

## **II. GENERAL LAND USE ZONING**

### **Chapter 17.06**

#### **GENERAL PROVISIONS**

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17.06.010 Title. This article shall be known and cited as the zoning ordinance of the county. (Prior code §9481)

17.06.020 General plan adopted. The county shall adopt and administer a general plan and all the requisite elements thereof in compliance with Section 65300 et seq., as amended, of the Government Code. The fee for amendments shall be as established by resolution of the board of supervisors. (Ord. 3174 §6, 1981: prior code §9483)

17.06.030 Zoning plan adopted. There is adopted a zoning plan as a precise section of the land use plan unit of the master plan of the county, said zoning plan being an official plan as provided by law. (Prior code §9401)

17.06.040 Purpose. The zoning plan is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare. (Prior code §9402)

17.06.050 Definitions. For the purpose of this article, certain terms are defined as follows:

- A. “Accessory building” means a subordinate building, the use of which is incidental to that of the main building on the same lot.
- B. “Accessory use” means a use incidental and accessory to the principal use of a lot or a building located on the same lot.

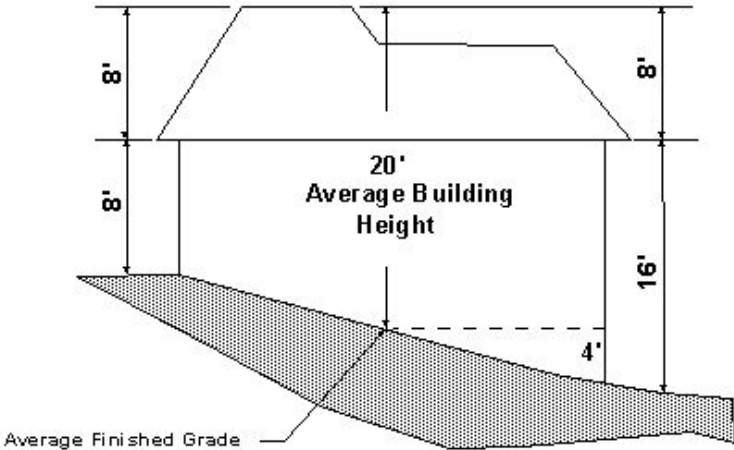
- C. “Agricultural enterprise structure” means a structure used in the production, display or sale of agricultural products and byproducts, edible byproducts, or agriculturally-related accessory uses permitted in the agricultural zone districts. (Ord. 4573 (part), 2001)
- D. “Agricultural labor housing” means the living accommodations for four or fewer employees and their immediate families employed for the exclusive purpose of agricultural pursuits on the premises.
- E. “Agricultural land” means all lands zoned AE, exclusive agricultural, AP, agricultural preserve, PA, planned agricultural, SA-10, select agricultural, or lands zoned A, agricultural, or RA, residential agricultural, where the subject parcel or parcels contain(s) at least twenty acres in the aggregate and which contain horticultural, grazing, or high density livestock operations as defined in this section. Smaller parcels may qualify under this term if approved by the board of supervisors with an express finding that such parcel has a commercial agricultural use. (Ord. 4636 §1 (part), 2003: Ord. 4458 §1, 1997)
- F. “Agricultural promotional items” means gift items such as pencils, cookbooks, calendars, T-shirt and other items with the name of the agriculture enterprise or growers association which is intended to promote the agriculture enterprise, growers association or agriculture product grown on site. Other items that are directly associated with the agriculture product grown on the premises, such as apple peelers or wine bottle cork pullers, are permissible. (Ord. 4573 (part), 2001)
- G. “Airport” or “heliport” means any place where aircraft take off or land, whether on land or water, but does not include a place where aircraft land and take off in an emergency, and may, but need not include, sufficient space for the discharging or receiving of cargoes or passengers or for the making of repairs or refueling.
- H. “Antenna” means any system of wires, poles, rods, reflecting discs or similar devices used for the transmission and/ or reception of electromagnetic waves when such system is either external to or attached to the exterior of a building or structure. (Ord. 4589 §2 (part), 2001)
- I. “Bake shop” means a facility for the preparation and consumption of food items in which agriculture products grown on-site are used as a main ingredient for at least one of the baked goods baked in the “Bake Shop”. An example would be, apples grown on-site shall be used to make the apple pies, apple turnovers, and other apple pastries in the “Bake Shop”. This does not prohibit the “Bake Shop” from making other baked items, such as banana cream pies, as long as agriculture products grown on-site are used as a main ingredient in one of the baked goods. Under certain circumstances, such as crop failure, freeze damage or other disaster (as determined by the Agricultural Commissioner), which makes the on-site grown agriculture product unavailable, products that are produced in El Dorado County can be substituted. (Ord. 4573 (part), 2001)
- J. “Bed and Breakfast” means a lodging facility operated by the resident and owner of the property on which it is located, consisting of not more than five (5) bedrooms. (Ord. 4573 (part), 2001)
- K. “Building” means any structure having a roof supported by columns or by walls, and designed for the shelter or housing of any person, animal or chattel.
- L. “Building site” means a lot or parcel of land in one ownership and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this article, and having its principal frontage on a street, road or highway.
- M. “Campground” means any land or premises which is used or intended to be used by one or more campers for temporary occupancies where individual sewer hookups are not available to individual campsites. (Ord. 4376, 1995)

