

ORDINANCE NO. 2019- 1116

AN ORDINANCE OF THE COUNTY OF PLUMAS, STATE OF CALIFORNIA, AMENDING CHAPTER 2 OF TITLE 9 (PLANNING AND ZONING) OF THE PLUMAS COUNTY CODE BY ADOPTING ARTICLE 41 “TELECOMMUNICATIONS” AND ARTICLE 6.5 “ZONING CLEARANCE CERTIFICATE, AND AMENDING CERTAIN SECTIONS OF CHAPTER 2 OF TITLE 9 OF THE PLUMAS COUNTY CODE

The Board of Supervisors of the County of Plumas, State of California, ORDAINS as follows:

SECTION 1.

Article 41, “Telecommunications”; Article 6.5, “Zoning Clearance Certificate”; Section 9-2.415 of Article 4 of Chapter 2 (General Requirements); Section 9-2.1302 of Article 13 of Chapter 2 (Single Family Residential Zones); Section 9-2.1402 of Article 14 of Chapter 2 (Multiple-Family Residential Zone); Section 9-2.1502 of Article 15 of Chapter 2 (Suburban Zone); Section 9-2.1602 of Article 16 of Chapter 2 (Secondary Suburban Zone); Section 9-2.1702 of Article 17 of Chapter 2 (Rural Zone-R-10); Section 9-2.1802 of Article 18 of Chapter 2 (Rural Zone-R-20); Section 9-2.1902 of Article 19 of Chapter 2 (Core Commercial Zone); Section 9-2.2002 of Article 20 of Chapter 2 (Periphery Commercial Zone); Section 9-2.2102 of Article 21 of Chapter 2 (Convenience Commercial Zone); Section 9-2.2202 of Article 22 of Chapter 2 (Recreation Commercial Zone); Section 9-2.2302 of Article 23 of Chapter 2 (Recreation Zone); Section 9-2.2402 of Article 24 of Chapter 2 (Recreation-Open Space Zone); Section 9-2.2502 of Article 25 of Chapter 2 (Heavy Industrial Zone); Section 9-2.2602 of Article 26 of Chapter 2 (Light Industrial Zone); Section 9-2.2802 of Article 28 of Chapter 2 (Open Space Zone); Section 9-2.2902 of Article 29 of Chapter 2 (Lake Zone); Section 9-2.3002 of Article 30 of Chapter 2 (Agricultural Preserve Zone); Section 9-2.3102 of Article 31 of Chapter 2 (General Agriculture Zone); Section 9-2.3202 of Article 32 of Chapter 2 (Timberland Production Zone); Section 9-2.3302 of Article 33 of Chapter 2 (General Forest Zone); Section 9-2.3402 of Article 34 of Chapter 2 (Mining Zone) of Title 9 of the Plumas County Code are adopted and amended as set forth in Exhibit “A”.

SECTION 2.

This ordinance shall become effective 30 days from the date of final passage.

SECTION 3. Codification

This ordinance shall be codified.

SECTION 4. Publication

A summary of this ordinance shall be published, pursuant to Section 25124(b)(1) of the Government Code of the State of California, before the expiration of fifteen days after the passage of the ordinance, once, with the names of the supervisors voting for and against the ordinance, in the *Feather River Bulletin*, *Indian Valley Record*, *Chester Progressive*, and *Portola*

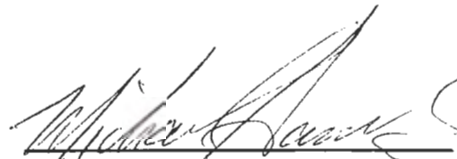
Reporter, newspapers of general circulation in the County of Plumas.

The foregoing ordinance was introduced at a regular meeting of the Board of Supervisors on the 15TH day of Jan, 2019, and passed and adopted on the 23RD day of Jan, 2019 by the following vote:

AYES: Supervisors: THRALL, ENGEL, SANCHEZ

NOES: Supervisors: SIMPSON

ABSENT: Supervisors: GOSS


Chair, Board of Supervisors

ATTEST:


Clerk of said Board of Supervisors

Article 41. - Telecommunications

Sec. 9-2.4101. Purpose and Intent

The purpose of this article is to define a comprehensive set of standards for the design and placement of telecommunications facilities within the County of Plumas that are consistent with applicable federal standards, state standards, Plumas County Code, and Plumas County General Plan. The standards are intended to:

