

## ARTICLE 25. CONSTRUCTION AND DEFINITIONS

### Sec. 2501. Construction.

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this ordinance.

- A. Tense: Words used in the present tense include the future tense.
- B. Number: Words used in the singular include the plural, and words used in the plural include the singular
- C. Shall and may: The word "shall" is mandatory; the word "may" is permissive.
- D. Gender: The masculine shall include the feminine and the neuter.
- E. Headings: In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this ordinance and the context thereof, the heading shall not be deemed to affect the scope, meaning or intent of such context.
- F. Oath: The word "oath" shall include affirmation.

(Ord. No. 269.33, § 50, 9-21-82)

### Sec. 2502. General terminology.

The word "county" shall mean the County of Kings, California. The words "board of supervisors" and "board" shall mean the board of supervisors of the County of Kings. The words "planning commission" and "commission" shall mean the planning commission duly appointed by the board of supervisors. The words "zoning administrator" shall mean the zoning administrator duly appointed by the board of supervisors. The words "director of planning" and "planning director" shall mean the director of planning duly appointed by the board of supervisors. The words "county surveyor" shall mean the county surveyor of the County of Kings. The words "building official" shall mean the building official of the County of Kings. The words "planning department" shall mean the staff of the Kings County Planning Department.

(Ord. No. 269.4, § 70, 6-3-70; Ord. No. 269.33, § 51, 9-21-82)

### Sec. 2503. Definitions.

For the purposes of this ordinance, certain words and terms used herein are defined as follows:

**0.5. Abandoned Use:** A business or other use which has discontinued operations and/or vacated the site, or abandoned the use, for more than six (6) months. (NOTE: *Dairies, dairy calf and heifer raising facilities, animal sales and stock feeding yards, or poultry keeping and raising operations located within AG-20, AG-40, AX and AL-10 zones may discontinue operations for a period of time not to exceed two (2) years and reactivate operations at the same herd or flock size and in the same facility without first obtaining a conditional use permit or site plan review. See Article 17, Section 1711.C of this ordinance*).

**0.6. Access Drive:** See "Driveway"

**0.7. Access Lane:** An access road to one or more parcels. (See *Kings County Improvement Standards*).

**1. Accessory building or structure:**

- (a) A building or structure which is subordinate to, attached or detached, and the use of which is customarily incidental to that of the main building, structure or use on the same lot.
- (b) Except in the case of garden structures, if an accessory building is attached to the main building by a common wall or a connecting roof, such accessory building shall be deemed to be a part of the main building.

**2. Accessory living quarters:** Living or sleeping quarters within an accessory building for the sole use of occupants of the premises or persons employed on the premises. Such quarters shall have no kitchen facilities and shall not be rented. Occasional short term visitors and guests of any permanent occupant of the premises may occasionally occupy accessory living quarters.

**3. Accessory use:** A use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot.

**3.03. Agent:** A person who is authorized to act for, or in the place of, the applicant or property owner.

**3.05. Agricultural Operation:** Shall include, but not be limited to, a commercial endeavor using normal, usual, customary, and legal practices for the cultivation and tillage of the soil; dairy operations; the production, cultivation, growing, and harvesting of any agricultural commodity, including timber, viticulture, apiculture, horticulture, or aquaculture; the raising of livestock, fur-bearing animals, fish, or poultry; and any practices performed by any farmer on land that farmer owns or currently leases or rents that is incidental to or in conjunction with such farming operation including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

**3.1. Aircraft landing strip (small):** An area of land that is used or intended to be used for the landing and takeoff of aircraft of twelve thousand five hundred (12,500) pounds or less, maximum certified take-off weight.

**4. Alley:** A public way permanently dedicated or reserved as a secondary means of access to abutting property.

**5. Alter:** To make any change in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, girders or floor joists, which will prolong the life of the structure.

**6.** Reserved

**7. Animal hospital:** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use, and within an enclosed sound-proof structure.

**7.5. Animal Rescue Shelter:** An activity operating as tax exempt entity under the provisions of 26 USC section 501(c)(3) for the purpose of providing care and placement for stray dogs and cats as an alternative to euthanasia.

**8. Animal unit:** One mature horse or cow or as many animals as consume an equivalent amount of feed as a mature horse or cow. Some animal equivalents are:

<u>Animal Type</u>	<u>Age</u>	<u>Average weight (lb.)</u>	<u>Average lb. (TDN/day)</u>	<u>Animal Unit* (AU)</u>
<b>Beef Cattle:</b>				
Mature beef cow				1.00
Cows - nursing part of yr.	2+	1,000	13.2	1.00
Bulls	2+	1,200	13.2	1.00
Yearling steers, bulls, heifers	1-2	627	9.9	0.75
Calves and weaners	3 mo.-1 yr.	354	6.6	0.35
Steers 2 yrs. and older	2+	930	13.2	1.00
<b>Dairy Cattle:</b> Multiply Dairy Cow Breed Factor (i.e., Jersey 1.0, Guernsey 1.2, and Holstein 1.4) by Animal Units.				
<b>Milk Cows</b>				
Dry dairy cow and bred heifers				1.00
Bulls	Mature	1,200	13.2	1.00
Heifers	1 year to breeding			0.73
Calves	3 months to 1 year old			0.35
Baby Calves	less than 3 months old			0.21
Bulls	3 mo.-1 yr. old			0.40

**Mature horse:** 1.00

**Sheep and goats:**

Lambs and kids	80	0.15
Mature sheep	175	0.20
Mature goats	160	0.20
Adult rams	300	0.35
Adult bucks	250	0.25

**Hogs:**

Sows and boars (mature)		0.50
Piglets or weaners	60	0.10
Piglets or weaners	80	0.25"

9. **Apartment:** Shall mean the same as "dwelling unit".