- N. “Campsite” means an area within a campground occupied by a person or a group of not more than ten (10) persons. The number of campsites within a group camping site or area shall be the total number of persons permitted within the group area divided by ten (10) persons. (Ord. 4376, 1995)
- O. “Co-locate” means the placement of multiple antennas on a single structure, pole, or tower by different communication providers. (Ord. 4589 §2 (part), 2001)
- P. “Community care facility” means:
1. Any facility, place or building which houses more than six people and is maintained and operated to provide nonmedical residential care, day care or homefinding agency services for children, adults, or children and adults, including, but not limited to, the developmentally disabled, physically handicapped, mentally disordered, or incompetent persons; and
  2. Any facility, place or building which houses more than six (6) juveniles placed therein by an order of the court pursuant to Welfare and Institutions Code Section 727(a), excepting any such facility, place or building owned and operated by the county. (Ord. 4334, 1994)
- A community care facility may provide incidental medical services. Community care facilities are broken down into three subcategories as follows:
1. “Residential facility” means any family home, group home, social rehabilitation facility or similar facility determined by the director, for twenty-four-hour nonmedical care to persons in need of personal services, protection, supervision, assistance, guidance or training essential for sustaining the activities of daily living or for the protection of the individual.
  2. “Day care center” means any facility which provides nonmedical care to persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour basis.
  3. “Homefinding agency” means any individual or organization engaged in finding homes or other places for placement of persons of any age for temporary or permanent care or adoption.
- Q. “Dining facility” means an establishment where food, other than that produced on the premises, is prepared and served to the public in an established indoor seating area. (Ord. 4573 (part), 2001)
- R. “Dwelling unit” means a combination of rooms in a single building designed or used for human living, sleeping, eating and sanitary facilities by a single family and their nonpaying guests.
- S. “Equipment shelter” means roofed enclosure used to protect ground-based equipment cabinets at a wireless antenna site. (Ord. 4589 §2 (part), 2001)
- T. “Family” means one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club or roominghouse. A family shall be deemed to include necessary servants.
1. “Family day care home” means a home which regularly provides care protection and supervision of 12 or fewer children in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and includes the following:
    - a) “Small family day care home” means a home which provides family day care to 6 or fewer children within a detached single family dwelling, including in that total the children under the age of 10 years who reside at the home.

