

Chapter 17.28

RESIDENTIAL DISTRICTS

Sections:

I. ONE-FAMILY RESIDENTIAL (R1) DISTRICTS

- 17.28.010 Applicability.
- 17.28.020 Uses permitted by right.
- 17.28.030 Uses requiring special use permit.
- 17.28.040 Development standards.

II. ONE-ACRE RESIDENTIAL (R1A) DISTRICTS

- 17.28.050 Applicability.
- 17.28.060 Uses permitted by right.
- 17.28.070 Uses requiring special use permit.
- 17.28.080 Development standards.

III. LIMITED MULTIFAMILY RESIDENTIAL (R2) DISTRICTS

- 17.28.090 Applicability.
- 17.28.100 Uses permitted by right.
- 17.28.110 Uses requiring special use permit.
- 17.28.120 Development standards.
- 17.28.121 Maintenance agreement required for various forms of attached single-family dwellings.

IV. MULTIFAMILY RESIDENTIAL (RM) DISTRICTS

- 17.28.130 Applicability.
- 17.28.140 Uses permitted by right.
- 17.28.150 Uses requiring special use permit.
- 17.28.160 Development standards.
- 17.28.161 Maintenance agreement required for various forms of attached single-family dwellings.

V. ESTATE RESIDENTIAL FIVE-ACRE (RE-5) ZONE DISTRICTS

- 17.28.170 Purpose.
- 17.28.180 Applicability.
- 17.28.190 Uses permitted by right.
- 17.28.200 Uses requiring special use permit.
- 17.28.210 Development standards.

VI. TOURIST RESIDENTIAL (RT) DISTRICTS

- 17.28.220 Applicability.
- 17.28.230 Uses permitted by right.
- 17.28.240 Uses requiring special use permit.
- 17.28.250 Development standards.
- 17.28.251 Maintenance agreement required for various forms of attached single-family dwellings.

VIII. SINGLE-FAMILY TWO-ACRE RESIDENTIAL (R2A) DISTRICTS

- 17.28.300 Purpose.
- 17.28.310 Applicability.
- 17.28.320 Uses permitted by right.
- 17.28.330 Uses requiring special use permit.
- 17.28.340 Development standards.

IX. ONE-HALF ACRE RESIDENTIAL (R-20,000) DISTRICTS

- 17.28.350 Purpose.
- 17.28.360 Applicability.
- 17.28.370 Uses permitted by right.
- 17.28.380 Uses requiring special use permit.
- 17.28.390 Development standards.

X. SINGLE-FAMILY THREE-ACRE RESIDENTIAL (R3A) DISTRICTS

- 17.28.400 Purpose.
- 17.28.410 Applicability.
- 17.28.420 Uses permitted by right.
- 17.28.430 Uses requiring special use permit.
- 17.28.440 Development standards.

I. ONE-FAMILY RESIDENTIAL (R1) DISTRICTS

17.28.010 Applicability. The regulations set forth in Sections 17.28.020 through 17.28.040 shall apply in all R1 districts (one-family residential district) and shall be subject to the provisions of Chapters 17.14, 17.16 and 17.18. (Prior code §9411(part))

17.28.020 Uses permitted by right. The following uses are allowed by right, without special use permit or variance:

- A. One-family detached dwelling;
- B. Renting of not more than one room;
- C. Home occupations such as accountant, advisor, appraiser, architect, artist, attorney, author, broker, dressmaker, draftsman, dentist, handicrafts, insurance, photographer, physician, therapist, musician, teacher and other similar occupations normally conducted by mail or telephone on the premises where the activities do not create a traffic problem; provided, that

instruction is not given to groups in excess of four, and concerts or recitals are not held, and no display of goods is visible from the outside of the property; such use must be carried on in the main building and be incidental to the residential use of the premises and be carried on by a resident thereon;

- D. Reserved;
- E. Public utilities distribution lines;
- F. Public parks;
- G. One unlighted sign not exceeding six square feet in area advertising authorized activities on the premises;
- H. Excavation of earth and drilling of wells exclusively for residential purposes;
- I. Noncommercial accessory uses and buildings, including one swimming pool, one garage, one boathouse, one stable (provided the stable is located on a lot of one acre or more).
- J. Real estate sales office within an approved recorded subdivision for the exclusive sale of property within the subdivision subject to the following requirements:
 - 1. Compliance with all applicable building setbacks;
 - 2. Compliance with all applicable off-street parking requirements except, however, that the surface may be gravel in lieu of asphalt paving;
 - 3. Exterior lighting shall be placed in such a manner that it does not shine directly onto adjacent residential areas. Floodlights other than low-wattage lights are prohibited;
 - 4. The real estate sales use shall terminate upon sellout of all lots within the subdivision;
 - 5. Within thirty days of sellout, the real estate sales office shall be removed from the site if it is a trailer or mobile home, and if it is in a garage, the office shall be converted back to a garage;
 - 6. Compliance with all applicable building and fire codes, grading and encroachment ordinances;
 - 7. A site plan shall be submitted with the building permit and shall note all proposed structures, parking and setbacks;
 - 8. On-site signs shall conform to the provisions of this section;
 - 9. Submittal of a cash bond in the amount of one thousand dollars to insure the removal of materials, personal property and structures, or the conversion of the office back to a garage, if applicable. The bond will not be released until a site inspection determines that the removal and/or conversion has occurred. (Ord. 4214 §2, 1992; Ord. 3606 §6, 1986; Ord. 3364 §3, 1983; prior code §9411(a))

17.28.030 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefor from the planning commission:

- A. Schools, noncommercial playgrounds, cemeteries and golf courses;
- B. Nonprofit membership clubs and associations;
- C. Public utilities buildings and structures other than distribution and transmission lines;
- D. Place of worship;
- E. Reserved;
- F. Other sign sizes and applicable general provisions as itemized in Chapter 17.16;
- G. Airports, heliports and their accessory uses and structures;
- H. Home occupations not listed in subsection C of Section 17.28.020 which require special consideration such as use of power tools, accessory building, noise and will not change the residential character of the premises, or adversely affect the other uses permitted in a residential area;

- I. Health facility;
- J. Community care facility. (Ord. 4214 §3, 1992; Ord. 3606 §7, 1986; Ord. 3419 §1, 1984; Ord. 3364 §4, 1983; prior code §9411 (b))

17.28.040 Development standards. The following provisions shall apply in R1 districts unless and until a variance is obtained from the planning commission:

- A. Minimum lot area, six thousand square feet when the lot is served with public water supply and sewage system; ten thousand square feet when either the proposed water supply is a well located on the lot, or the proposed sewage disposal system is a septic tank located on the lot; twenty thousand square feet when the proposed water supply is a well and the proposed sewage disposal system is a septic tank, both located on the lot;
- B. Maximum lot coverage, thirty-five percent (including accessory buildings);
- C. Minimum lot width, sixty feet;
- D. Minimum yards: front, twenty feet; sides, five feet, except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'); rear, fifteen feet (15'); (Ord. 4236, 1992)
- E. Maximum building height, forty feet (40'). (Prior code §9411(c); Ord. 4236, 1992)

II. ONE-ACRE RESIDENTIAL (R1A) DISTRICTS

17.28.050 Applicability. The regulations set forth in Sections 17.28.060 through 17.28.080 shall apply to all R1A districts, and R1A districts shall be subject to the provisions of Chapters 17.14, 17.16 and 17.18. No building or structure shall be erected, structurally altered or enlarged, nor shall any building, structure or land be used except as follows. (Prior code §9411.5(part))

17.28.060 Uses permitted by right. The following uses are allowed by right, without special use permit or variance:

- A. One-family detached dwelling:
 - 1. Guesthouse not to exceed four hundred square feet as an accessory use to an existing dwelling,
 - 2. Accessory uses and structures including but not limited to garage, swimming pool, pumphouse, boathouse,
 - 3. Home occupations such as accountant, advisor, appraiser, architect, artist, attorney, author, broker, dressmaker, draftsman, dentist, handicrafts, insurance, photographer, physician, therapist, musician, teacher and other similar occupations normally conducted by mail or telephone on the premises where the activities do not create a traffic problem; provided, that instruction is not given to groups in excess of four and concerts or recitals are not held, and no display of goods is visible from the outside of the property, such use must be carried on in the main building and be incidental to the residential use of the premises and be carried on by a resident thereon;
- B. Reserved;
- C. Drilling of wells or excavation of earth exclusively for residential purposes;
- D. Public park or playground, golf course;
- E. One stable;
- F. One unlighted sign not over six square feet;

- G. Real estate sales office within an approved recorded subdivision for the exclusive sale of property within the subdivision subject to the following requirements:
1. Compliance with all applicable building setbacks;
 2. Compliance with all applicable off-street parking requirements except, however, that surface may be gravel in lieu of asphalt pavement;
 3. Exterior lighting shall be placed in such a manner that it does not shine directly onto adjacent residential areas. Floodlights other than low-wattage lights are prohibited;
 4. The real estate sales use shall terminate upon sellout of all lots within the subdivision;
 5. Within thirty days of sellout, the real estate sales office shall be removed from the site if it is a trailer or mobile home, and if it is in a garage, the office shall be converted back to a garage;
 6. Compliance with all applicable building and fire codes, grading and encroachment ordinances;
 7. A site plan shall be submitted with the building permit and shall note all proposed structures, parking and setbacks;
 8. On-site signs shall conform to the provisions of this section;
 9. Submittal of a cash bond in the amount of one thousand dollars to insure the removal of materials, personal property and structures, or the conversion of the office back to a garage, if applicable. The bond will not be released until a site inspection determines that the removal and/or conversion has occurred. (Ord. 4214, 1992; Ord. 3606 §8, 1986; Ord. 3364 §§5, 6, 1983; prior code §9411.5 (a))

17.28.070 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit from the planning commission:

- A. Place of worship;
- B. Academic school; nonprofit membership club or association; cemetery;
- C. Public utility structure;
- D. Reserved;
- E. Other sign sizes and applicable general provisions as itemized in Chapter 17.16;
- F. Airports, heliports and their accessory uses and structures;
- G. Home occupations not listed in subsection A of Section 17.28.060 which require special consideration such as use of power tools, accessory building, noise, and will not change the residential character of the premises, or adversely affect the other uses permitted in a residential area;
- H. Health facility;
- I. Community care facility. (Ord. 4214 §5, 1992; Ord. 3606 §9, 1986; Ord. 3419 §2, 1984; Ord. 3364 §§7, 8, 1983; prior code 9411.5(b))

17.28.080 Development standards. The following area and building regulations shall apply in R1A districts, unless a variance is first obtained from the planning commission:

- A. Minimum parcel area, one acre;
- B. Minimum parcel area per dwelling unit, same as subsection A of this section;
- C. Maximum building coverage, thirty-five percent;
- D. Minimum parcel width, one hundred feet;

- E. Minimum yards: front, thirty feet; sides, fifteen feet, except the side yard shall be increased one foot (1') for each additional foot of building height in excess of twenty-five feet (25'); rear thirty feet (30'); stable (front), thirty feet (30'); sides, thirty feet (30'); rear, thirty feet (30'); (Ord. 4236, 1992)
- F. Maximum building height, forty-five feet (45'). Prior code §9411.5(c); Ord. 4236, 1992)

