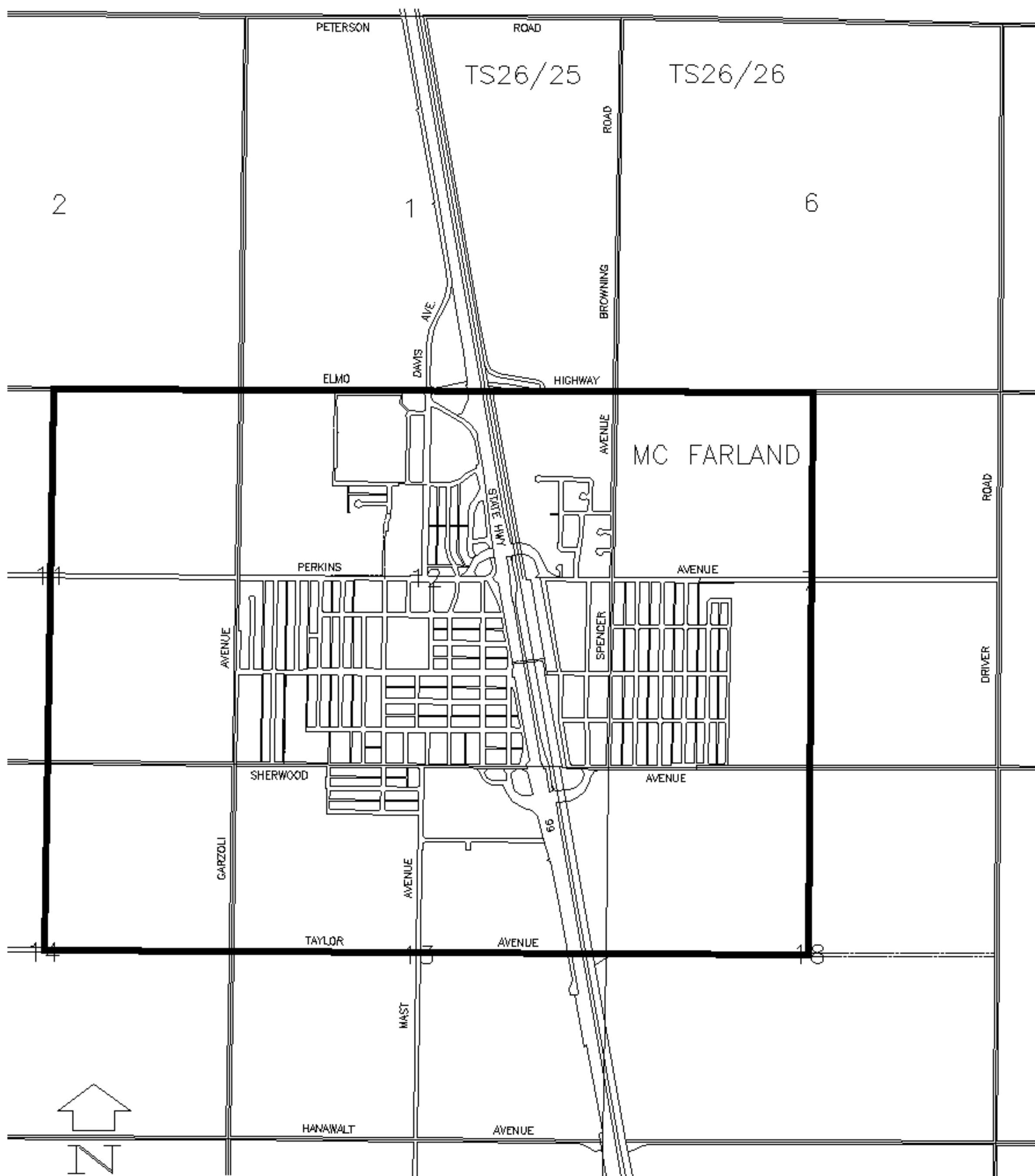
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**LOST HILLS
TYPE "A" IMPROVEMENTS
REQUIRED**

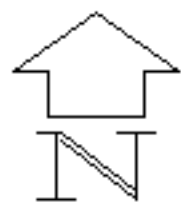
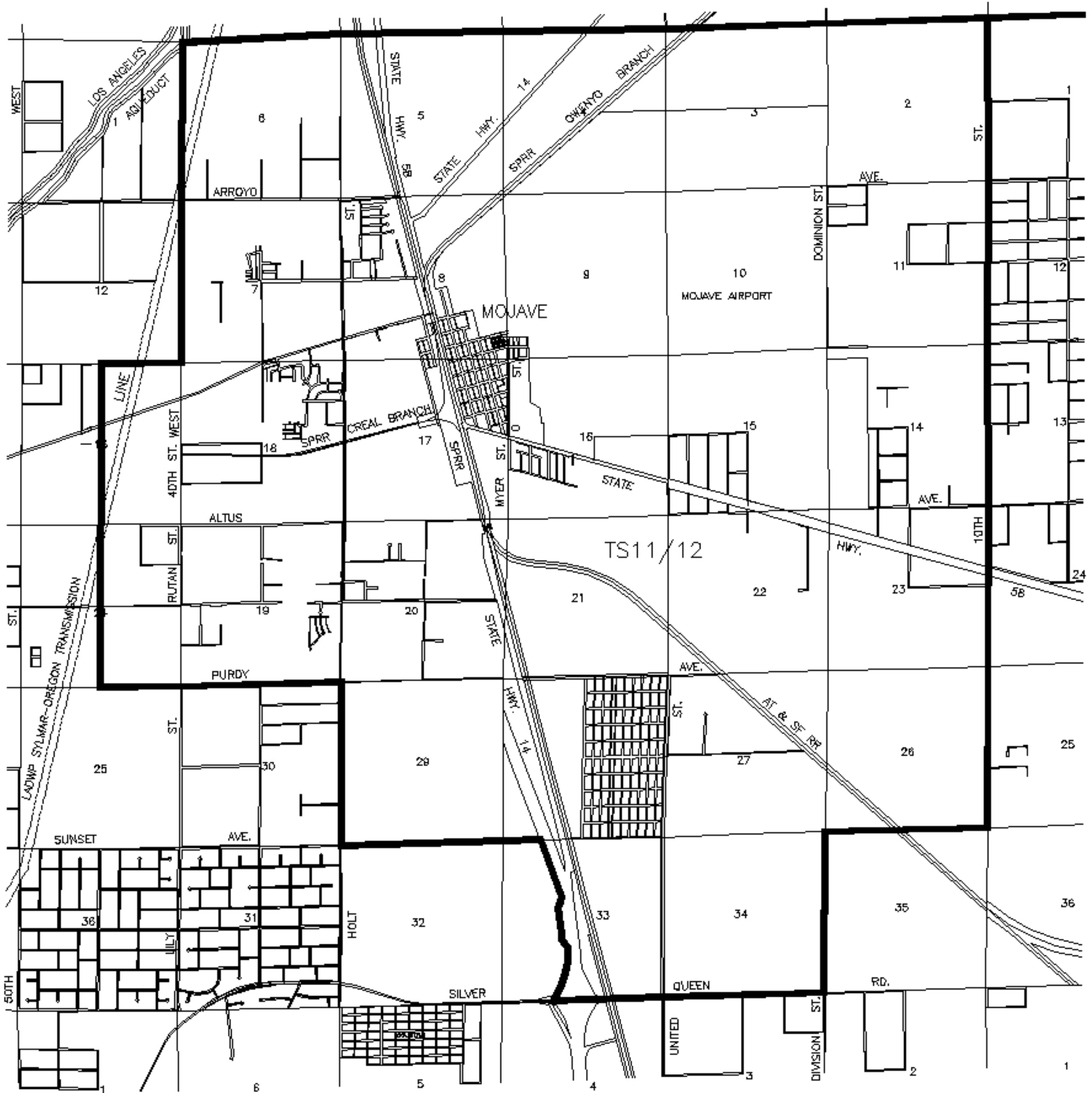