- (a) Protect and enhance the safety, health, and welfare of the public by minimizing adverse general, visual, and operational impacts from telecommunications facilities while providing telecommunications in an effective and efficient manner.
- (b) Maximize the use of new and existing telecommunications facilities through co-location of facilities in order to minimize the need for new facilities, and minimize the total number of facilities throughout the county.
- (c) Encourage the location of new monopoles, towers, and antennas in non-residential areas.
- (d) Encourage telecommunications providers to locate new monopoles, towers, and antennas in areas that minimize adverse impacts on agriculture and air navigation.
- (e) Recognize the diverse nature of telecommunications throughout the county and establish standards suitable to their specific site conditions and operating requirements.

Sec. 9-2.4102. Definitions

- (a) “**Abandoned Facilities**” means facilities ceasing to be utilized for a specified amount of time set forth in this article.
- (b) “**Airport**” means the publicly-owned property and improvements at Chester, Gansner, and Beckwourth Airports, as more particularly shown on Exhibits A through D, inclusive, on file in the office of the County Clerk.
- (c) “**Airstrip**” means a strip of land, typically privately owned, paved or not, used by aircraft, including rotorcraft, as a runway to take off or land, with or without normal airbase or airport facilities, such as fueling.
- (d) “**Antenna**” means any device and associated equipment mounted on a tower, building, or structure that receives and/or transmits any type of electromagnetic wave for the purpose of telecommunications.
- (e) “**Accessory Building(s)**” shall mean any building used as an accessory to residential, commercial, recreational, industrial, or educational purposes as defined in the California Building Code, 1989 Amendments, Chapter 11, Group M, Division 1, Occupancy that requires a building permit.
- (f) “**Associated Equipment**” means towers, utility poles, transmitters, repeaters, base stations, and other necessary equipment utilized in the operation of a telecommunications facility.
- (g) “**Base Station**” has the same meaning as in Federal Communications Commission 47 C.F.R. § 1.40001(b)(1), as may be amended:

A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subdivision or any equipment associated with a tower.

- (i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
- (iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this subdivision, supports or houses equipment described in subdivisions (b)(1)(i) through (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- (iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this subdivision, does not support or house equipment described in paragraphs (b)(1)(i) through (ii) of this section.

- (h) **“Building”** shall mean any structure used or intended for supporting or sheltering any use of occupancy that is defined in the California Building Code, 1989 Amendments, Chapter 11, except Group M, Division 1, Occupancy. For purposes of this article, building includes mobile homes and manufactured homes, churches, and day care facilities.
- (i) **“Co-location”** means the placement or installation of telecommunications facilities, including antennas and related equipment, on, or immediately adjacent to, an existing telecommunications co-location facility.
- (j) **“County”** means County of Plumas, a political subdivision of the State of California.
- (k) **“Eligible Facilities Request”** has the same meaning as in Federal Communications Commission 47 C.F.R. § 1.40001(b)(3), as may be amended:
Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 - (i) Collocation of new transmission equipment;
 - (ii) Removal of transmission equipment; or
 - (iii) Replacement of transmission equipment.
- (l) **“EMF”** means electromagnetic frequency radiation.
- (m) **“Equipment”** or **“Accessory Equipment”** means all cables, conduits, wires, connectors, and devices, excluding antennas transmitting or receiving wireless telecommunications signals, necessary to make a telecommunications facility function properly.
- (n) **“Existing”** has the same meaning as in Federal Communications Commission 47 C.F.R. § 1.40001(b)(5), as may be amended:
A constructed tower or base station is existing for purposes of this subdivision if it has been reviewed and approved under the applicable zoning or siting process, or under another State or regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