10. **Apartment house:** A building or portion thereof which contains three or more dwelling units.

11. **Apartment hotel:** A combined multiple dwelling and hotel which contains both individual guest rooms and dwelling units.

11.5. **Applicant:** Owner(s) or lessee(s) of property, or their agent(s), or person(s) who has contracted to purchase property contingent upon their ability to acquire the necessary permits under this zoning ordinance, or the authorized agent(s) of such persons.

12. **Auto court:** Shall mean the same as "motel".

13. **Automobile wrecking yard:** A site or portion of a site on which the dismantling or wrecking of used vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence on a site of three (3) or more motor vehicles which have not been capable of operating under their own power for thirty (30) days or more or, in the case of vehicles not self-propelled, which have not been towable or from which parts have been removed for reuse or sale, shall constitute prima facie evidence of a motor vehicle wrecking yard.

13.5. **Basic animal shade structure:** A structure erected within an existing corral on an existing dairy or other existing confined animal feeding facility which is simply intended to shield animals from the sun. Such structures shall not include feed lanes, shall not be intended for human habitation, shall not cover areas in which humans perform work or other functions, and shall obtain an agricultural exemption and building permit prior to construction.

14. **Billboard:** Shall mean the same as "outdoor advertising structure".

15. **Block:** The properties abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land or watercourse.

16. **Boarding or rooming house:** A building where lodging and meals are provided for compensation for five (5) but not more than fifteen (15) persons, not including rest homes.

17. **Borrow pit:** Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster shall not be included.

18. **Breezeway:** A roofed passageway, open on at least two (2) sides, connecting the main structure on a site with another main structure or accessory use on the same site.

**19. Building:**

- (a) A permanently located structure, having a roof, for the housing or enclosure of persons, chattels or property of any kind.
- (b) Mobile homes, unless permanently immobilized in accordance with state and county regulations, and other vehicles, shall not be deemed to be buildings.

**20. Building, area of:** The sum in square feet of the ground areas occupied by all buildings and structures on a lot.

**21. Building, height of:** The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators and aerials.

**22. Building, main:** A building within which is conducted the principal use permitted on the lot or site as provided by this ordinance.

**23. Building setback line:** The minimum distance as prescribed by this ordinance between any property line and the closest point of the foundation or any supporting post or pillar of any building or structure related thereto.

**24. Building site:** The ground area of one (1) or more lots, as defined herein, when used in combination for a building or permitted group of buildings together with all open spaces as required by this ordinance, and when so combined as a single building site, the common line dividing any two or more contiguous lots so combined may be exempt from the provisions requiring side yards with respect thereto.

**25. Building unit group:** Two (2) or more buildings grouped on a lot.

**26. Bungalow court:** A group of two (2) or more detached buildings used or intended to be used as one (1) family or two, (2) family (duplex) dwellings, located on a single lot, together with all of the open spaces required by this ordinance, but not including tourist courts, motor courts, motels or any other commercial use.

**27. Camp:** A site or portion of a site which is used or intended to be used for temporary occupancy by persons living in tents, trailer coaches or similar quarters; excepting a labor camp, farm employee housing and a trailer park as defined in this Section.

**28. Camp, public:** Any area or tract of land used or designed to accommodate two (2) or more camping parties including tents or other camping outfits, but not including trailer parks. Such camp may be publicly or privately owned and operated.

**29. Carport:** An accessory structure or portion of a main structure open on two (2) or more sides designed for the storage of motor vehicles, without full enclosure.

**29.5. Caretaker:** A person residing on the premises of an employer and who is receiving meaningful compensation to assume the primary responsibility for the necessary repair, maintenance, supervision or security of the real or personal property of the employer which is located on the same or contiguous lots or parcels of land.

**30. Cemetery:** Land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

**30.5. Certificate of Occupancy:** A certificate issued by the Building Official prior to the occupancy of a structure to assure that the structure is ready for occupancy with all defects corrected and all construction debris removed, the site graded to final grade, and all required durable, dustless drive approaches, access drives and parking areas are in place.