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APPENDIX "A"

MC FARLAND
TYPE "A" IMPROVEMENTS
REQUIRED



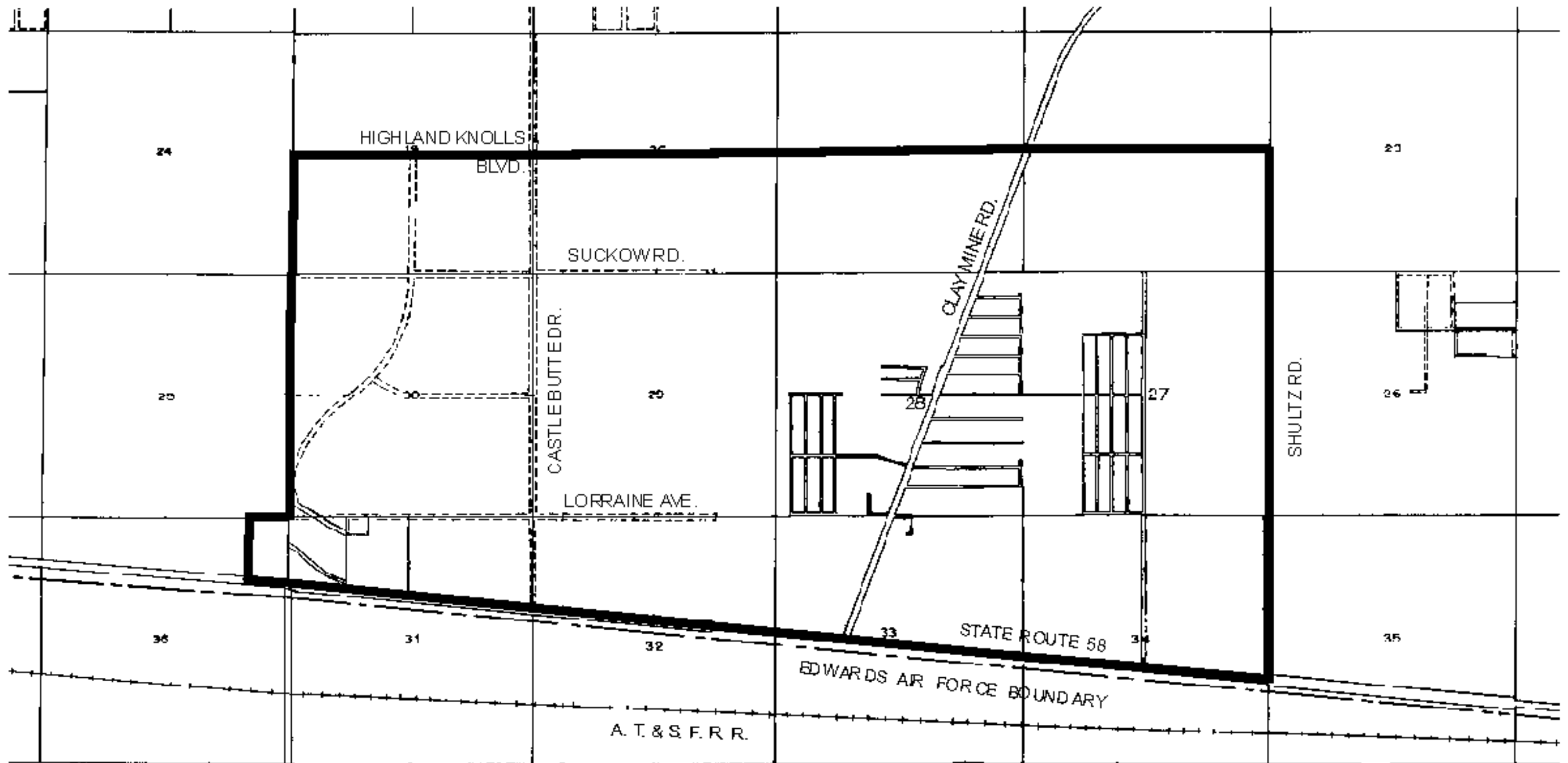
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 TYPE "A" IMPROVEMENTS
 REQUIRED