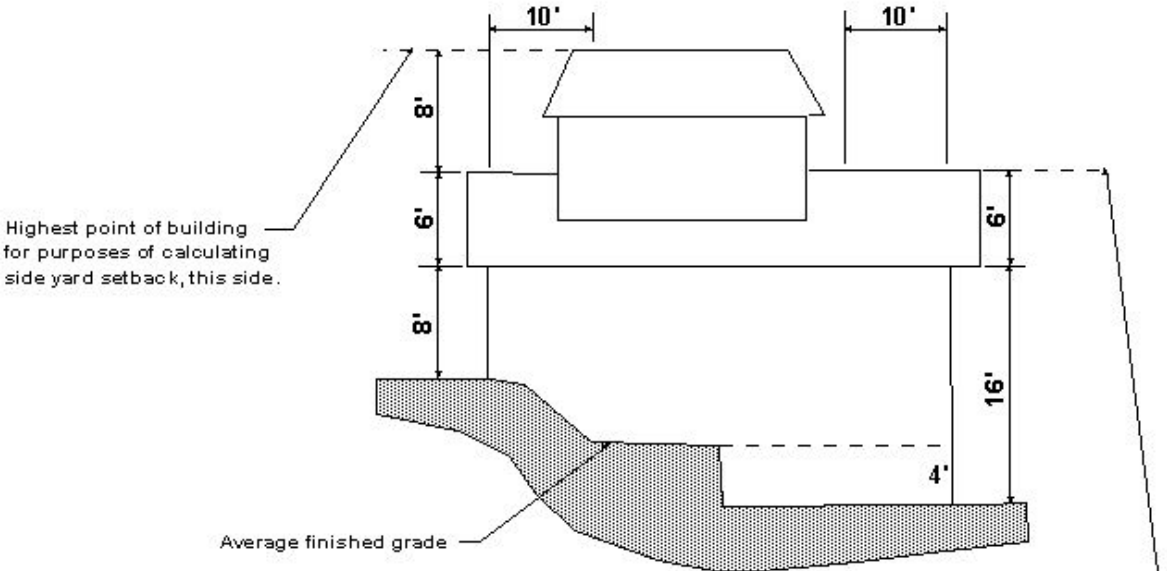
- b) “Large family day care home” means a home which provides family day care to 7 to 12 children located within the primary detached single family dwelling, including in that total the children under the age of 10 years who reside at the home. (Ord. 4324, 1994)
- U. “Farm style prepared food-serving facility” means a food-serving establishment used in conjunction with a ranch marketing operation on lands located within the A, agricultural, SA-10, select agricultural, PA, planned agricultural, AE, exclusive agricultural, and AP, agricultural preserve, zoning districts where the primary food item offered for sale is an on-site produced agricultural product. (Ord. 4636 §1 (part), 2003)
- V. “Front yard” means a yard extending across the full width of a building site between any road easement or road right-of-way and to the nearest line of the building; provided, that if any official plan line has been established for the street upon which the building site faces, then the measurement shall be taken from the official plan line to the nearest line of the building. Further, front yards shall exclude all road easements. Roads established through prescriptive right of undefined road easements, shall be assumed to have a right-of-way of twenty-five (25) feet from the existing centerline of the roadway for the purpose of establishing minimum front yard. (Ord. 4236, 1992)
- W. “Grazing land” means range use for cattle or any other field-type livestock on lands zoned AE, exclusive agricultural, AP, agricultural preserve, PA, planned agricultural, or lands zoned A, agricultural, or RA, residential agricultural, when the subject parcel or parcels contain(s) at least twenty acres in the aggregate and the agricultural commission finds that said land has historically been used for commercial grazing and is currently capable of sustaining commercial grazing of livestock; provided, however, that smaller parcels may qualify under this term if approved by the board of supervisors with an express finding that such parcel has a commercial agricultural use. It includes federal ownership which is subject to livestock grazing allotment. (Ord. 4636 §1 (part), 2003; Ord. 4458 §1, 1997)
- X. “Handicrafts” means a product that is made domestically by hand. Handicrafts are normally sold by the person who made them. Handicrafts do not include items that are mass produced by others. (Ord. 4573 (part), 2001)
- Y. “Health facility” means any facility providing or designed to provide services for the acute, convalescent, and chronically ill and impaired, including, but not limited to, public health centers, community mental health centers, facilities for the mentally retarded, nonprofit community care facilities that provide care habitations, rehabilitation or treatment of mentally impaired persons and related facilities, such as laboratories, outpatient departments, extended care, nurses, home and training facilities, office and central service facilities operated in connection with hospitals, diagnostic or treatment centers, extended care facilities, nursing homes, and rehabilitation facilities. Except for facilities for the mentally retarded, “health facility” does not include any institution furnishing primarily domiciliary (residential) care.
- Z. “Height of building” is determined by calculating the average finished grade of each building wall, and measuring the distance (height) between this average point and the highest point of the building. If each wall has a different height, then an average of all four walls is calculated to determine the actual building height. (See Exhibit A.) To calculate side yard setbacks based on building height, only the wall facing the side yard shall be measured. Further, the high point of the building is considered to be the highest point within ten feet of the wall being measured. (See Exhibit A.) (Ord 4236, 1992)

# EXHIBIT A ORDINANCE NO. 4236

**EXAMPLE: BUILDING HEIGHT CALCULATION**



**EXAMPLE: BUILDING HEIGHT POINT DETERMINATION FOR PURPOSE OF SIDE YARD CALCULATION**



**Note:**

This example also shows Average Finished Grade only as another example of calculating average building height, which in this example is 26 feet.