**30.7. Change of Occupancy:** See "Occupancy Category".

- 31. Clinic:** A place for the provision of group medical services, not involving overnight housing of patients.
- 32. Club:** An association of persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
- 32.5. Cogeneration facility:** Onsite power generation technologies (utilizing fuel sources such as oil, coal, natural gas, wood, or biomass) that simultaneously produce electrical or mechanical energy and useful thermal energy.
- 33. College:** An educational institution offering advanced instruction in any academic field beyond the secondary level, but not including trade schools or business colleges.
- 34. College, trade:** Shall mean the same as "school, trade".
- 35. Commercial classifications:** Shall be obtained from the latest edition of the Standard Industrial Classification Manual, Executive Office of the President, Bureau of the Budget, on file at the Planning Department.
- 35.5. Commercial modular/coach:** A structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is required to be moved under permit.
- 36. Commercial office:** Any administrative or clerical office maintained as a business and any office established by a public service over which this ordinance has jurisdiction.
- 37. Commission:** The Planning Commission of the County of Kings.
- 38. Communications equipment building:** A building that houses electrical and mechanical equipment necessary for the conduct of a public communication business, with or without personnel.
- 38.3. Community care facility:** Any facility, place, or building that is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster family 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.
- 38.5. Congregate living health facility:** A residential home with a capacity of no more than 12 beds, that provides inpatient care, including the following basic services: medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, social, recreational, and at least one type of service specified in paragraph (2). The primary need of congregate living health facility residents shall be for availability of skilled nursing care on a recurring, intermittent, extended, or continuous basis. This care is generally less intense than that provided in general acute care hospitals but more intense than that provided in skilled nursing facilities.
- 39. Convalescent home:** Shall mean the same as "rest home".
- 40. Council:** The City Council of any incorporated city in the County of Kings.
- 40.02. Dairy:** The general term for an agricultural enterprise principally engaged in the production of milk.
- 40.03. Day care:** A facility, including a residence, that provides day care for more than 14 individuals.
- 40.05. Day care, in home family day care:** Pursuant to Health and Safety Code Section 1596.78, and as modified below, in home day care means a home that regularly provides care, protection, and supervision for fourteen (14) 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 is either a large family day care home or a small family day care home:
- (a) **Large family day care home:** A home that provides family day care for nine (9) to fourteen (14) children, inclusive, including children under the age of 10 years who reside at the home. Note: For large in home family day care Not less than 10 days prior to the date on which the decision will be made on the application, the zoning administrator shall give notice of the proposed use by mail or

delivery to all owners shown on the last equalized assessment roll as owning real property within a 100 foot radius of the exterior boundaries of the proposed large family day care home.

- (b) **Small family day care home:** A home that provides family day care for eight (8) or fewer children, including children under the age of 10 years who reside at the home.

**40.1. Disposal site:** A place, location, tract of land, area of premises in use, intended to be used or which has been used for the landfill disposal of solid wastes.

**41. Drive-in restaurant:** An establishment which serves food or beverages to persons seated in or on a motor vehicle.

**41.2. Drive Approach:** A surfaced connection between a County road, City street or State Highway and a private driveway or parking area.

**41.5. Driveway:** A private road or way, which provides durable, dustless access from a public road or way to a structure or site.

**42. Dump:** A place used for the disposal, abandonment or discarding by burial, incineration or by any other means of any garbage, sewage, trash, refuse, rubble, waste materials, offal or dead animals.

**43. Dwelling:** A building or portion thereof designed exclusively for residential purposes, including one-family, and multiple family dwellings; but not including hotels, apartment hotels, boarding and lodging houses, fraternity and sorority houses, rest homes and nursing homes, or child care nurseries.

**43.5. Dwelling, multi-family:** A building containing two or more dwelling units, other than a one-family dwelling with an attached "second dwelling unit,"

**44. Dwelling, one-family:** A detached building containing one dwelling unit.

**45. Reserved.**

**46. Reserved.**

**47. Dwelling unit:** One (1) or more habitable rooms and a single kitchen designed for occupancy by one family for living, sleeping, cooking, eating, and sanitation purposes.

**47.5. Easement:** A grant of one or more property rights by the property owner for the use by the public, a corporation, or another person or entity.

**48. Educational institutions:** Public or other nonprofit institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, nonprofit research institutions and religious institutions. Such institutions must either (1) offer general academic instruction equivalent to the standards prescribed by the State Board of Education, or (2) confer degrees as a college or university of undergraduate or graduate standing, or (3) conduct research, or (4) give religious instruction. This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit nor does it include commercial or trade schools.

**49. Electrical distribution substation:** An assembly of equipment which is part of a system for the distribution of electric power where electric energy is received at a subtransmission voltage and transformed to a lower voltage for distribution for general consumer use.

**50. Electric transmission substation:** An assembly of equipment which is part of a system for the transmission of electric power where electric energy is received at a very high voltage from its source of generation by means of a network of high voltage lines and where, by means of transformers, said high voltage is transformed to a lower subtransmission voltage for purposes of supplying electric power to- large individual consumers, interchange connections with other power-producing agencies or electric distribution substations for transformation to still lower voltage for distribution to smaller individual users.

**50.5. Emergency shelter:** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. Emergency shelter also includes a homeless shelter, domestic violence shelter and victim witness shelter. The stay in an emergency witness shelter is limited and conditional. Emergency shelters may be permitted pursuant to Government Code Section 65583, Health and Safety Code Section 50800, and Article 16, Section 1607 of this ordinance.

**51. Essential service:** The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supplying, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health, safety or general welfare.

**51.5. Factory-Built Home:** A residential building, dwelling unit, or an individual dwelling room or combination of rooms that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the California Building Standards Code. Factory-built housing does not include a mobile home, a recreational vehicle, or a commercial modular.

**52. Family:** One or more persons living as a bona fide single nonprofit relatively permanent housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel or club suitable for group use. A family shall not include a fraternal, social or business group.

**52.5. Farm employee:** Any person who resides on the land where he or she is employed in farming and who derives an income equivalent to at least 1,040 hours of work per year paid at the current prevailing minimum wage rate from working on that farm or other farmland associated with that farming operation (i.e., leased or rented farmland).