III. LIMITED MULTIFAMILY RESIDENTIAL (R2) DISTRICTS

17.28.090 Applicability. The regulations set forth in Sections 17.28.100 through 17.28.120 shall apply in all R2 districts (limited multifamily residential districts), and shall be subject to the provisions of Chapters 17.14, 17.16 and 17.18. (Prior code §9412(part))

17.28.100 Uses permitted by right. The following uses are allowed by right, without special use permit or variance:

- A. Any use allowed by right in an R1, single-family residential, zone;
- B. Multiple-family dwellings without limit to the number of units per structure; roominghouse and boardinghouse;
- C. Accessory use and structure;
- D. One unlighted sign not exceeding twelve square feet in area, advertising authorized activities on the premises;
- E. Reserved;
- F. Attached single-family dwellings and accessory uses. (Ord. 3606 §10, 1986: Ord. 3493 §1, 1984: Ord. 3364 §9, 1983; Ord. 3331 §1, 1983: prior code §9412(a))

17.28.110 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefor from the planning commission:

- A. Any use allowed by special use permit in the R1, single-family residential, zone;
- B. Place of worship;
- C. Business, trade or nursery school, library, professional or business office;
- D. Commercial membership club and association;
- E. Health facility, community care facility, dispensary or clinic;
- F. Reserved;
- G. Other sign sizes and applicable general provisions as itemized in Chapter 17.16;
- H. Airports, heliports and their accessory uses and structures. (Ord. 3606 §11, 1986: Ord. 3419 §3, 1984: Ord. 3364 §10, 1983; prior code §9412(b))

17.28.120 Development standards. The following provisions shall apply in all R2 districts unless and until a variance is obtained from the planning commission:

- A. Minimum lot area, six thousand square feet, or minimum lot area shall be two thousand square feet when proposed with attached single-family dwellings; however, no lot of less than six thousand square feet shall be created prior to the dwelling being constructed;
- B. Maximum building coverage, fifty percent of the lot, including accessory structures;
- C. Minimum lot width, sixty feet, or twenty feet when proposed with attached single-family dwellings;
- D. Minimum yards: front, twenty feet; sides, five feet; rear, fifteen feet; between buildings, ten feet; access court to a group of buildings, twenty feet in width, or zero feet for all yards where common wall or party wall exists;

- E. Maximum building height, forty feet (40'); (Ord. 4236, 1992)
- F. Density: no less than two thousand square feet for each dwelling unit; however, the maximum density shall be no greater than the highest density established by the adopted general plan land use element. (Ord. 3331 §2, 1983; Ord. 3237 §1, 1982; prior code §9412(c))

17.28.121 Maintenance agreement required for various forms of attached single-family dwellings.

- A. The applicant shall submit a copy of a maintenance agreement covering the thirteen items as listed in subsection B of this section. A maintenance agreement must be recorded prior to receiving the certificate of occupancy for any unit. Applicants should contact the lending institution of their choice to review the maintenance agreement proposed to be recorded.
- B. The items that must be mentioned in the maintenance agreement are as follows:
 1. Purpose of the agreement. Included in this area should be comments with reference to the protection of the value and desirability of the property. The conditions, covenants and restrictions of the agreement shall stay with the real property and be binding upon all parties having right, title or interest in the property and will run with the land in perpetuity. Therefore, the agreement must be recorded in the county where the property is located;
 2. The legal description of the property;
 3. The maintenance agreement must define the scope of the maintenance, what is to be maintained, i.e., roof, foundation, walkways, parking areas, etc.;
 4. A provision must be included for insurance coverage with reference to the common area and the common improvements. The insured amount must be sufficient to cover the replacement value of the common area improvements and the common improvements;
 5. Allocation of costs per unit (monthly, semiannual or annual homeowners dues);
 6. Define method for notification and levying assessments and liens;
 7. Lien foreclosure plan;
 8. Mortgage protection clause;
 9. A stipulation that no alterations to the exterior of the building can be made without approval of all owners;
 10. No accumulation of garbage, rubbish or offensive material shall be permitted;
 11. The exterior of the units shall be of the same color;
 12. The building is not to be used for unlawful purposes;
 13. Define how a dispute will be settled in the event of a disagreement by the owners with reference to assessments, maintenance, etc. (Ord. 3331 §3, 1983)

IV. MULTIFAMILY RESIDENTIAL (RM) DISTRICTS

17.28.130 Applicability. The regulations set forth in Sections 17.28.140 through 17.28.160 shall apply in all RM (multifamily residential) districts, and shall be subject to the provisions of Chapters 17.14, 17.16 and 17.18. (Prior code §9412.1(part))

17.28.140 Uses permitted by right. The following uses are allowed by right, without special use permit or variance:

- A. Any use allowed by right without special use permit or variance in R2 (limited multifamily residential) districts;

- B. Multifamily dwellings without limit on the number of units;
- C. One unlighted sign, not exceeding twelve square feet in area, advertising authorized activities on the premises;
- D. Reserved;
- E. Attached single-family dwelling and accessory uses. (Ord. 3606 §12, 1986: Ord. 3364 §13, 1983; Ord. 3331 §4, 1983: prior code §9412.1(a))

17.28.150 Uses requiring special use permit. The following uses are allowed only after obtaining a special permit therefor from the planning commission:

- A. Any use allowed by special use permit in R2 (limited multifamily residential) districts;
- B. Place of worship;
- C. Reserved;
- D. Other sign sizes and applicable general provisions as itemized in Chapters 17.14, 17.16 and 17.18;
- E. Airports, heliports and their accessory uses and structures;
- F. Health facility;
- G. Community care facility. (Ord. 3606 §13, 1986: Ord. 3419 §4, 1984: Ord. 3364 §14, 1983; prior code §9412.1(b))

17.28.160 Development standards. The following provisions shall apply in all RM districts unless and until a variance is obtained from the planning commission:

- A. Minimum lot area, six thousand square feet or a minimum lot area shall be two thousand square feet when proposed with attached single-family dwellings; however, no lot of less than six thousand square feet shall be created prior to the dwelling being constructed;
- B. Maximum building coverage, fifty percent of the lot, including accessory structures;
- C. Minimum lot width, sixty feet, or twenty feet when proposed with attached single-family dwellings;
- D. Minimum yards: front, twenty feet; sides, five feet; rear, ten feet; between separate buildings, ten feet; access court to a group of buildings, twenty feet in width, or zero feet for all yards where common wall or party wall exists. All yard requirements in this section shall be increased by five feet for each ten feet of building height or portion thereof in excess of twenty-five feet (25'); (Ord. 4236, 1992)
- E. Maximum building height, fifty feet;
- F. Density: no less than one thousand square feet for each dwelling or rental unit located on first and second story; and seven hundred fifty square feet for each dwelling or rental unit located on third story and above; however, the maximum density shall be no greater than the highest density established by the general plan land use element. (Ord. 3331 §5, 1983: Ord. 3237 §2, 1982; prior code §9412.1(c))

17.28.161 Maintenance agreement required for various forms of attached single-family dwellings.

- A. The applicant shall submit a copy of a maintenance agreement covering the thirteen items as listed in subsection B of this section. A maintenance agreement must be recorded prior to receiving the certificate of occupancy for any unit. Applicants should contact the lending institution of their choice to review the maintenance agreement proposed to be recorded.

- B. The items that must be mentioned in the maintenance agreement are as follows:
1. Purpose of the agreement. Included in this area should be comments with reference to the protection of the value and desirability of the property. The conditions, covenants and restrictions of the agreement shall stay with the real property and be binding upon all parties having right, title or interest in the property and will run with the land in perpetuity. Therefore, the agreement must be recorded in the county where the property is located;
 2. The legal description of the property;
 3. The maintenance agreement must define the scope of the maintenance, what is to be maintained, i.e., roof, foundation, walkways, parking areas, etc.;
 4. A provision must be included for insurance coverage with reference to the common area and the common improvements. The insured amount must be sufficient to cover the replacement value of the common area improvements and the common improvements;
 5. Allocation of costs per unit (monthly, semi- annual or annual homeowners dues);
 6. Define method for notification and levying assessments and liens;
 7. Lien foreclosure plan;
 8. Mortgage protection clause;
 9. A stipulation that no alterations to the exterior of the building can be made without approval of all owners;
 10. No accumulation of garbage, rubbish or offensive material shall be permitted;
 11. The exterior of the units shall be of the same color;
 12. The building is not to be used for unlawful purposes;
 13. Define how a dispute will be settled in the event of a disagreement by the owners with reference to assessments, maintenance, etc. (Ord. 3331 §6, 1983)

V. ESTATE RESIDENTIAL FIVE-ACRE (RE-5) ZONE DISTRICT

17.28.170 Purpose. The purpose of the RE-5 districts is to provide for the orderly development of land having sufficient space and natural conditions compatible to residential and accessory agricultural and horticultural pursuits and provide for the protection from encroachment of unrelated uses tending to have adverse effects on the development of the areas so designated. (Prior code §9412.2 (a))

17.28.180 Applicability. The regulations set forth in Sections 17.28.190 through 17.28.210 shall apply in all RE-5 (estate residential zoning) districts and shall be subject to the provisions of Chapters 17.14, 17.16 and 17.18. (Prior code §9412.2(b))

17.28.190 Uses permitted by right. The following uses are allowed by right, without special use permit or variance:

- A. One single-family detached dwelling:
1. Accessory uses and structures including, but not limited to, garage, swimming pool, pumphouse, boathouse,
 2. The renting of one room within the dwelling,
 3. One guest house, not for rent or lease, and not to exceed four hundred square feet of floor space, as an accessory use to an existing dwelling, no guest house shall contain kitchen facilities;