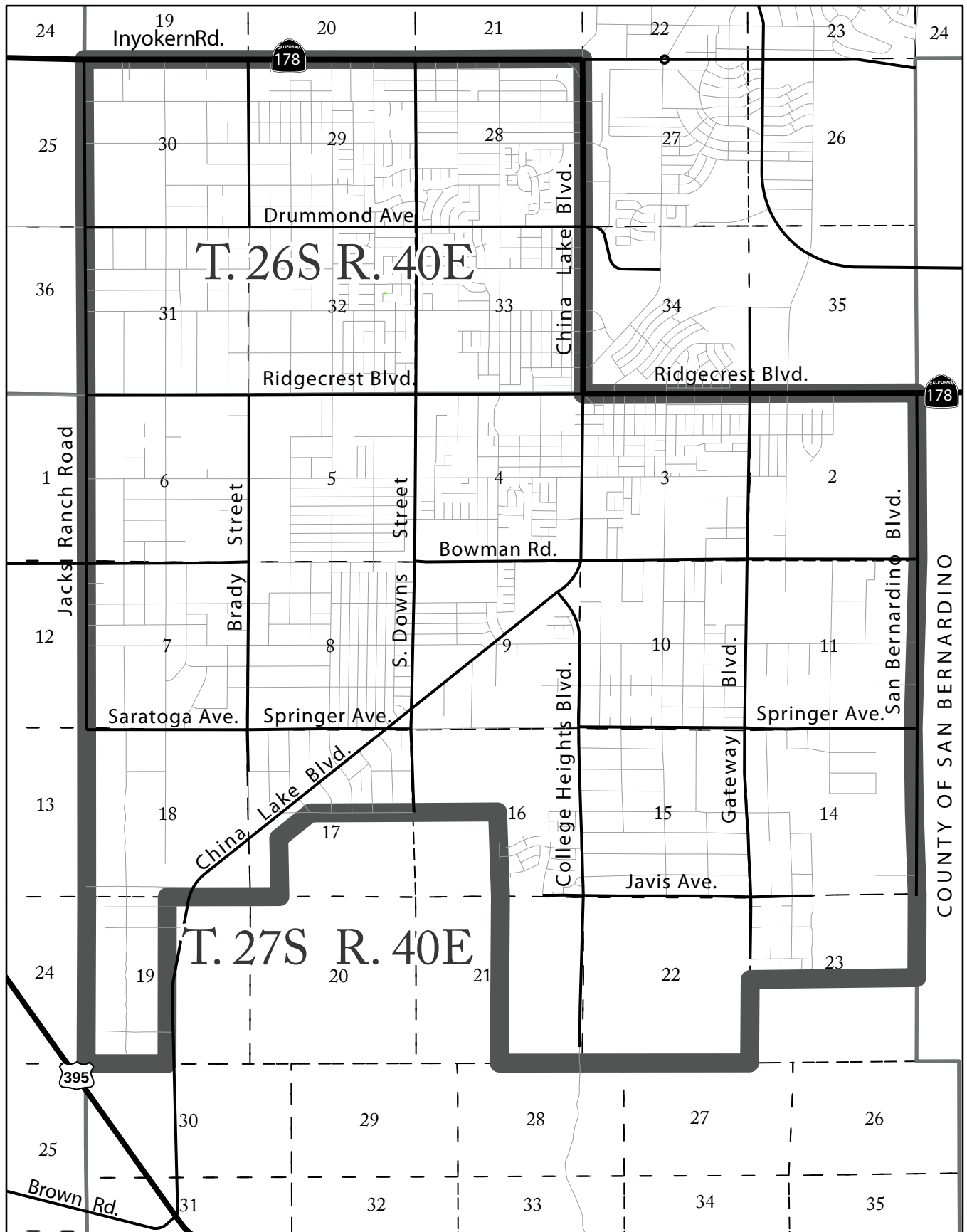


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STATE OF CALIFORNIA
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PLANNING DEPARTMENT
APPENDIX "A"**

**NORTH EDWARDS
TYPE "A" IMPROVEMENTS
REQUIRED**



RIDGECREST Type "A" Improvements Required

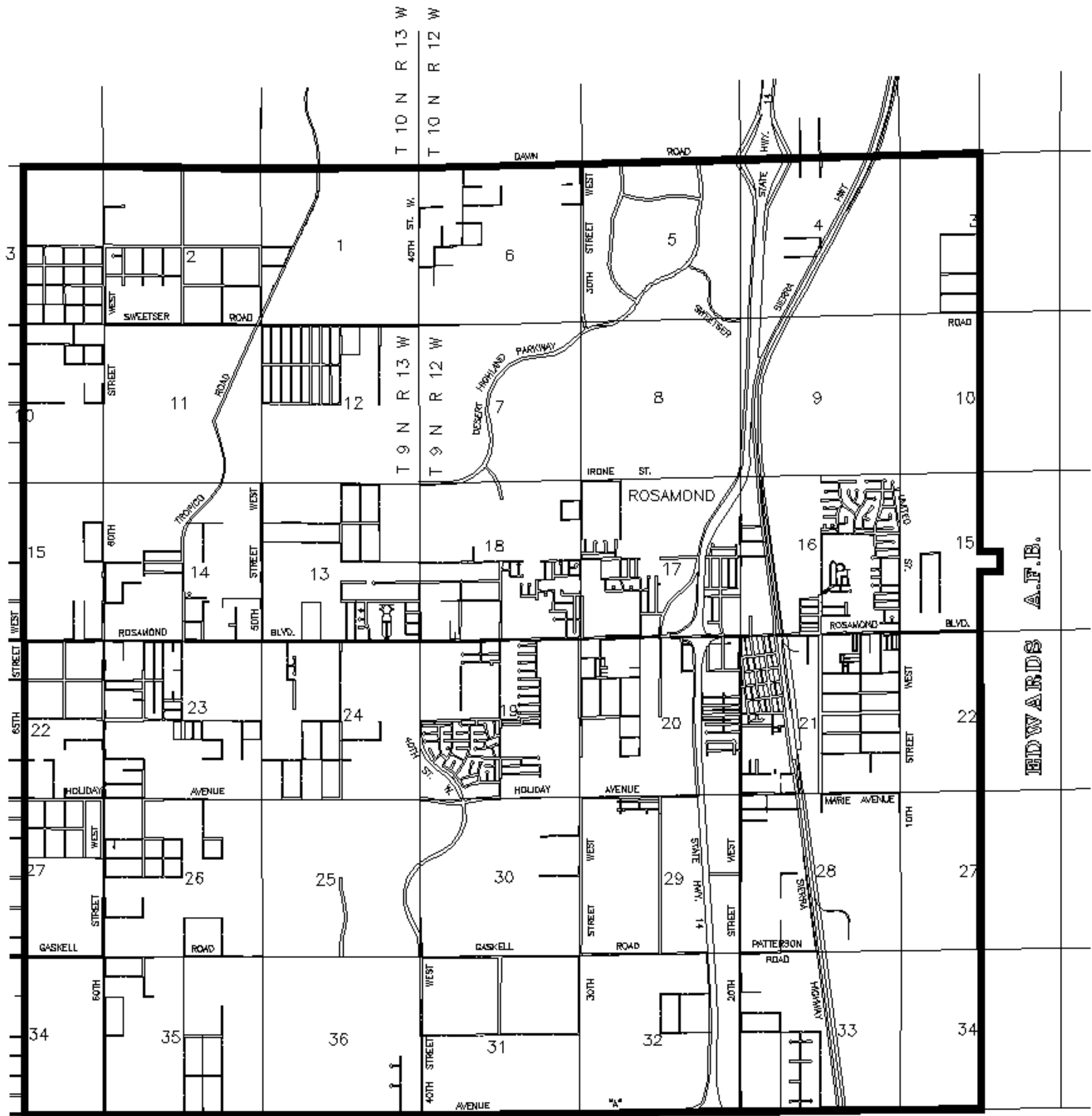
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Appendix A
County of Kern
State of California

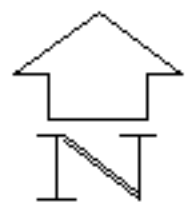
Map produced by the County of Kern Planning Department, May 16, 2007