**53. Farm employee housing:** Farm employee living quarters, dwellings, boarding houses, bunkhouses, mobile homes, or other permanent housing accommodations maintained for farm employees who derive an income equivalent to at least 1,040 hours of work per year paid at the current prevailing minimum wage rate from working on that farm or other farmland associated with that farming operation (i.e., leased or rented farmland). This does not include farm labor housing

**53.2. Farm labor housing:** Farm laborer living quarters, dwellings, boarding houses, bunkhouses, mobile homes, or other permanent housing accommodations maintained for farm laborers who do not derive an income equivalent to at least 1,040 hours of work per year paid at the current prevailing minimum wage rate from working on the farm or other associated farmland on which the housing is located.

**53.3. Farm laborer:** Any person who derives an income equivalent to at least 1,040 hours of work per year paid at the current prevailing minimum wage rate from working in all branches of agriculture, including: cultivation and tillage of the soil; dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities; the raising of livestock, bees, furbearing animals, or poultry; and any practice performed by a farmer or on a farm as an incident to or in conjunction with such agricultural activities.

**53.5. Feed Lot:** Shall mean the same as "stock feeding yard or lot".

**53.8. Fence, (Noise Attenuation):** See "Wall (Noise Attenuation)."

**54. Fence (open):** Any structural device forming a physical barrier which is so constructed that not less than fifty per cent (50%) of the vertical surface is open to permit the transmission of light, air and vision through said surface.

**54.4. Fence, (Screened):** Any structural device, compact evergreen hedge or compact evergreen shrub forming a physical barrier which is so constructed or grown so that ninety percent (90%) or more of the vertical surface is closed to the transmission of light, air and vision through said surface. A slatted chain link fence and a vine covered fence may be considered to be a screened fence if they meet this criteria.

**54.6. Fence, (Solid):** Any structural device forming a physical barrier which is so constructed that fifty one percent (51%) or more of the vertical surface is closed to the transmission of light, air and vision through said surface.

**55. Floor area, gross:** The total horizontal area in square feet on each floor within the exterior walls of a structure but not including the area of inner courts, shaft exposures or exterior walls.

**56. Freeway, landscaped:** A freeway which is landscaped and maintained by a public authority.

**57. Frontage:** The property line of a site abutting on a street, other than the side line of a corner lot.

**58. Front wall:** The wall of a building or supporting structure nearest the street on which the building fronts, but excluding certain architectural features as cornices, canopies, eaves or embellishments.

**59. Garage, Private:** A detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

**60. Garage, repair:** A structure or part thereof, other than a private garage, where motor vehicles are repaired or painted.

**61. Garage, storage:** A structure or part thereof used for the storage, parking or servicing of motor vehicles, but not for the repair thereof.

**62. Garden structure:** An arbor, deck, fountain, lath cover, lath house, pergola, raised planting bed, trellis or other similar structure intended specifically to enhance the appearance of the garden or which has a function relating to the use of outdoor space, but not including a house, garage, carport, patio cover or storage building.

**63. Group houses:** Two (2) or more separate buildings, each containing one (1) or more dwelling units.

**64. Guest house:** Living or sleeping quarters within an accessory building for the sole use of occasional short term visitors and guests of the permanent occupants of the premises. Such quarters shall have no kitchen or laundry facilities or similar fixtures and/or appliances, no garage, shall not be rented, and shall not exceed 640 square feet in area.

**65. Guest ranch:** An enterprise involving the provision of recreational activities and facilities for compensation, with one or more buildings for the provision of meals and rooms.

**66. Guest room:** A room or rooms without kitchen facilities, located in a main or accessory building which is rented or hired out for living or sleeping quarters.

**66.1. Hazardous waste:** Means either of the following:

- (1) 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.
- (2) A waste which meets any of the criteria for the identification of a hazardous waste adopted by the state department of health services pursuant to Health and Safety Code Section 25117.
- (3) RCRA hazardous wastes.
- (4) Unless expressly provided otherwise, the term "hazardous waste" shall be understood to also include extremely hazardous waste and acutely hazardous waste (Health and Safety Code Section 25117).

**66.2. Hazardous waste facility:** Means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste, and may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste management units, or combinations of these units (Health and Safety Code Section 25117.1).

**66.7. Home occupation, minor:** The conduct of an art or profession, the offering of a service or the conduct of a business, or the handicraft manufacture of products within a dwelling in an agricultural, rural residential, one-family residential, multi-family, professional office, or transitional district, which is clearly incidental and secondary to the use of the site for dwelling purposes, and which does not generate any outside traffic (no on-site sales or services provided to customers) or change the character of the neighborhood within which it is located, in accord with the regulations prescribed in Section 1601 D.

**67. Home occupation, rural:** The conduct of an art or profession, the offering of a service or the conduct of a business, or the handicraft manufacture of products within or adjacent to a dwelling in an agricultural district, which use is clearly incidental and secondary to the use of the site for dwelling purposes and which does not change the residential-agricultural character thereof, in accord with the regulations prescribed in Section 1601 B.

**68. Home occupation, urban:** The conduct of an art or profession, the offering of a service or the conduct of a business, or the handicraft manufacture of products within a dwelling in a residential district, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof, in accord with the regulations prescribed in Section 1601.A.