Highest point of building for purposes of calculating side yard setback, this side.

- AA. “High-density livestock” means commercial feedlots, stockyards, corrals, or other enclosure for large or small livestock including cattle, horses, swine, turkeys, chickens, ostriches or emus when the subject parcel or parcels contain(s) at least ten acres in the aggregate; provided, however, that smaller parcels may qualify under this term if approved by the board of supervisors with an express finding that such parcel has a commercial agricultural use. (Ord. 4458 §1, 1997)
- BB. "Horticulture" means vineyards, orchards, Christmas trees or other recognized horticultural crops without timber mixed within it when zoned AE, exclusive agricultural, AP, agricultural preserve, PA, planned agricultural, SA-10, select agricultural, or when the subject parcel or parcels contain(s) at least twenty acres in the aggregate; provided, however, that smaller parcels may qualify under this term if approved by the board of supervisors with an express finding that such parcel has a commercial agricultural use. It includes nurseries within subject parcel or parcels containing at least ten acres in the aggregate; provided, however, that smaller parcels may qualify under this term if approved by the board of supervisors with an express finding that such parcel has a commercial agricultural use. (Ord. 4636 §1 (part), 2003; Ord. 4458 §1, 1997)
- CC. “Independent Day Care Facility” means a facility, place or building which houses more than six people and is maintained and operated to provide non-medical day care services for children and/or adults which is not affiliated with an office, industrial or R&D use.” (Ord. 4603, §2, 2002)
- DD. “Junkyard” means the use of more than two hundred square feet of the area of any building site or the use of any portion of that half of any lot, which half adjoins any street, for the storage of junk, including scrap metals or other scrap materials or for the dismantling or wrecking of automobiles or other vehicles or machinery whether for sale or storage.
- EE. “Main building” means any building in which is conducted the principal use of the lot on which it is situated. In any R1 district, any dwelling shall be deemed to be a main building on the lot on which it is situated.
- FF. “Monopole” means a structure of a single pole (non-lattice) design and erected on the ground to support telecommunications antennas and connection appurtenances. (Ord. 4589 §2 (part), 2001)
- GG. “Noncompatible uses” means those uses of land which are apt to conflict with agricultural uses due to sprays, dust, noise, equipment or products escaping the agricultural property in a manner which threatens the health, safety or welfare of adjacent occupants or land uses. It also means those uses which are apt to cause conflict and threaten the loss of viability of agricultural use due to trespass, vandalism, theft, complaint, and dog-related problems. It includes but is not limited to:
1. Residential structures;
  2. Nursing homes;
  3. Public schools;
  4. Playgrounds;
  5. Swimming pools;
  6. Ponds; and
  7. Churches.
- (Ord. 4458 §1, 1997)