- (o) **“Façade-Mounted Facilities”** means any telecommunications device and associated hardware that is affixed to the face of a building.
- (p) **“Facility”** or **“Telecommunications Facilities”** or **“Telecommunications Facility”** has the same meaning as in Federal Standard 1037C, as may be amended:
 - (i) A fixed, mobile, or transportable structure, including (a) all installed electrical and electronic wiring, cabling, and equipment and (b) all supporting structures, such as utility, ground network, and electrical supporting structures.
 - (ii) A network-provided service to users or the network operating administration.
 - (iii) A transmission pathway and associated equipment.
 - (iv) In a protocol applicable to a data unit, such as a block or frame, an additional item of information or a constraint encoded within the protocol to provide the required control.
 - (v) A real property entity consisting of one or more of the following: a building, a structure, a utility system, pavement, and underlying land.
- (q) **“FAA”** means Federal Aviation Administration.
- (r) **“FCC”** means Federal Communications Commission.
- (s) **“Height”** means the vertical distance measured upward from a surface determined by the structure’s exterior finished grade as projected across the construction site. In the case of a tower, it is the vertical distance measured from the finished grade to the highest point on the tower.
- (t) **“Monopole”** is a type of tower regardless of composition or structure that is placed into the ground or attached to a foundation.
- (u) **“Parcel”** means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with Section 66410 of the Government Code) and also means any parcel that is described, recorded, and kept in official County records specifically including documents and maps used by the County Assessor’s Office, the County Tax Collector’s Office, and the County Recorder’s Office.
- (v) **“PCS”** means personal communications systems.
- (w) **“Planning Commission”** means the Planning Commission of the County of Plumas.
- (x) **“Repeater”** has the same meaning as in Federal Standard 1037C, as may be amended:
 - (1) An analog device that amplifies an input signal regardless of its nature, *i.e.*, analog or digital.
 - (2) A digital device that amplifies, reshapes, retimes, or performs a combination of any of these functions on a digital input signal for retransmission.
- (y) **“Residential Zones”** means Single Family Residential (2-R, 3-R, 7-R), Multiple-Family Residential (M-R), Suburban (S-1), Secondary Suburban (S-3), and Rural (R-10 and R-20).
- (z) **“RF”** means radio frequency electromagnetic radiation.
- (aa) **“Roof-Mounted Facilities”** means multiple or a singular antenna directly attached to the roof of an existing building, tower, or other structure other than a telecommunications tower.
- (bb) **“Site”** has the same meaning as in Federal Communications Commission 47 C.F.R. § 1.40001(b)(6), as may be amended:

For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to

that area in proximity to the structure and to other transmission equipment already deployed on the ground.

(cc) “SMR” means specialized mobile radio.

(dd) “State” means the State of California.

(ee) “Stealth” or “Stealth Facility” means reducing the visibility of an object to appear as part of the structure or surrounding environment by screening, concealment, or camouflage.

(ff) “Structure” means anything for the establishment of which the Planning and Development Agency requires a building permit.

(gg) “Substantial Change” has the same meaning as in Federal Communications Commission 47 C.F.R. § 1.40001(b)(7), as may be amended:

A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10%) percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20’) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10%) percent or more than ten (10’) feet, whichever is greater;
(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
- (ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20’) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6’) feet;
- (iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing found cabinets associated with the structure, or else involves installation of found cabinets that are more than ten (10%) percent larger in height or overall volume than any other ground cabinets associated with the structure;
- (iv) It entails any excavation or deployment outside the current site;
- (v) It would defeat the concealment elements of the eligible support structure; or
- (vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i) through (iv).

- (hh) “SUP” means special use permit.
- (ii) “Tower” means any structure designed and built for the purpose of supporting any type of antenna(s). Tower types include, but are not limited to, lattice towers, guyed towers, and monopole towers.
- (jj) “Transmitters” means an electronic device which generates radio waves used for communication purposes.
- (kk) “Utility Pole” means a structure owned and/or operated by a public utility, municipality, or rural electric cooperative that is used to carry lines, cables (television, telephone, etc.), electricity, and/or to provide lighting.
- (ll) “Telecommunications Co-location Facility” means a telecommunications facility that includes co-location facilities.
- (mm) “Zoning Administrator” means the Zoning Administrator of the County.
- (nn) “Zoning Clearance Certificate” means, for purposes of this article; a ministerial over-the-counter certificate of zoning compliance provided by the Planning Department after verification that the proposed use is compatible with the parcel’s zoning and the applicable development standards.

Sec. 9-2.4103. Applicability

- (a) This article applies to all new telecommunications facilities for the transmission or reception of telecommunication signals.
- (b) The standards set forth in this article apply to all telecommunications facilities and associated equipment.
- (c) The requirements set forth in this article are in addition to any applicable state and federal laws or regulations.