**69. Hotel:** A building in which there are sixteen (16) or more guest rooms where lodging with or without meals is provided for compensation, usually on a transient basis. "Hotel" shall not be construed to include motel, mobile home park, sanitarium, hospital or other institutional building, or jail or other building where persons are housed under restraint.

**69.1. Housing incidental to an agricultural use:** See "Farm employee housing" and "Farm labor housing."

**69.7. Immediate family member:** Parent(s), sibling(s), child(ren), grandparent(s), grandchild(ren), or spouse.

**70. Industrial classifications:** When a use is listed as a permitted, permitted subject to conditions, or is expressly prohibited, the use shall be as defined in the latest edition of the Standard Industrial Classification Manual, Executive Office of the President, Bureau of the Budget, on file at the Planning Department, if defined therein.

**70.2. Infirm Relative:** An immediate family member who is seriously incapacitated or disabled and not able to care for himself or herself due to illness or disability. Proof of the incapacity or disability may be required in the form of a statement from an attending physician stating the infirm person requires assistance from another person in providing for their daily needs.

**71. Junk yard:** A site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards and the like; excepting a site on which uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this section. An establishment for the sale, purchase or storage of used cars, farm equipment or salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junk yard.

**72. Kennel:** A lot or premises on which four or more dogs and/or cats, four months of age or older are kept. For the purposes of the Zoning Ordinance and the required permits under that ordinance, "keeping" includes boarding, grooming, breeding, training, sale and related purposes other than places maintained by a licensed veterinarian or an "animal rescue shelter" operated as a tax exempt entity under the provisions of *26 USC section 501(c)(3)*.

(a) **Non-commercial kennel:** A lot or premises on which four to eight dogs and/or cats, four months of age or older are kept.

(b) **Commercial kennel:** A lot or premises on which nine or more dogs and/or cats, four months of age or older are kept.

**73. Kitchen:** Any room used or intended or designed to be used for cooking or the preparation of food.

**74. Reserved.**

**74.1. Reserved:**

**74.2. Landfill:** Means a disposal site employing a method of disposing of solid wastes on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the wastes to the smallest practical volume, and to cover them with a layer of suitable cover material at specific designated intervals.

**74.3. Lath House:** An open-sided garden structure used to provide shade to tender (or young) plants; the roof is constructed of laths or slats, spaced with gaps as wide as the slats themselves, providing approximately 50% shade.

**74.4. Livestock:** Farm animals kept or raised for use, pleasure, or profit.

**74.6. Livestock grazing:** Principally open range or permanent pasture land where animals are not confined and the natural feed is not supplemented except during inclement weather (e.g., drought, snow, etc.).

**74.8. Living area:** Means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

**75. Lodge:** An order of society or persons organized for some common nonprofit purposes, but not including groups organized primarily to render a service which is customarily carried on as a business.

**76. Lodging house:** A dwelling in which lodging or lodging and meals are provided for compensation for more than five (5) persons other than members of the resident family, excepting a nursing home as defined in this Section.

**77. Lot:**

- (a) A single parcel of land under a single or undivided ownership for which a legal description is filed of record of the boundaries of which are shown on a subdivision map, a parcel map, or record of survey map filed in the office of the county recorder.
- (b) The term "lot" shall include a part of a lot, when such part is used as though a separate lot for all of the purposes and under all of the requirements of this ordinance.
- (c) The term "lot" shall include two (2) or more abutting lots when combined and used as though a single lot.

**78. Lot area:** The total horizontal area within the lot lines of a lot.

**79. Lot, corner:** A lot situated at the intersection of two (2) or more streets which have an angle of intersection of not more than one hundred thirty-five (135) degrees.

**80. Lot coverage:** That portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy.

**81. Lot depth:** The depth of a lot shall be the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

**82. Lot, double frontage:** An interior lot having frontage on and with access on two (2) parallel or approximately parallel streets.

**83. Lot, interior:** A lot other than a corner lot or a reverse corner lot.

**84. Lot, key:** The first lot to the rear of a reversed corner lot whether or not separated by an alley.

**85. Lot line, front:**

- (a) In the case of an interior lot, a line separating the lot from the street.

(b) In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.

**86. Lot line, rear:**

- (a) A lot line which is opposite and most distant from the front lot line; or
- (b) In the case of irregular, triangular or gore-shaped lots, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line.

**87. Lot line, side:** Any lot boundary line not a front lot line or a rear lot line.

**88. Lot, reversed corner:** A corner lot, the street side of which is substantially a continuation of the front lot line of the lot upon which it rears.

**89. Lot, through:** See "lot, double frontage".

**90. Lot, width:** The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**90.5. Manufactured Home:** A complete single-family home deliverable in one or more transportable sections, on a permanent chassis, constructed to the preemptive standards established by the U.S. Department of Housing and Urban Development (HCD) in the CFR, Title 24, Part 3280, commencing with section 3280.1. When erected on site, it is 320 or more square feet in size, built after June 15, 1976 and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. "Manufactured home" includes a mobile home but is not a "factory-built home".