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LOS ANGELES COUNTY

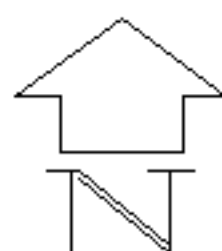
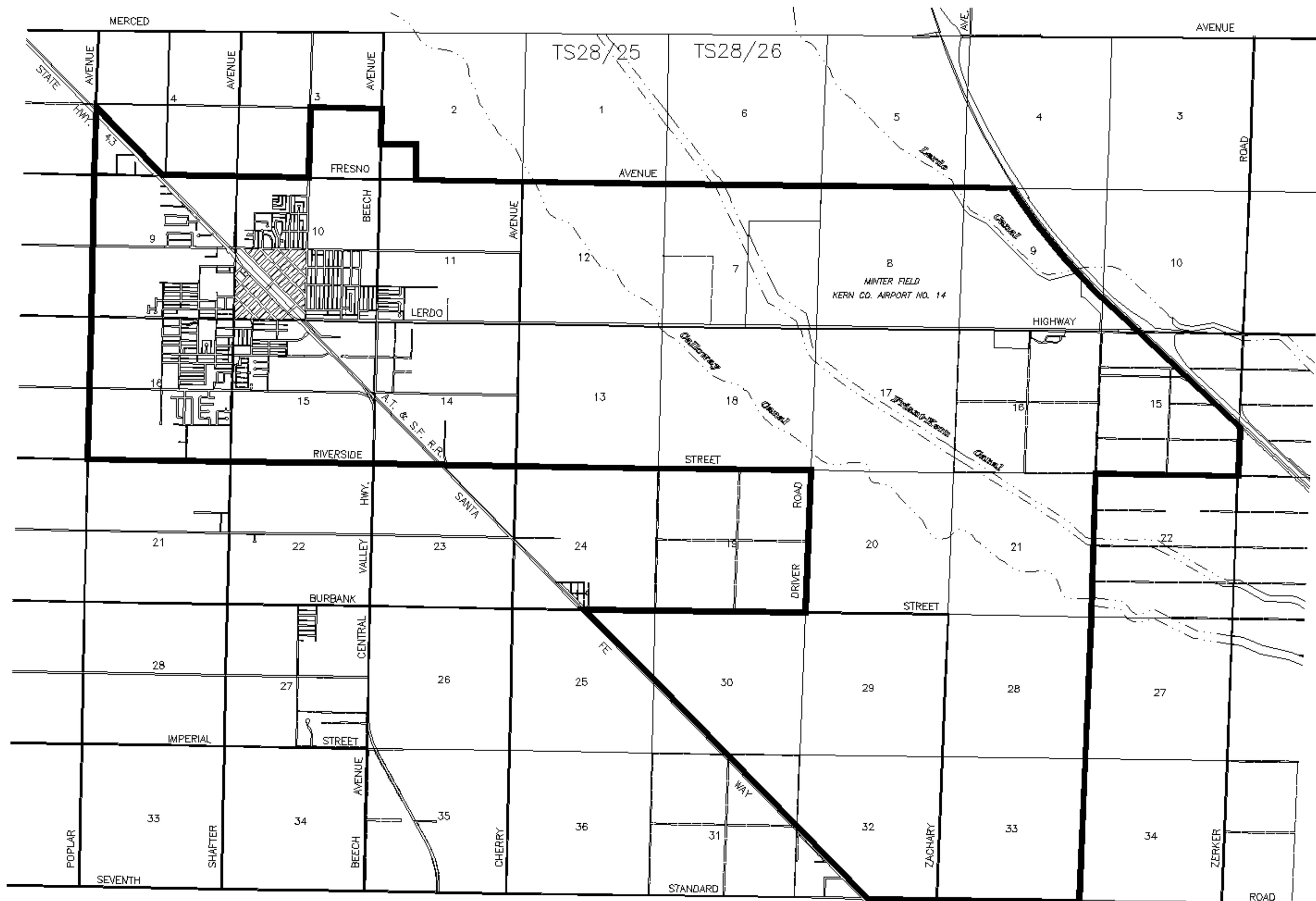


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KERN COUNTY
PLANNING DEPARTMENT
APPENDIX "A"

ROSAMOND
TYPE "A" IMPROVEMENTS
REQUIRED

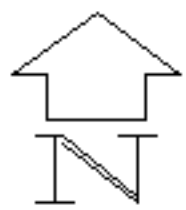
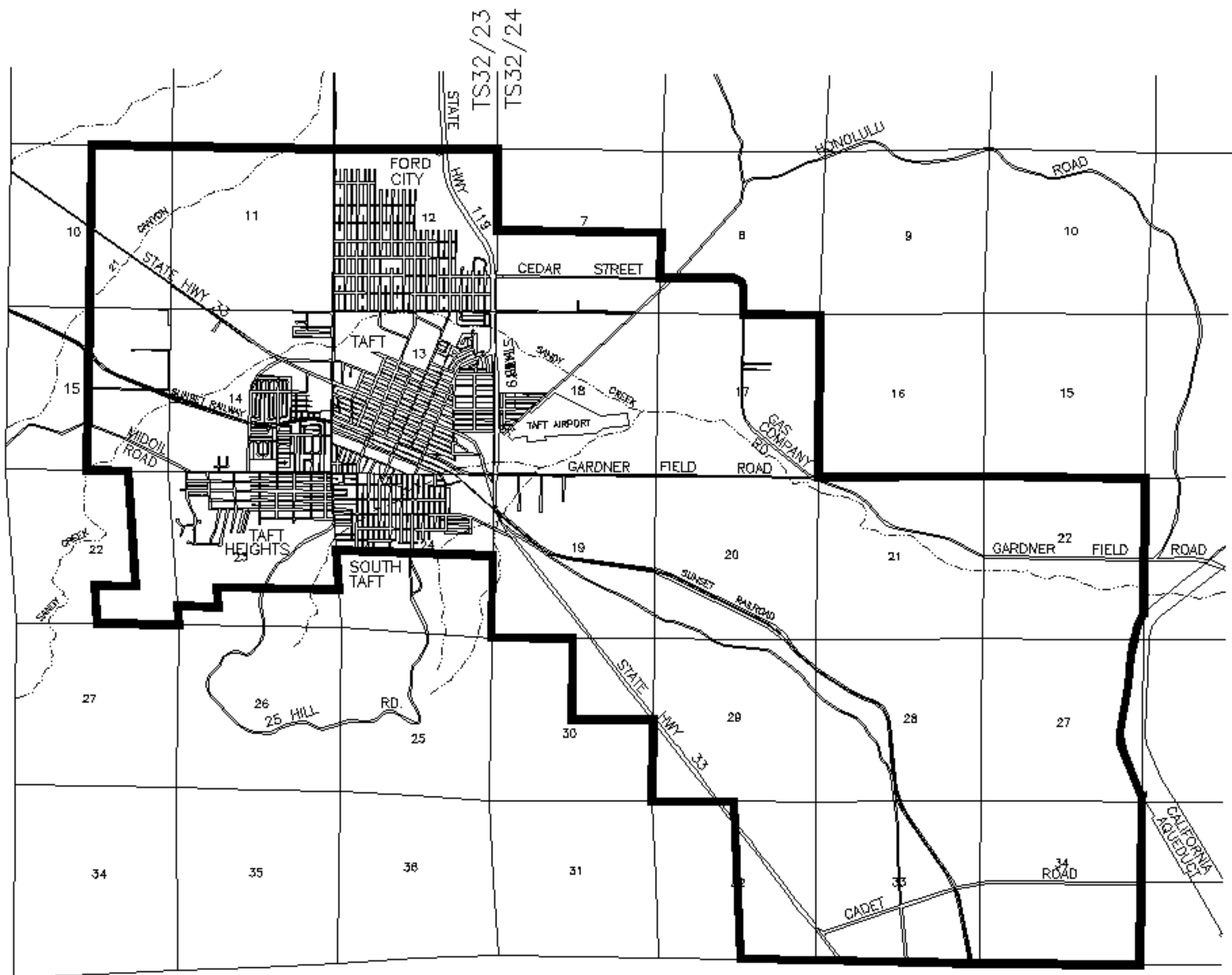