- B. Barns, agricultural structures, etc.;
- C. Home occupation such as accountant, advisor, appraiser, architect, artist, attorney, author, broker, dressmaker, draftsman, dentist, engineer, handicrafts, insurance, photographer, physician, therapist, musician, teacher and other similar occupations conducted on the premises or by mail or telephone where the activities do not create a traffic problem; provided, that instruction is not given to groups in excess of four and concerts or recitals are not held, and no display of goods is visible from the outside of the property; the use must be carried on in the residence and be incidental to the residential use of the premises and be carried on by a resident thereon;
- D. One unlighted sign not exceeding six square feet of message area and eight feet above ground level advertising authorized activities on the premises;
- E. Raising and grazing of domestic farm animals and the cultivation of tree and field crops and the sale of such goods when produced on the premises and when in conformity with Chapters 17.14, 17.16 and 17.18;
- F. Packing and processing of agricultural products produced on the premises without changing the nature of the products;
- G. Excavation of earth exclusively for agricultural or residential purposes on the premises where the excavation will not create significant erosion and/or pollution;
- H. The drilling of wells exclusively for agricultural or residential purposes on the premises;
- I. Local distribution lines for public utilities;
- J. Real estate sales office within an approved recorded subdivision for the exclusive sale of property within the subdivision subject to the following requirements:
 1. Compliance with all applicable building setbacks;
 2. Compliance with all applicable off-street parking requirements, except however, that surface may be gravel in lieu of asphalt paving;
 3. Exterior lighting shall be placed in such a manner that it does not shine directly onto adjacent residential areas. Floodlights other than low-wattage lights are prohibited;
 4. The real estate sales use shall terminate upon sellout of all lots within the subdivisions;
 5. Within thirty days of sellout, the real estate sales office shall be removed from the site if it is a trailer or mobile home and if it is in a garage, the office shall be converted back to a garage;
 6. Compliance with all applicable building and fire codes, grading and encroachment ordinances;
 7. A site plan shall be submitted with the building permit and shall note all proposed structures, parking and setbacks;
 8. On-site signs shall conform to the provisions of this section;
 9. Submittal of a cash bond in the amount of one thousand dollars to insure the removal of materials, personal property and structures, or the conversion of the office back to a garage, if applicable. The bond will not be released until a site inspection determines that the removal and/or conversion has occurred. (Ord. 4214 §6, 1992; Ord. 3606 §16, 1986; Ord. 3366 §9, 1983; Ord. 3364 §15, 1983; prior code §9412.2(c))

17.28.200 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefor from the planning commission:

- A. The packing and processing of agricultural or wood products and the necessary buildings and structures required therefor where the nature of the product is changed;
- B. The mining or drilling of minerals or petroleum;
- C. The construction of schools, churches, cemeteries, parks, nonprofit membership clubs or associations, golf courses or public utility structures;
- D. Reserved;
- E. Other sign sizes and applicable general provisions itemized in Chapters 17.14, 17.16 and 17.18;
- F. Airports, heliports, landing strips and their accessory uses and structures where they do not constitute a nuisance to adjacent properties;
- G. Home occupations not listed in subsection C of Section 17.28.190 which require special consideration such as the use of power tools, accessory building, noise and will not change the residential character of the premises or adversely affect the other uses permitted in a residential are;
- H. Kennel, as defined in subsection 18 of Section 6.04.020;
- I. Community care facilities, as defined in Section 17.06.050(H). (Ord. 4214 §7, 1992; Ord. 4002 §2, 1989; Ord. 3606 §14, 1986: Ord. 3440 §1, 1984: Ord. 3419 §5, 1984: Ord. 3364 §16, 1983; prior code §9412.2(d))

17.28.210 Development standards. The following building provisions shall apply in the RE-5 districts, unless and until a variance is obtained from the planning commission or zoning administrator:

- A. Minimum lot area of five acres;
- B. No maximum building coverage;
- C. Minimum lot width of one hundred feet;
- D. Minimum yard setbacks: front and rear, thirty feet; sides, thirty feet except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'); (Ord. 4236, 1992)
- E. Minimum agriculture structural setbacks of fifty feet on all yards;
- F. Maximum building height, forty-five feet (45'); (Ord 4236, 1992)
- G. Minimum dwelling unit area, six hundred square feet of living area and two rooms;
- H. Location of the Parcel in Relation to Surrounding Land Use. The success and stability of agricultural enterprises can be profoundly influenced by the zoning and use of immediately adjacent lands. A buffer area of fifty feet will be required on the inside of a boundary where land zoned estate residential five acres abuts planned agricultural zone lands which are currently not in horticultural and timber production. Variances to the above will be considered upon recommendation of the agricultural commission. The development of a dwelling or noncompatible use shall be one hundred feet from any existing horticultural or timber enterprises. Noncompatible uses are defined as, but not limited to:
 - 1. Residential structures,
 - 2. Nursing homes,
 - 3. Public and private schools,
 - 4. Playgrounds,
 - 5. Swimming pools,
 - 6. Fish ponds. (Ord. 3606 §15, 1986: Ord. 3366 §§10, 11, 1983; prior code §9412.2(e))

VI. TOURIST RESIDENTIAL (RT) DISTRICTS

17.28.220 Applicability. The regulations set forth in Sections 17.28.230 through 17.28.250 shall apply in all RT districts (tourist residential districts), and shall be subject to the provisions of Chapters 17.14, 17.16 and 17.18. (Prior code §9412.5(part))

17.28.230 Uses permitted by right. The following uses are allowed by right, without special use permit or variance:

- A. Any use allowed by right in RM multifamily residential zone;
- B. Multiple-family dwellings, with no limitation of number of units; cottage court and motel;
- C. Accessory use and structure, not including eating and drinking establishment, store, service station or similar commercial use or structure;
- D. One sign not exceeding eighty square feet in area, advertising authorized activities on the premises;
- E. Reserved;
- F. Attached single-family dwelling and accessory uses. (Ord. 3606 §17, 1986: Ord. 3364 §17, 1983; Ord. 3331 §7, 1983: prior code §9412.5(a))

17.28.240 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefor from the planning commission:

- A. Any use allowed by special use permit in the RM multifamily residential zone;
- B. Health facility, community care facility, dispensary or clinic;
- C. Hotel, eating and drinking establishment if accessory to a motel or hotel;
- D. Mobile home park;
- E. Fire station;
- F. Reserved;
- G. Other sign sizes and applicable general provisions as itemized in Chapters 17.14, 17.16 and 17.18;
- H. Airports, heliports and their accessory uses and structures. (Ord. 3606 §18, 1986: Ord. 3419 §6, 1984: Ord. 3364 §18, 1983; prior code §9412.5(b))

17.28.250 Development standards. The following provisions shall apply in all RT districts unless and until a variance is obtained from the planning commission:

- A. Minimum lot area, six thousand square feet, or a minimum lot area of two thousand square feet when proposed with attached dwelling units; however, no lot of less than six thousand square feet shall be created prior to the dwelling being constructed;
- B. Maximum building coverage, fifty percent of the lot;
- C. Minimum lot width, sixty feet, or twenty feet for all yards where common or party wall exists;
- D. Minimum yards: front, twenty feet; sides, five feet; rear, ten feet; between separate buildings, ten feet; access court to a group of buildings, twenty feet in width; all above yard requirements shall be increased by five feet for each ten feet (10') of building height or portion thereof, in excess of twenty feet (20'); or zero feet for all yards where common wall or party wall exists; (Ord. 4236, 1992)
- E. Maximum building height, fifty feet;

- F. Density, no less than one thousand square feet for each dwelling or rental unit located on first and second story; and seven hundred fifty square feet for each dwelling or rental unit located on third story and above; however, the maximum density shall be no greater than the highest density established by the adopted general plan land use element. (Ord. 3331 §8, 1983: prior code §9412.5(c))

17.28.251 Maintenance agreement required for various forms of attached single-family dwellings.

- A. The applicant shall submit a copy of a maintenance agreement covering the thirteen items as listed in subsection B of this section. A maintenance agreement must be recorded prior to receiving the certificate of occupancy for any unit. Applicants should contact the lending institution of their choice to review the maintenance agreement proposed to be recorded.
- B. The items that must be mentioned in the maintenance agreement are as follows:
1. Purpose of the agreement. Included in this area should be comments with reference to the protection of the value and desirability of the property. The conditions, covenants and restrictions of the agreement shall stay with the real property and be binding upon all parties having right, title or interest in the property and will run with the land in perpetuity. Therefore, the agreement must be recorded in the county where the property is located;
 2. The legal description of the property;
 3. The maintenance agreement must define the scope of the maintenance, what is to be maintained, i.e., roof, foundation, walkways, parking areas, etc.;
 4. A provision must be included for insurance coverage with reference to the common area and the common improvements. The insured amount must be sufficient to cover the replacement value of the common area improvements and the common improvements;
 5. Allocation of costs per unit (monthly, semiannual or annual homeowners dues);
 6. Define method for notification and levying assessments and liens;
 7. Lien foreclosure plan;
 8. Mortgage protection clause;
 9. A stipulation that no alterations to the exterior of the building can be made without approval of all owners;
 10. No accumulation of garbage, rubbish or offensive material shall be permitted;
 11. The exterior of the units shall be of the same color;
 12. The building is not to be used for unlawful purposes;
 13. Define how a dispute will be settled in the event of disagreement by the owners with reference to assessments, maintenance, etc. (Ord. 3331 §9, 1983)

VIII. SINGLE-FAMILY TWO-ACRE RESIDENTIAL (R2A) DISTRICTS

17.28.300 Purpose. The purpose of the R2A districts is to provide for the orderly development of suburban single-family residential land use in areas having sufficient space and natural conditions compatible to enable residents engaging in limited horticultural and agricultural pursuits in keeping with conditions conducive to a desirable low density suburban environment and to provide for and protect from the encroachment of unrelated uses tending to have an adverse effect on the development of the area. (Prior code §9420(a))

17.28.310 Applicability. The regulations set forth in Sections 17.28.320 through 17.28.340 shall apply in R2A districts and shall be subject to the applicable provisions of Chapters 17.14, 17.16. and 17.18. (Prior code §9420(b))

17.28.320 Uses permitted by right. The following uses are allowed by right, without special use permit:

- A. One-family detached dwelling:
 - 1. The renting of one room within the dwelling,
 - 2. Guest house not to exceed four hundred square feet as an accessory use to an existing dwelling,
 - 3. Accessory uses and structures including but not limited to garage, swimming pool, pumphouse, boathouse,
 - 4. Home occupations such as accountant, advisor, appraiser, architect, artist, attorney, author, broker, dressmaker, draftsman, dentist, handicrafts, insurance, photographer, physician, therapist, musician, teacher and other similar occupations normally conducted by mail or telephone on the premises where the activities do not create a traffic problem; provided, that instruction is not given to groups in excess of four and concerts or recitals are not held, and no display of goods is visible from the outside of the property, such use must be carried on in the main building and be incidental to the residential use of the premises and be carried on by a resident thereon;
- B. Reserved;
- C. Drilling of wells or excavation of earth exclusively for residential or agricultural purposes on the premises;
- D. One unlighted sign on the premises not exceeding six square feet in area advertising authorized activities on the premises;
- E. Farm or domestic animal shelter;
- F. The keeping of domestic farm animals for noncommercial purposes and not constituting a health hazard to adjacent property owners.
- G. Real estate sales office within an approved recorded subdivision for the exclusive sale of property within the subdivision subject to the following requirements:
 - 1. Compliance with all applicable building setbacks;
 - 2. Compliance with all applicable off-street parking requirements, except however, that surface may be gravel in lieu of asphalt paving;
 - 3. Exterior lighting shall be placed in such a manner that it does not shine directly onto adjacent residential areas. Floodlights other than low-wattage lights are prohibited;
 - 4. The real estate sales use shall terminate upon sellout of all lots within the subdivisions;
 - 5. Within thirty days of sellout, the real estate sales office shall be removed from the site if it is a trailer or mobile home and if it is in a garage, the office shall be converted back to a garage;
 - 6. Compliance with all applicable building and fire codes, grading and encroachment ordinances;
 - 7. A site plan shall be submitted with the building permit and shall note all proposed structures, parking and setbacks;
 - 8. On-site signs shall conform to the provisions of this section;