**90.6. Manufactured Housing Community:** Any area or tract of land where two (2) or more manufactured home lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, only to accommodate the use of manufactured homes constructed pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 and following) or mobilehomes containing two or more dwelling units for human habitation. The rental paid for a manufactured home shall be deemed to include rental for the lot it occupies. Employee housing that has obtained a permit to operate pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000)) and that both meets the criteria of Section 17021.6 and is comprised of two or more lots or units held out for lease or rent or provided as a term or condition of employment shall not be deemed a manufactured housing community or mobilehome park

**91. Marquee:** A permanent roofed structure attached to and supported by the building and projecting over public property.

**92. Medical buildings:** Clinics or offices for doctors, dentists, oculists, chiropractors, osteopaths, chiroprudists or similar practitioners of the healing arts; including accessory laboratories and a prescription pharmacy but not including offices for veterinarians.

**93. Mobile home:** A vehicle, other than a motor vehicle, constructed prior to June 15, 1976, designed and equipped to contain one or more dwelling units to be used without a permanent foundation and which is in excess of eight (8) feet in width or in excess of forty (40) feet in length. "Mobilehome" does not include a factory-built home, commercial coach or a recreational vehicle.

**93.1. Mobile home park:** See "Manufactured Housing Community".

**94. Motel:** A building or group of buildings containing individual sleeping or living units, designed primarily for use by automobile tourists or transients, where a majority of such units open individually and directly to the outside. An establishment shall be considered a motel, in any case, when required by the Health and Safety Code of the State of California to obtain the name and address of guests and a description of their vehicle and its license. The term "motel" shall include tourist court, auto court and motor lodge.

**95. Motor vehicle wrecking yard:** See "automobile wrecking yard".

**96. Non conforming building:**

- (a) A building or portion thereof lawfully existing at the time of the adoption of this ordinance, and which does not conform to the applicable regulations of this ordinance, or amendments thereto.
- (b) A building or portion thereof lawfully existing at the time of the adoption of any amendment of this ordinance, and which does not conform to the applicable regulations of such amendment or a subsequent amendment.

**97. Nursery school:** A school or the use of a site or a portion of a site for an organized program devoted to the education or day care of five (5) or more pre-elementary school age children, other than those resident on the site.

**98. Nursing home:** A structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious or mental diseases, alcoholism or drug addiction and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

**98.5 Occupancy Category:** A category used to determine structural requirements of a building based on occupancy. Occupancy classifications may be found in Chapter 3 of the California Building Code.

**99. Off-street loading facilities:** A site or a portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

**100. Off-street parking facilities:** A site or a portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, access drives and landscaped areas.

**100.5. Other affected, or directly affected, person or party:** An other affected, or directly affected, person or party is a person or group of people who, based on living, working, or owning property in the immediate vicinity of a project that is the subject of a zoning action, where there is direct evidence, provided by the "affected" person or party, that they or their property is, or will be, damaged by the project after mitigation measures are applied to the project.

**101. Outdoor advertising structures:** Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised use is located or on which the advertised product is produced.

**101.1. Outdoor festival:** Any music festival, dance festival, rock festival or similar activity, at which music is provided by paid or professional, or amateur performers or by prerecorded means, to which members of the public are invited or admitted for a charge or free of cost and which is to be attended by more than five hundred (500) persons.

**101.3. Owner:** Means property owner.

**101.5. Park trailer:** A trailer designed for human habitation for recreational or seasonal use only and may include a loft area. It may not exceed 14 feet in width at the maximum horizontal projection. A park trailer hitch, when designed by the manufacturer to be removable, may be removed and stored beneath a park trailer.

**102. Parking district:** A government parking district maintained by the federal, state, county or city government.

**102.2. Patio cover:** A one-story structure which is either attached to another structure or detached. Patio covers shall be used only for recreational, outdoor living purposes and not as carports, garages, storage rooms or habitable rooms.

**102.4. Permit holder:** When a land use permit has been issued for a use on a parcel, the permit holder is the property owner of the parcel as shown on the latest equalized assessment role/tax roll and the owner of the business or use on the parcel, if not the property owner.

**102.5. Permitted use:** Any use allowed in a zone district and subject to the provisions applicable to that district.

**102.7. Planned Unit Development (PUD):** A PUD is both a type of building development as well as a regulatory process. A PUD is a designed grouping of varied and compatible land uses, such as housing, recreation, commercial centers, and industrial parks, all within one contained development or subdivision.

**102.8. Property line:** The outermost limit of a legally created parcel. The parcel line is the basis for determining the lot dimensions, area and other measurement standards and is the basis for determining required setback distances.

**103. Public utility service yard:** A site or portion of a site on which a public utility company may store, house and/or service equipment such as service trucks and other trucks and trailers, pumps, spools of wire, pipe, conduits, transformers, cross-arms, utility poles, or any other material, tool or supply necessary for the normal maintenance of the utility facilities.

**104. Railroad right-of-way:** A strip of land of a maximum width of one hundred (100) feet only for the accommodation of main line or branch line railroad tracks, switching equipment and signals, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, section gang and other employee housing, yards or other uses are located.

**104.1. Recreation vehicle:** A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than three hundred twenty (320) square feet, excluding built-in equipment, including, but not limited to wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms. It contains 400 square feet or less of gross area measured at maximum horizontal projections, is built on a single chassis, is either self-propelled, truck-mounted, or permanently towable on the highways without a permit or is a park trailer. Recreational vehicles are not considered dwelling units.