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APPENDIX "A"

SHAFTER
TYPE "A" IMPROVEMENTS
REQUIRED



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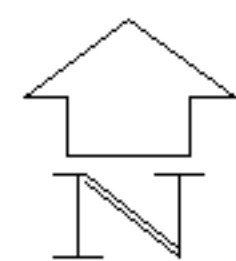
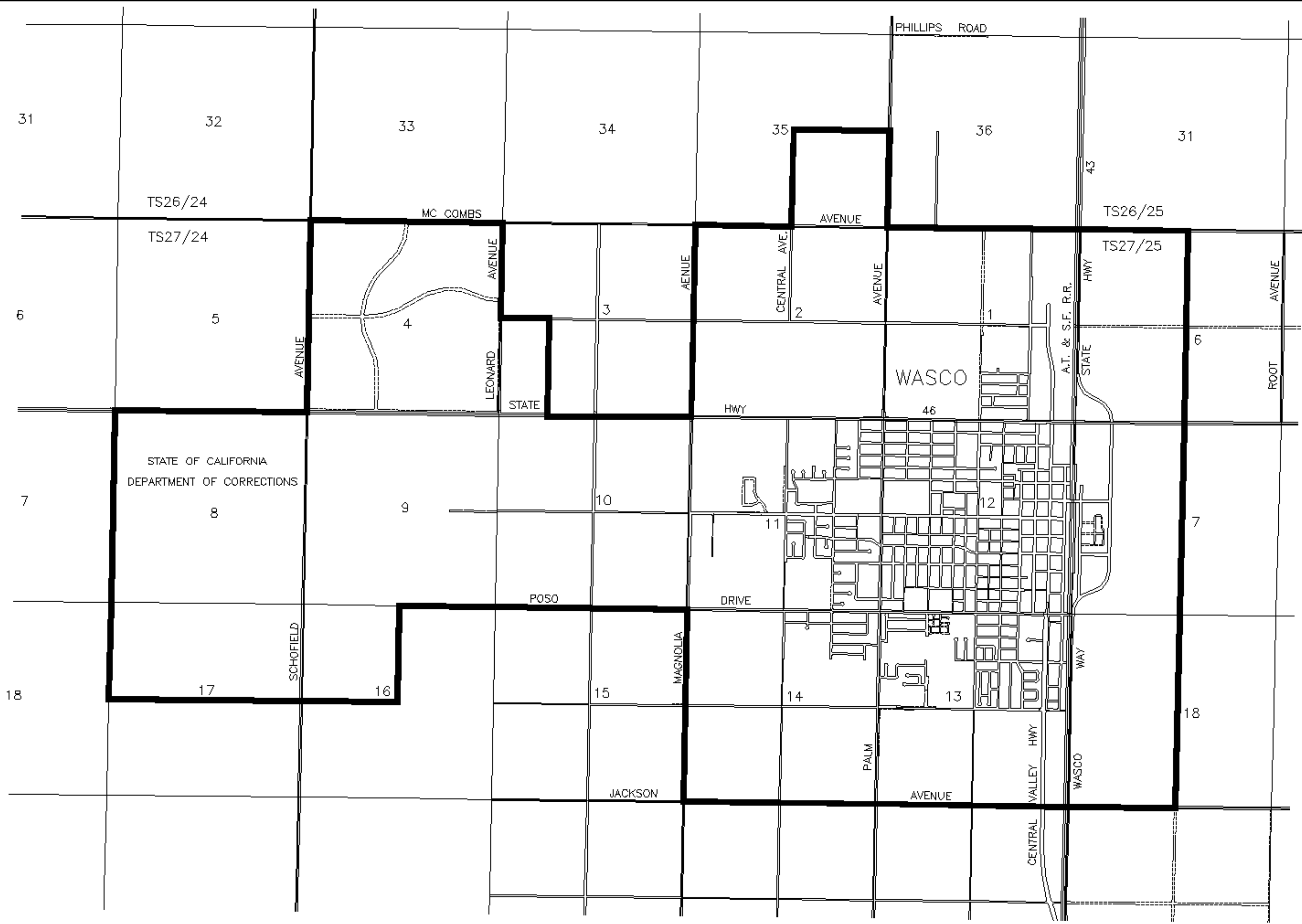
COUNTY OF KERN
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APPENDIX "A"

TAFT
TYPE "A" IMPROVEMENTS
REQUIRED



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APPENDIX "A"