9. Submittal of a cash bond in the amount of one thousand dollars to insure the removal of materials, personal property and structures, or the conversion of the office back to a garage if applicable. The bond will not be released until a site inspection determines that the removal and/or conversion has occurred. (Ord. 4214 §8, 1992; Ord. 3606 §19, 1986: Ord. 3364 §11, 1983; prior code §9420(c))

17.28.330 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefor from the planning commission:

- A. Place of worship;
- B. Academic school;
- C. Nonprofit association clubhouse;
- D. Public recreational uses;
- E. Public utility structure;
- F. Reserved;
- G. Other sign sizes and applicable general provisions as itemized in Chapters 17.14, 17.16 and 17.18;
- H. Airports, heliports and their accessory uses and structures;
- I. Home occupations not listed in subsection A4 of Section 17.28.320 which require special consideration such as use of power tools, accessory building, noise, and will not change the residential character of the premises, or adversely affect the other uses permitted in a residential area;
- J. Health facility;
- K. Community care facility. (Ord. 4214 §9, 1992; Ord. 3606 §20, 1986: Ord. 3419 §7, 1984: Ord. 3364 §12, 1983; prior code §9420(d))

17.28.340 Development standards.

- A. Minimum parcel area, two acres;
- B. Maximum building coverage, none;
- C. Minimum parcel width, one hundred fifty feet;
- D. Minimum yard setbacks: front, thirty feet (30'); sides, twenty feet (20'), except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'); rear, thirty feet (30');
- E. For farm animal shelter, minimum yard setbacks: front, fifty feet (50') with thirty feet (30') from side and rear property line and adjoining residential structures;
- F. Maximum building height, forty-five feet (45'). (Prior code §9420(e); Ord. 4236, 1992)

IX. ONE-HALF ACRE RESIDENTIAL (R-20,000) DISTRICTS

17.28.350 Purpose. The purpose of the R-20,000 districts is to provide for the orderly development of single- family residential land having sufficient space and natural conditions to enable residents to engage in limited horticultural and agricultural pursuits consistent with conditions conducive to a desirable residential density and environment and to protect from the encroachment of unrelated uses tending to have an adverse effect on the single-family residential development of the area. (Prior code §9421(a))

17.28.360 Applicability. The regulations set forth in Sections 17.28.370 through 17.28.390 shall apply in R-20,000 districts and shall be subject to the applicable provisions of Chapters 17.14, 17.16 and 17.18. (Prior code §9421(b))

17.28.370 Uses permitted by right. The following uses are allowed by right, without special use permit:

- A. One single-family detached dwelling:
 - 1. Accessory use and structure including, but not limited to, guest house (not to exceed four hundred square feet in floor area), garage, swimming pool, pumphouse, boathouse, storage shed,
 - 2. Home occupations such as accountant, advisor, appraiser, architect, artist, attorney, author, broker, dressmaker, draftsman, dentist, handicrafts, insurance, photographer, physician, therapist, musician, teacher and other similar occupations normally conducted by mail or telephone on the premises where the activities do not create a traffic problem; provided, that instruction is not given to groups in excess of four, and concerts or recitals are not held, and no display of goods is visible from the outside of the property; such use must be carried on in the main building and be incidental to the residential use of the premises and be carried on by a resident thereon;
- B. Reserved;
- C. Drilling of wells for water or excavation of earth exclusively for use on the premises;
- D. One unlighted sign on the premises, not to exceed six square feet of message display area and a maximum of eight feet in height from ground level, advertising authorized activities conducted on the premises.
- E. Real estate sales office within an approved recorded subdivision for the exclusive sale of property within the subdivision subject to the following requirements:
 - 1. Compliance with all applicable building setbacks;
 - 2. Compliance with all applicable off-street parking requirements, except however, that surface may be gravel in lieu of asphalt paving;
 - 3. Exterior lighting shall be placed in such a manner that it does not shine directly onto adjacent residential areas. Floodlights other than low-wattage lights are prohibited;
 - 4. The real estate sales use shall terminate upon sellout of all lots within the subdivisions;
 - 5. Within thirty days of sellout, the real estate sales office shall be removed from the site if it is a trailer or mobile home and if it is in a garage, the office shall be converted back to a garage;
 - 6. Compliance with all applicable building and fire codes, grading and encroachment ordinances;
 - 7. A site plan shall be submitted with the building permit and shall note all proposed structures, parking and setbacks;
 - 8. On-site signs shall conform to the provisions of this section;
 - 9. Submittal of a cash bond in the amount of one thousand dollars to insure the removal of materials, personal property and structures, or the conversion of the office back to a garage, if applicable. The bond will not be released until a site inspection determines that the removal and/or conversion has occurred. (Ord. 4214 §10, 1992; Ord. 3606 §21, 1986; Ord. 3364 §19, 1983; prior code §9421(c))

17.28.380 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefor from the planning commission:

- A. Place of worship;
- B. Academic school;
- C. Nonprofit association clubhouse;
- D. Public recreational uses;
- E. Public utility structure or uses;
- F. Reserved;
- G. Other sign sizes and applicable general provisions as itemized in Chapters 17.14, 17.16 and 17.18;
- H. Airports, heliports and their accessory uses and structures;
- I. Home occupations not listed in subsection A3 of Section 17.28.370 which require special consideration, such as use of power tools, accessory building, noise, and will not change the residential character of the premises, or adversely affect the other uses permitted in a residential area;
- J. Health facility;
- K. Community care facility. (Ord. 4214 §11, 1992; Ord. 3606 §22, 1986; Ord. 3419 §8, 1984; Ord. 3364 §20, 1983; prior code §9421(d))