**104.5. Recycling:** The act of collecting and processing used or abandoned materials for use in creating new products thus preventing the waste of potentially useful materials, reducing the consumption of raw materials and reducing energy usage.

**105. Residence:** A structure containing a dwelling unit designed for occupancy or occupied by one family or more. (See dwelling unit)

**106. Resort:** A hotel or motel with a dining room, located on the same site with private recreation facilities for water sports, tennis, golf, riding, skiing, hunting, fishing or similar activities.

**107. Restaurant:** An establishment which serves food or beverage only to persons seated within the building. This includes cafes and tearooms.

**107.5. Restaurant, Drive-Through:** A use providing preparation and retail sale of food and beverages, as defined under "restaurant" with the added provision of for one or more drive-thru lanes for ordering and dispensing of food and beverages to patrons remaining in their vehicles.

**108. Rest homes or homes for the aged:** An establishment or home intended primarily for the care and nursing of invalids and aged persons; excluding cases of communicable diseases, mental illness or disorder, and surgical or obstetrical operations. The term shall not include nursing home.

**108.1 Roadside stand:** A temporary use of a place, building or shade structure less than four hundred (400), square feet not requiring a building permit from which seasonal farm produce is sold.

**109. School, elementary, junior high or high:** Public and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State Board of Education.

**110. School, private:** An institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non governmental organization.

**111. School, trade:** Schools offering preponderant instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools and similar commercial establishments operated by a non governmental organization.

**111.5. Second dwelling unit:** Means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. In a one-family or multi-family residential zone a second unit may also include the following:

- (a) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
- (b) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

**112. Service station:** An occupancy which provides for the servicing of motor vehicles and operations incidental thereto, including:

- (a) Retail sale of gasoline, oil, tires, batteries and new accessories;
- (b) Automobile washing, not including mechanical car wash or steam cleaning;
- (c) Incidental waxing and polishing;
- (d) Tire changing and repairing, but not including recapping;
- (e) Battery service, charging and replacement, but not including repair or rebuilding;
- (f) Radiator cleaning and flushing, but not including repair or steam cleaning.
- (g) Installation of minor accessories;
- (h) Lubrication of motor vehicles;
- (i) Brake adjustment, replacement of brake cylinders, brake fluid lines and brake shoes;
- (j) The testing, adjustment and replacement of motor parts and accessories, not involving engine overhaul.

**112.5. Setback:** The required distance that a building, structure, parking or other designated item must be located from the property or lot line.

**113. Sign:** Any lettering or symbol made of cloth, metal, paint, paper, wood or other material of any kind whatsoever placed for advertising, identification or other purposes on the ground or on any bush, tree, rock, wall, post, fence, building, structure, vehicle or on any place whatsoever. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

**114. Site:** A parcel of land, subdivided or unsubdivided, occupied or to be occupied by a use or structure.

**115. Site area:** The total horizontal area included within the property lines of a site.

**116. Site depth:** The horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines.

**116.5. Site Plan:** A scale drawing prepared as part of a proposal for a zoning permit or building permit depicting the actual project site and structures on the site.

**117. Site width:** The horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

**117.1. Solid waste transfer/processing station:** 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 waste directly from smaller to larger vehicles for transport to their final place of disposition.

**117.5. Special Occupancy Park:** A recreational vehicle park, temporary recreational vehicle park, incidental camping area, or tent camp as noted in Health & Safety Code Section 18862.43.

**118. Stable:** A detached accessory structure including, but not limited to a corral or paddock for the keeping of one or more horses owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

**119. Stable, commercial:** A structure including, but not limited to a corral or paddock for the keeping of horses for remuneration, hire or sale.

**120. Stock feeding yard or lot:** A site or portion of a site used for the concentrated feeding of livestock, or any hoofed animal, including but not limited to, cattle or hogs, or similar activity prior to selling, shipping to market, or slaughtering.

**120.5. Storage Shed:** A one story detached accessory structure used for tool, lawn equipment, or general storage, playhouse, and similar uses, provided the floor area does not exceed 120 square feet in size and generally does not require a building permit (installation of electrical, mechanical or plumbing requires a building permit regardless of the size of the structure). A maximum of two such structures are allowed on any single parcel without building permits provided maximum coverage is not exceeded. Additional structures may be subject to building permit requirements.

**121. Street:** A public or private way permanently dedicated or reserved as a primary means of access to abutting property.

**122. Street line:** The boundary line between street rights-of-way and abutting property.

**123. Structure:** Anything constructed or erected which requires a fixed location on the ground, including a building, swimming pool, etc., but not including a fence, a wall used as a fence, driveways, paving or concrete slabs.

**124. Structure, main:** A structure housing the principal use of a site or functioning as the principal use.

**125. Structural alteration:** Any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or any change in the exterior dimensions of a building, excepting those changes which may result from providing minor repairs and building maintenance.

**126. Subdivision:** The term "subdivision," when referring to divisions of land, shall have the same meaning as found in the Subdivision Map Act (Government Code beginning at Section 66410).