TEHACHAPI
TYPE "A" IMPROVEMENTS
REQUIRED



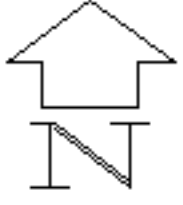
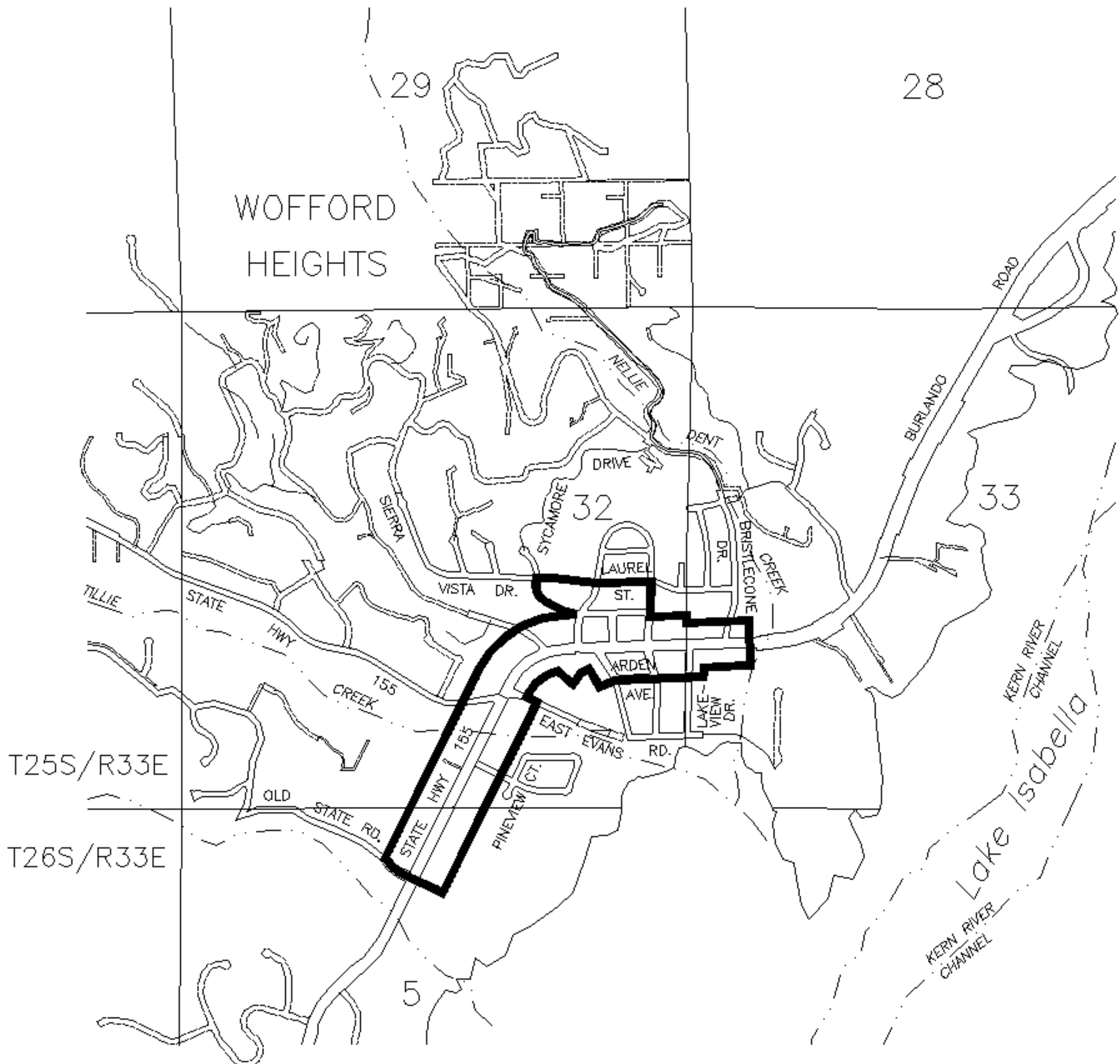
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 APPENDIX "A"

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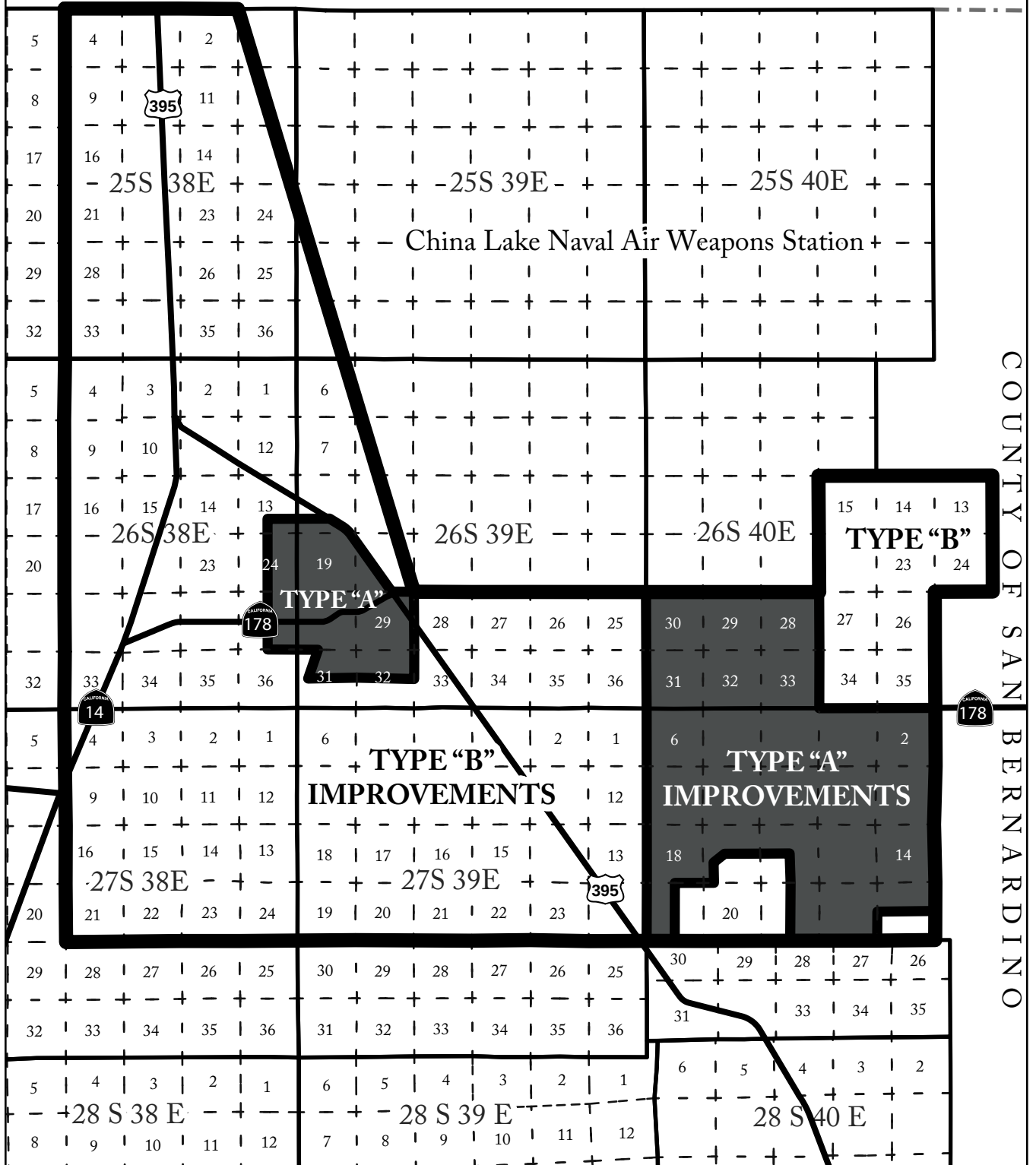
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APPENDIX B

TYPE "B" IMPROVEMENT AREA MAPS

COUNTY OF INYO



INDIAN WELLS VALLEY

Type "B" Improvements
Required

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Appendix B
County of Kern
State of California