17.28.390 Development standards.

- A. Minimum parcel area, twenty thousand square feet;
- B. Maximum building coverage, none;
- C. Minimum parcel width, one hundred feet;
- D. Minimum yard setbacks: front, thirty feet; sides, ten feet, except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'); rear, thirty feet (30'); (Ord. 4236, 1992)
- E. Maximum building height, forty feet (40'). (Prior code §9421(e); Ord. 4236, 1992)

X. SINGLE-FAMILY THREE-ACRE RESIDENTIAL (R3A) DISTRICTS

17.28.400 Purpose. The purpose of Sections 17.28.400 through 17.28.440 is to provide for the orderly development of single-family residential land consistent with conditions conducive to a desirable residential density and environment and to protect from the encroachment of unrelated uses tending to have an adverse effect on the single-family residential development of the area.(Prior code §9423(a))

17.28.410 Applicability. The regulations set forth in Sections 17.27.420 through 17.28.440 shall apply in R3A single-family three-acre residential districts and TR3A single-family three-acre residential districts (Lake Tahoe Area) and shall be subject to the applicable provisions of Chapters 17.14, 17.16 and 17.18. (Prior code §9423(b))

17.28.420 Uses permitted by right. The following uses are allowed by right, without special use permit:

- A. One single-family detached dwelling:
 - 1. Accessory uses and structures including, but not limited to, garage, swimming pool, pumphouse and boathouse,
 - 2. The renting of one room within the dwelling,
 - 3. One guest house, not for rent or lease, and not to exceed four hundred square feet of floor space, as an accessory use to an existing dwelling. No guest house shall contain kitchen facilities;
- B. Home occupation such as accountant, advisor, appraiser, architect, artist, attorney, author, broker, dressmaker, draftsman, dentist, handicrafts, insurance, photographer, physician, therapist, musician, teacher and other similar occupations normally conducted by mail or telephone on the premises where the activities do not create a traffic problem; provided, that instruction is not given to groups in excess of four and concerts or recitals are not held, and no display of goods is visible from the outside of the property; such use must be carried on in the residence and be incidental to the residential use of the premises and be carried on by a resident thereon;
- C. One unlighted sign not exceeding six square feet of message area and eight feet above ground level advertising authorized activities on the premises;
- D. Raising and grazing of domestic farm animals and the cultivation of tree and field crops where it does not constitute a nuisance to adjacent properties and is in conformity with the provisions of Chapters 17.14, 17.16 and 17.18;
- E. Drilling of wells and excavation of earth exclusively for authorized residential purposes on that parcel;
- F. Local distribution lines for public utilities;
- G. Real estate sales office within an approved recorded subdivision for the exclusive sale of property within the subdivision subject to the following requirements:
 - 1. Compliance with all applicable building setbacks;
 - 2. Compliance with all applicable off-street parking requirements, except however, that surface may be gravel in lieu of asphalt paving;
 - 3. Exterior lighting shall be placed in such a manner that it does not shine directly onto adjacent residential areas. Floodlights other than low-wattage lights are prohibited;
 - 4. The real estate sales use shall terminate upon sellout of all lots within the subdivisions;
 - 5. Within thirty days of sellout, the real estate sales office shall be removed from the site if it is a trailer or mobile home and if it is in a garage the office shall be converted back to a garage;
 - 6. Compliance with all applicable building and fire codes, grading and encroachment ordinances;
 - 7. A site plan shall be submitted with the building permit and shall note all proposed structures, parking and setbacks;
 - 8. On-site signs shall conform to the provisions of this section;
 - 9. Submittal of a cash bond in the amount of one thousand dollars to insure the removal of materials, personal property and structures, or the conversion of the office back to a garage, if applicable. The bond will not be released until a site inspection determines that the removal and/or conversion has occurred. (Ord. 4214 §12, 1992; Ord. 3606 §23, 1986; Ord. 3366 §6, 1983; Ord. 3364 §21, 1983; prior code §9423(c))

17.28.430 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefor from the planning commission or zoning administrator:

- A. Place or worship;
- B. Public or private academic school;
- C. Cemetery;
- D. Golf course and tennis courts;
- E. Nonprofit membership club or association;
- F. Public utilities structures to include fire stations;
- G. Public or private parks and playgrounds;
- H. Home occupations not listed in subsection B of Section 17.28.420 which would require special consideration, such as use of power tools, accessory building, noise and which will not change the residential character of the premises or adversely affect the other uses permitted in a residential area;
- I. Reserved;
- J. Other sign sizes and applicable general provisions as itemized in Chapters 17.14, 17.16 and 17.18;
- K. Health facility;
- L. Community care facility. (Ord. 4214 §13, 1992; Ord. 3606 §24, 1986: Ord. 3419 §9, 1984: Ord. 3364 §22, 1983; prior code §9423(d))

17.28.440 Development standards. The following provisions shall apply in R3A single-family three-acre residential districts and TR3A single-family three-acre residential districts (Lake Tahoe area), unless and until a variance is obtained from the planning commission or zoning administrator:

- A. Minimum lot area, three acres;
- B. Maximum lot coverage, none;
- C. Minimum lot width, one hundred fifty feet;
- D. Minimum yard setbacks: front and rear, thirty feet; sides, thirty feet, except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'). (Ord. 4236, 1992)
- E. Maximum building height, forty-five feet (45'). (Ord. 3606 §25, 1986: Ord. 3366 §§7, 8, 1983; prior code §9423(e); Ord. 4236, 1992)

THIS SPACE INTENTIONALLY LEFT BLANK.