**127. Surface mining operations:** All, or any part, of the process involved in the mining of minerals (except water, geothermal resources, natural gas, and petroleum) 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 incidental to an underground mine. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster shall not be included. Surface mining operations shall include, but are not limited to:

- (a) In-place distillation or retorting or leaching.
- (b) The production and disposal of mining wastes.
- (c) Prospecting and exploring activities.
- (d) Borrow pitting.
- (e) Streambed skimming.
- (f) Segregation and stockpiling of mined materials (and recovery of same).
- (g) Activities that are and become subject to the requirements of the Surface Mining and Reclamation Act (Chapter 9, Division 2, of the Public Resources Code).

**127.4. Temporary recreational vehicle park:** Any area or tract of land where two or more lots are rented, leased, or held out for rent or lease to owners or users of recreational vehicles and that is established for one operation not to exceed 11 consecutive days, and is then removed.

**127.7. Temporary Use:** A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

**128. Thermal power facility:** Any stationary or floating electrical generating facility using any source of thermal energy (including coal, oil, or natural gas), and any facilities appurtenant thereto, to produce mechanical energy or to produce steam to spin a turbine that operates a generator. Thermal power facilities do not include any wind, hydroelectric, solar photovoltaic electrical generating facilities, or electrical generating facilities installed as incidental and accessory structures and uses located on the same site as a permitted use requiring site plan review or conditional use.

**128.5 Traffic Safety Visibility Area:** A space set aside on a lot in which all visual obstructions, such as structures, fences and plantings that inhibit visibility and thus have the potential to cause a hazard to traffic and pedestrian safety are prohibited, as follows:

- (a) **Area adjacent to any existing driveway on any lot** - the Traffic Safety Visibility Area is that area on the street side of a diagonal line connecting points, measured from the intersection of the driveway (located on the property or adjoining parcel) and the street right of way line, twenty (20) feet along the side of the driveway and twenty (20) feet along the street side of a lot.
- (b) **On a corner lot** - the Traffic Safety Visibility Area also includes that area of a corner lot on the street side of a diagonal line connecting points, measured from the property corner where the streets intersect, set back one (1) foot for every one (1) mile per hour of the posted speed limit along each street.

**129. Trailer sales lot:** An open area where trailers are sold, leased or rented and where no repairs, repainting or remodeling are done.

**130. Use:** The purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged or for which either a site or a structure is or may be occupied or maintained.

**131. Use, permitted:** A use which is listed as a permitted use in any given district in this ordinance. Permitted uses need not meet special requirements as a condition precedent to be allowed to establish in a given district.

**132. Use, permitted with administrative approval:** A use which is listed as a use permitted with administrative approval in any given district in this ordinance. Such uses may be required to meet certain requirements as a condition precedent to the granting of administrative approval which will allow the establishment of the use in any given district. (Note: administrative approvals were removed from the zoning ordinance when Ordinance No. 269.40 was adopted by the Kings County Board of Supervisors on October 4, 1994. Uses that were previously listed under administrative approval were moved to either site plan review or conditional use permit depending on whether or not an environmental review was required.)

**132.5. Variance:** A discretionary entitlement which permits the departure from the strict application of the development standards contained in the zoning ordinance under specific circumstances.

**133. Wall:** Any structural device forming a physical barrier which is so constructed that more than fifty per cent (50%) of the vertical surface is closed to the transmission of light, air, and vision through said surface.

**133.2. Wall (Noise Attenuation):** A wall or fence constructed as a mitigation measure to reduce the effect of a potential noise source.

**133.5. Williamson Act:** California Land Conservation Act of 1965, California Government Code Section 51200 et. seq.

**134. Yard:** Open and unoccupied space on a lot in which structures may not be built, constructed or erected.

**135. Yard, front:** A yard, the depth of which is the minimum required horizontal distance between the front lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

**136. Yard, rear:** A yard, the depth of which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

**137. Yard, side:** A yard, the width of which is the minimum required horizontal distance between the side lot line and a line parallel thereto on the lot, not including any portion of required front yard or required rear yard.

(Ord. No. 269.4, § 71, 6-3-70; Ord. No. 269.18, §§ 30 through 32, 9-5-78; Ord. No. 269.20, §§ 9 through 11, 7-3-79; Ord. No. 269.33, § 52, 9-21-82; Ord. No. 269.38, §§ 12, 13, 9-25-90; Ord. No. 269.39, § 2, 10-1-91; Ord. No. 269.40, §1, 10-4-94; Ord. No. 269.42, §§ 18, 19, 20, 21 and 22, 5-7-96; Ord. No. 269.43, § 37, 1-21-97; Ord. No. 269.44, §§ 43, 44, 45 and 46, 7-29-97; Ord. No. 269.51, §§ 19 and 20, 7-25-00; Ord. No. 269.52, § 5, 10-17-00; Ord. No. 269.53, §§ 11 and 12, 6-20-01; Ord. No. 269.54, § 19, 7-30-02; Ord. No. 269.56, §§ 61 through 68, 9-10-03; Ord. No. 269.58, § 10, 1-27-04; Ord. No. 269.59, § 21, 11-9-04; Ord. No. 269.61, § 2, 3-29-05; Ord. No. 269.62, §§ 28, 29, and 30, 10-25-05; Ord. No. 269.63, §§ 61 & 62, 4-25-06; Ord. No. 269.65, §§ 176 and 177, 10-28-08)

h:\planning\ordinances\zoning ord\zoning\_amendments\ztc\26965\ztc 26965\art25-65.doc

This page was left blank intentionally