Map produced by the County of Kern Planning Department, May 16, 2007

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APPENDIX C

LAND USES MASTER LIST

KERN COUNTY ZONING ORDINANCE

LAND USES MASTER LIST

RESIDENTIAL USES

- Accessory structures
- Accessory dwelling unit
- Apartment
- Bed and breakfast inn
- Boarding or rooming house
- Community care facility
- Condominium
- Duplex
- Dwellings, when accessory or incidental to a permitted use
- Farm labor housing for contract labor
- Farm labor housing for on-site employees
- Fraternity or sorority house
- Logging camp
- Manager, caretaker, or proprietor quarters
- Manufactured home
- Mobilehome
- Mobilehome park
- Mobilehome, temporary
- Modular home
- Quadruplex
- Recreational vehicle, temporary, during construction of a single-family dwelling
- Rest home
- Retirement home
- Residential accessory structures
- Residential facility
- Residential hotel
- Single-family dwelling
- Townhouse
- Triplex

AGRICULTURAL USES

Growing and Harvesting Crops

- Berry crops
- Bush crops
- Christmas trees
- Field crops, dryland
- Field crops, irrigated
- Flowers and horticultural specialties
- Greenhouse
- Growing of agricultural crops for domestic use of the resident occupant

Growing and Harvesting Crops (continued)

- Herbs
- Hydroponically grown plants
- Nursery, plant
- Nut and fruit trees
- Timber
- Vegetables
- Vine crops

Breeding and Raising Animals

- Animal auction yard
- Bee keeping
- Beef cattle or livestock feed lot, or stockyard, auction, or sales yard
- Beef cattle or livestock grazing
- Birds, including show or racing pigeons and other small fowl
- Dairy stock
- Fish or frogs
- Hogs
- Horses, donkeys, or mules
- Poultry
- Rabbits or fur-bearing animals
- Sheep or goats
- Vermiculture

Agricultural Industries

- Agricultural services
- Agricultural supply services
- Alcohol distillery
- Animal products processing
- Biomass energy conversion
- Brewery
- Cannery
- Cold storage facility for agricultural products
- Contract harvesting
- Cotton compress
- Cotton gin
- Creamery
- Dairy
- Dead animal and fat rendering
- Farm machinery and equipment repair
- Fertilizer manufacture and storage, for agricultural use only
- Flour mill
- Fruit, vegetable, and plant products processing
- Garbage or offal reduction
- Glucose processing
- Grain elevator or storage
- Harvesting, contract

Agricultural Industries (continued)

- Honey extraction
- Livestock feed storage
- Lumber drying kiln
- Oil extraction, nonmineral
- Saw or planing mill
- Soil amendment, not involving liquid chemicals or organic materials
- Tanning, curing, or storing animal hides
- Tasting room
- Tobacco processing
- Winery
- Wool pulling and scouring

RECREATIONAL, ENTERTAINMENT, AND TOURIST FACILITIES

- Adult business
- Amusement park
- Batting cage
- Bed and breakfast inn
- Bingo parlor
- Boat dock, private
- Bowling alley
- Camp
- Campground
- Card room
- Circus or carnival
- Circus or carnival, temporary
- Community recreational facilities
- Country club
- Dance hall, ballroom, or discotheque
- Equestrian establishment
- Fishing or fly casting pond
- Golf course
- Golf driving range
- Guest ranch
- Health club
- Hiking or equestrian trail
- Hotel or motel
- Lodge
- Marina
- Miniature golf course
- Movie theater, drive-in
- Movie theater, walk-in
- Park or playground
- Pool or billiard parlor
- Private club
- Private lakes
- Racetrack, automobile, bicycle, horse, or motorcycle

RECREATIONAL, ENTERTAINMENT, AND TOURIST FACILITIES (continued)

- Recreational vehicle park
- Resort hotel
- Retreat, church, or nonprofit organization owned and operated
- Roads or trails for motor driven vehicles
- Shooting range or gun club
- Skateboard arena
- Skating rink, roller or ice
- Sports arena, indoor
- Sports arena, outdoor
- Swimming pool, public
- Tennis, swim, or athletic club
- Theater, live
- Thermal pools and hot springs
- Trade fairs and exhibitions, temporary
- Whitewater rafting launch or landing site
- Video games arcade

COMMERCIAL USES

Offices

- Business or professional
- Financial institution, including bank, savings and loan, or credit union
- Real estate
- Research and development
- Temporary on-site real estate tract sales

General Retail Sales

- Antiques
- Appliances
- Art gallery
- Auto leasing
- Auto, new
- Auto parts and accessories
- Auto tire
- Auto, used
- Bicycle
- Boat
- Bookstore, general
- Building materials and lumber
- Christmas tree, temporary
- Clothing and apparel
- Computer
- Department store
- Drugs and pharmaceuticals
- Electric appliances

General Retail Sales (continued)

Electric equipment
Feed
Fertilizer
Firewood
Fireworks stand, temporary
Floor covering, drapery or upholstery
Florist
Fruit stand
Furniture
Gardening and landscaping supply
Gift and card
Gun
Hardware, general
Hobby supplies
Home or office furnishings
Ice vending machine
Jewelry and watches
Lapidary
Lawnmower
Leather goods and luggage
Locksmith or key and lock shop
Military surplus
Mobilehomes
Motorcycles
Musical instruments
Newspaper or magazine stand
Nursery, plant
Office machines and equipment
Paint and wallpaper
Pawn shop
Pet store
Photographic supply or camera
Picture framing
Plumbing supply
Portable swimming pool
Pottery
Records and tapes
Recreational vehicles
Shoes
Sporting goods and athletic equipment
Stamps and coins
Stationery and office supply
Tobacco
Toys
Truck
Used clothing and household goods
Variety

General Retail Sales (continued)

Video and audio tape sales and rentals

Food and Beverage Retail Sales

Bakery, small
Catering
Convenience market
Drive-in food market or dairy
Farmers market
Food store
Fruit stand, temporary
Liquor store
Specialized, including meat, vegetables, health foods, or candy
Supermarket

Eating and Drinking Establishments

Bar, tavern, or cocktail lounge
Cafeteria (as secondary use)
Ice cream parlor
Restaurant, cafe, or coffee shop
Restaurant, drive-in
Restaurant, fast food

Services

Ambulance
Animal hospital
Appliance repair
Artist studio
Auto body repair and painting
Auto rental
Auto service or repair
Auto service station
Auto towing
Auto wash
Auto wash, self-service
Barber or beauty shop
Bath house, including sauna, spa, turkish, steam, or tanning
Carpet cleaning
Catering
Chiropractic or massage therapy
Clinic, medical or physical therapy
Equipment, heavy, or truck or trailer rental
Furniture cleaning, refinishing, or upholstery
Interior decorator
Janitorial service

Services (continued)

Laboratory, medical, dental, optical, or biological
Laboratory, testing, classifying, or experimental
Laundromat, self-service
Laundry, dry cleaning, pressing, or dying
Laundry, pick-up only
Miniwarehouse
Mortuary or funeral parlor
Packaging and mailing services
Pest control
Pet grooming
Photography studio
Picture framing
Printing, lithography, or blue-printing
Shoe repair
Shoe shine stand
Smog inspection station
Tailor or dressmaker
Taxidermist
Telegraph
Ticket agency
Travel agency
Truck fueling station
Truck rental
Truck service and repair
Veterinary
Wedding chapel