- HH. “Panel antenna” means flat, conical or round surface receiving and/or transmitting device typically covering one of three 120-degree sectors, and used to concentrate a radio signal into or from that sector. (Ord. 4589 §2 (part), 2001)
- II. “Prepared food stand” means a facility for serving prepared food for consumption on the premises where indoor seating and dining facilities do not exist. In determining whether a facility is a dining facility or a prepared food stand, the Planning Director shall consider the hours and scale of operation, type of food sold, and any other applicable criteria. (Ord. 4573 (part), 2001)
- JJ. “Radio frequency (RF)” means of, or pertaining to, any frequency within the electromagnetic spectrum normally associated with radio wave propagation. Cellular and Personal Communications Services (PCS) wireless networks operate in the 824-894 Megahertz range and the 1850-1990 Megahertz range, respectively. (Ord. 4589 §2 (part), 2001)
- KK. “Ranch marketing operation” means those commercial activities including packing and processing of agricultural products and edible byproducts produced on the premises located within the A, agricultural, SA-10, select agricultural, PA, planned agricultural, AE, exclusive agricultural, and AP, agricultural preserve, zoning districts. (Ord. 4636 §1 (part), 2003)
- LL. “Ranch style lodging” means a building or rooms within a building which are rented for sleeping purposes and where meals are provided to the renters at a common dining facility associated with a ranch marketing operation on lands located within the A, agricultural, SA-10, select agricultural, PA, planned agricultural, AE, exclusive agricultural, and AP, agricultural preserve, zoning districts. (Ord. 4636 §1 (part), 2003)
- MM. “Rear yard” means a yard extending across the full width of the building site and measured between the rear line of the building site and the nearest line of the main building.
- NN. “Rental unit” means sleeping accommodations having access to a toilet and the exterior of the building without passing through any other rental unit designed or used for the lodging of guests for compensation.
- OO. “Recreational vehicle” means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational or emergency occupancy with a living area of 320 square feet or less and bearing the state or federal insignia of approval for recreational vehicles. (Ord. 4376, 1995)
- PP. “Recreational vehicle park” means land or premises under one ownership where one or more lots, spaces, or campsites are used or intended to be used by one or more campers utilizing recreational vehicles or tents, and where such lots, spaces, or campsites may be provided with water, sewer, and electrical hookups. (Ord. 4376, 1995)
- QQ. “Shall” is mandatory and not directory.
- RR. “Side yard” means a yard between the side line of the building site and the nearest line of the building and extending from the front line of the building site to the rear yard.
- SS. “Special events” means events such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings where the owner of the property is compensated for the use of the site and facilities. (Ord. 4573 (part), 2001)
- TT. “Timberland” means all lands zoned TPZ, timberland preserve zone or other lands which are both within areas designated Natural Resource and site III or better as defined in the California Forestry Handbook. It includes federal ownership managed by the United States Forest Service or BLM. It includes lands producing Christmas trees if mixed with timber. As defined, “timberland” includes a parcel or parcels containing at least forty acres in the aggregate. (Ord. 4458 §1, 1997)

- UU. “Tower, Communications” means a freestanding lattice work structure, pole, monopole, or guyed tower used to support antennae. (Ord. 4589 §2 (part), 2001)
- VV. “Use” means the purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.
- WW. “Yard” means that portion of the lot or parcel which is unobstructed by building or structure from the ground to the sky, except by encroachments permitted in this ordinance. (Ord. 4236, 1992)

17.06.060 Contents. The zoning plan consists of the establishment of various districts within the unincorporated territory of the county within various of which it shall be lawful and within various of which it shall be unlawful to erect, construct, alter or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land and/or buildings and/or within which the height and bulk of future buildings shall be limited and/or within which certain open spaces shall be required about future buildings and consisting further of appropriate regulations to be enforced in such districts, all as set forth in this article. (Prior code §9403)

17.06.070 Districts—Designated. The several districts into which the county is divided are designated as follows:

1. A districts, agricultural districts;
2. RE districts, estate residential districts;
3. R1 districts, one-family residential districts;
4. R2 districts, limited multifamily residential districts;
5. RM districts, multifamily residential districts;
6. RT districts, tourist residential districts;
7. CP districts, planned commercial districts;
8. C districts, commercial districts;
9. I districts, industrial districts;
10. U districts, unclassified districts;
11. AE districts, exclusive agricultural districts;
12. R1A districts, one-acre residential districts;
13. CG districts, general commercial districts;
14. R2A districts, single-family two-acre residential districts;
15. R20,000 districts, one-half acre residential districts;
16. MP districts, mobile home park districts;
17. AA districts, airport approach districts;
18. R3A districts, single-family three-acre residential districts;
19. RA-20 districts, residential agricultural-20 districts;
20. RA-40 districts, residential agricultural-40 districts;
21. RA-60 districts, residential agricultural-60 districts;
22. RA-80 districts, residential agricultural-80 districts;
23. RA-160 districts, residential agricultural-160 districts;
24. O.S. districts, open space zoning;
25. Cons. districts, estate residential districts;
26. RE-10 districts, estate residential districts;
27. PA districts, planned agricultural districts;
28. CPO districts, professional office commercial districts, Greenwood planning area, Gold Hill planning area;
29. RF districts, recreational facilities zone;

30. TP districts, timberland preserve zone;
31. TC districts, transportation corridor zone;
32. R1-M districts, combined residential and mobile home zone;
33. PD districts, planned development districts zone;
34. MR districts, mineral resource districts zone. (Ord. 3174 §3, 1981: prior code §9404(a))

17.06.080 Combining districts established. In addition to the districts established in Section 17.06.070, certain combining regulations are established as set forth in this article, said combining regulations being as follows:

- A. B Districts. The following regulations shall be applied in lieu of building site area and yard requirements specified in this article for the district which is combined with a B district. Building site area and front yard required as indicated on the sectional district map indicating a combined district; side yard required shall be ten percent of the lot width by not over twenty-five feet. (Prior code §9404(b))

17.06.090 Districts—Established. The districts indicated in Sections 17.06.070 and 17.06.080 are established and the designations, locations and boundaries thereof are set forth and indicated in Section 17.06.140; provided, that all the unincorporated portions of the county not included or indicated on the sectional district maps are designated and classified as U districts. The maps constituting Section 17.06.140 and all notations, references and data thereon are made a part of this article. (Prior code §9404(c))

17.06.100 Districts—Boundary determination. When uncertainty exists as to the boundaries of any of the districts as described in this chapter or as shown on the sectional district maps, the board of supervisors, upon written application or upon its own motion, shall determine the boundaries of the districts. (Prior code §9404(d))

17.06.120 Compliance required. In districts indicated on sectional district maps adopted as part of this article, no building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be used or designed to be used for any purpose or in any manner, nor shall any yard or other open space surrounding any building be encroached upon or reduced except as permitted by and in conformity to the regulations specified in this article for the district in which the building or yard or other open space is located. No building shall be erected, reconstructed or structurally altered to exceed the height limit designated in this article for the district in which the building is located. No yard or open space provided about any building for the purpose of complying with the provisions of this article shall be considered as providing a yard or open space for any other building or any other lot. (Prior code §9404(f))

17.06.130 Lake Tahoe drainage basin districts. All zoning districts lying within the Lake Tahoe drainage basin shall carry the prefix "T" in addition to the designations as provided in Section 17.06.070. (Prior code §9404(g))

17.06.140 Index map and sectional district maps.

- A. The planning department shall establish and maintain an official index map to sectional district maps. The maps shall be made available to the public at the planning department and shall be made a part of this article by reference.

- B. Changes in each of the zoning districts of the unincorporated portion of the county may be changed by ordinance of the board of supervisors according to criteria established within this article. The changes shall be incorporated into official county index maps and sectional district maps and shall be made a part of this article by reference. (Ord. 3182 §1, 1981: Ord. 3174 §5, 1981: prior code §9405)

17.06.150 Special setbacks for agricultural protection.

- A. Notwithstanding any other provision, where agricultural and timber uses abut noncompatible uses as defined in Section 17.06.050, the following setbacks shall apply:

Use	Parcels in Existence as of August 11, 1983	Parcels Created Subsequent to August 11, 1983	
		Abutting Agricultural Land Located in Agricultural Districts or Timberland in Natural Resource Districts	Abutting Agricultural Land or Timberland Located in Rural Regions
Timberland	No special setback if 10 acres or less	200 feet	200 feet
	200 feet if greater than 10 acres	50 feet if subject parcel located in Community Region or Rural Center	
Horticulture	100 feet if 5 to 20 acres	200 feet	200 feet if 10 acres or larger
	200 feet if greater than 20 acres	50 feet if subject parcel located in Community Region or Rural Center	None if less than 10 acres
	No special setback if less than 5 acres		
Grazing Land	None	200 feet	200 feet if 10 acres or larger
		50 feet if subject parcel located in Community Region or Rural Center	None if less than 10 acres
High-density Livestock	50 feet if less than 5 acres	200 feet	200 feet if 10 acres or larger
	100 feet if greater than 5 acres	50 feet if subject parcel located in Community Region or Rural Center	None if less than 10 acres
	200 feet if greater than 10 acres		

Measurement. The setback shall be measured from the property line of the abutting noncompatible use.

- B. New Agricultural Zoning. Where new timberland or agricultural land is created subsequent to the adoption of this ordinance outside of agricultural districts designated in the general plan the special setbacks established in subsection A shall not apply except on parcels subdivided after the establishment of the agricultural or timber zoning.
- C. Administrative Relief. The County shall adopt by resolution of the Board of Supervisors criteria for providing administrative relief from the setback requirements established in subsection A.  
(Ord. 4458 §1, 1997)

17.060.160 Family day care homes - permitted use. Family day care homes are considered to be a permitted accessory use in all zone districts which list single-family dwellings as a permitted use. As such, family day care homes must meet the same development standards applicable to a single family dwelling within the zone district in which it is located. (Ord. 4324, 1994)