INDUSTRIAL USES**Industrial Manufacturing or Assembly**

Acetylene or other gas
Acids
Aircraft
Ammonia or chlorine
Asphalt
Automobiles
Bag cleaning
Batteries
Blast furnace or smelting
Boiler works
Brick, tile, or terra cotta products
Building materials
Cabinet shop
Candle
Carbon
Carpet or mattress

Industrial Manufacturing or Assembly (continued)

Celluloid or pyroloxlin
Cement
Ceramics
Chemical blending
Clothing, garments or shoes
Coal, wood, or tar distillation
Coke ovens
Concrete blocks
Cosmetics, perfumes, or toiletries
Creosote
Detergent
Disinfectant
Drugs and pharmaceuticals
Electric appliance
Electronic equipment
Explosives or ammunition, including storage
Fertilizer
Fiberglass or silicone products
Furniture
Glass
Glue
Ice
Iron, steel, or other metals
Linoleum or oiled products
Machinery
Mobilehome, modular home, or recreational vehicle
Musical instruments
Neon signs
Oil refining
Ore reduction
Paint mixing
Paint, shellac, turpentine, or similar products
Paper or pulp
Pesticide
Pipe
Plastics
Potash
Prefabricated buildings, structures, or mobilehomes
Rolling mill
Rubber
Saw mills
Smelting
Soap
Sodium compounds
Soil amendments
Starch
Stove or shoe polish

Industrial Manufacturing or Assembly (continued)

- Tar products
- Textiles
- Toy manufacturing and assembly
- Trusses
- Wind-driven electrical generators

Industrial Storage

- Automobile
- Bottled gas
- Cargo containers
- Chemical Storage
- Cold storage
- Contractor storage yard
- Draying or freight
- Equipment and building material
- Explosives or ammunition
- Feed
- Liquefied petroleum gas
- Log storage
- Lumber
- Minerals and ore storage and loading
- Moving and storage
- Oil field equipment
- Petroleum
- Recreational vehicle
- Recyclable materials
- Salvage or junk yards
- Tire storage
- Truck and heavy equipment
- Warehouse
- Wood

Other Industrial Uses

- Asphaltic batch plant
- Assaying
- Bag cleaning
- Bakery, large
- Beverage bottling works
- Billboard sign fabrication and storage
- Boat building and major repair
- Cabinet or carpenter shop
- Chemical recycling
- Concrete batch plant
- Construction or demolition waste material collection, recovery, or recycling
- Electroplating

Other Industrial Uses (continued)

- Greenwaste collection, recovery, and composting
- Light machining
- Machine shop
- Metal extrusion
- Metal, glass, or paper recycling facility
- Neon sign manufacturing
- Newspaper, magazine, or book printing
- Oilfield service yard
- Photographic processing plant or wholesale supply
- Powder coating and spraying
- Rock, gravel, sand, or soil crushing, processing, or distribution
- Sandblasting
- Sheet metal shop
- Tire retreading
- Welding or blacksmith
- Well drilling service
- Wholesale distribution

TRANSPORTATION FACILITIES

- Airport, private
- Airport, public use
- Auto parking lot
- Auto parking garage or lot
- Bus depot
- Heliport
- Railroad freight classification or switching yard
- Railroad station
- Taxi depot

UTILITY AND COMMUNICATION FACILITIES

- Communications equipment building
- Microwave relay station
- Public utility buildings and service yards
- Radio, television, or commercial communications transmitter, receiver, or translator
- Transmission lines, towers, poles, pipelines, and underground facilities for gas, water, electricity, telephone or telegraph service owned and operated by a public utility company under the jurisdiction of the California Public Utilities Commission
- Utility substation

RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Administrative offices, accessory structures and attendant equipment storage for natural resource extraction or processing uses
- Accessory structures and storage for natural resource extraction or processing uses
- Cogeneration facility

RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES (continued)

- Concrete or asphalt batch plant
- Dam, large hydro
- Dam, small hydro
- Disposal of nonhazardous oilfield liquid waste and production water
- Electrical distribution stations
- Electrical power generating plant
- Explosives storage
- Mineral exploration
- Mining and mineral extraction
- Oil or gas exploration and production
- Production water injection
- Rock, gravel, sand, or soils crushing, processing, or distribution
- Solar energy electrical generators
- Wind-driven electrical generators

WASTE FACILITIES

- Burning of waste-derived fuels when in conjunction with a permitted or conditionally permitted use
- Community septic disposal system
- Greenwaste collection, recovery, and composting
- Hazardous waste disposal facility
- Nonhazardous oily waste disposal or recycling facility
- Nonhazardous oilfield waste treatment or recycling
- Research, development, or testing of alternative fuel burning processes, temporary
- Sanitary landfill
- Septage disposal site
- Sewage treatment plant
- Sewage sludge composting
- Soil reclamation or remediation for soils contaminated with nonhazardous materials
- Transfer station, large volume
- Transfer station, small volume
- Waste-to-energy facility

INSTITUTIONAL USES

- Art gallery, public or nonprofit
- Auditorium, public
- Cemetery, mausoleum, columbarium, or mortuary
- Charitable or public service organization
- Church
- Club or lodge
- Community or regional correctional or similar involuntary detention facilities
- Community or senior citizens center
- Convalescent hospital
- Crematory
- Fire or police station

INSTITUTIONAL USES (continued)

- Government office or building
- Hospital
- Labor union hall
- Library
- Museum
- Post office
- Public agency or public utility buildings and facilities
- Rehabilitation facilities
- Sanitarium
- Water treatment plant
- Zoo

EDUCATIONAL INSTITUTIONS AND SCHOOLS

General

- College or university
- Elementary
- Junior high school
- Preschool
- Senior high school

Specialized Schools

- Art, craft, or music school
- Business or trade school
- Dance school
- Driving school
- Martial arts school
- Swim school

MISCELLANEOUS USES

- Adult day-care
- Agricultural sign
- Archaeological or paleontological excavation
- Auto or equipment auction
- Day-care center, with or without extended overnight services
- Cargo container
- Commercial Coach
- Construction trailer
- Day-care home, large family
- Day-care home, small family
- Dead storage
- Drainage sump
- Flea market or swap meet
- Flood control facilities

MISCELLANEOUS USES (continued)

- Home occupation
- Hunting or fishing club
- Kennel
- Massage parlor
- Off-site advertising signs
- Off-site directional sign
- On-site day-care center
- Restrooms and shelters
- Revival
- Scientific study sites for the systematic exploration and classification of archaeological, anthropological, or historic artifacts or remains
- Studio, radio, TV, recording, or movie
- Subdivision drainage sump
- Water storage or groundwater recharge facilities
- Water system, large
- Water system, small
- Water treatment plant
- Wild animal keeping
- Wildlife or nature preserve