Sec. 9-2.4104. Pre-Existing Facilities

All telecommunications facilities and accessory buildings that are subject to, but do not meet or comply with this article as of the date of adoption, may continue use as legal non-conforming telecommunications facilities and accessory buildings. All legal nonconforming telecommunications facilities are subject to the following:

- (a) **Repair, maintenance, and alterations.** A lawful nonconforming structure may be repaired, maintained, or altered, including, the repair, removal, replacement, maintenance, and alteration of antennas in the same quantity and substantially the same size, unless otherwise restricted; so long as such work does not result in a substantial change of the structure as defined by this article.
- (b) **Restoration.** A lawful nonconforming structure which is damaged to an extent which does not permit use for the intended purpose may be restored either within one (1) year after the occurrence of the damage or upon the issuance of a special use permit.
- (c) **Enlargement.**
 1. A structure, lawfully nonconforming as to yard requirements, height, or lot coverage, may not be added to or enlarged unless the additions and enlargements are made in conformance with the regulations of the applicable zone or upon the issuance of a variance.

2. A structure, lawfully nonconforming for reasons other than those set forth in subsection (1) of this subsection, may be added to or enlarged upon the issuance of a special use permit.
- (d) Relocation.** A lawful nonconforming structure shall not be moved to any other lot or to any other portion of the lot on which it is presently located unless, as a result of the move, the structure shall conform to the regulations of the zone in which the structure will be located after the move.
- (e) Expansion.**
1. A lawful nonconforming use may be expanded within the structure upon the issuance of a special use permit.
 2. A structure containing a lawful nonconforming use may be added to or enlarged to expand the lawful nonconforming use upon the issuance of a special use permit.

Sec. 9-2.4105. Exemptions

Unless otherwise noted, the following are exempt from the standards set forth in this article:

- (a)** Telecommunications systems utilized as an accessory to residential or commercial uses, internal business, or household communications systems, such as two-way radio communications systems, citizen band radio systems, television antennas, radio antennas, and internet antennas, if compliant with the following requirements:
- (1) All antennas subject to setback and maximum height requirements set forth in Sec. 9-2.4108(a) and (b), except television antennas and internet antennas are not subject to Sec. 9-2.4108(a) and (b).
 - (2) Exemptions subject to subdivision (a) of this section do not apply to facilities operated, leased to, or used by any FCC licensed commercial telecommunications provider, which includes, but is not limited to, telecommunications providers, specialized mobile radio (SMR) communications providers, personal communications systems (PCS) providers, and radio broadcast facilities.
- (b)** Telecommunications facilities issued a permit by the California Public Utilities Commission or Federal Communications Commission demonstrating exemption or exemption due to any state or federal law.
- (c)** Temporary telecommunications facilities providing public information coverage of a news event for a time period no greater than 30 days.
- (d)** Government-owned communications facilities utilized for a public purpose.
- (e)** Facilities exempted under federal or state law.
- (f)** Ordinary maintenance, repair, or replacement of a lawfully established (including lawful nonconforming) existing telecommunications facility or accessory building that does not result in a substantial change as defined by this article.
- (g)** Telecommunications facilities utilized for temporary use during an emergency or natural disaster.
- (h)** Telecommunications facilities located in the Timberland Production Zone (TPZ).
- (i)** Wireless access points mounted on new poles of any height and mounted at a height of thirty-five (35') feet or less. For exceptions to this exemption, refer to Sec. 9-2.4108(b)(2).
- (j)** Telecommunications facilities meeting the definition of an “eligible facilities request.”

Sec. 9-2.4106. Permits Required

(a) Permits required for telecommunications facilities shall be as specified in Table 1.

Table 1: Permits Required for Telecommunications Facilities

Key SUP Special Use Permit ZCC Zoning Clearance Certificate --- Use Not Allowed	Type of Telecommunications Facility			
	Co-Location Facilities	Building Mounted	Pole Mounted	New Tower or Pole
Residential Zones				
Single Family Residential (2-R)	ZCC	ZCC	ZCC	SUP
Single Family Residential (3-R)	ZCC	ZCC	ZCC	SUP
Single Family Residential (7-R)	ZCC	ZCC	ZCC	SUP
Multiple-Family Residential (M-R)	ZCC	ZCC	ZCC	SUP
Suburban (S-1)	ZCC	ZCC	ZCC	SUP
Secondary Suburban (S-3)	ZCC	ZCC	ZCC	SUP
Rural (R-10)	ZCC	ZCC	ZCC	SUP
Rural (R-20)	ZCC	ZCC	ZCC	SUP
Commercial Zones				
Core Commercial (C-1)	ZCC	ZCC	ZCC	SUP
Periphery Commercial (C-2)	ZCC	ZCC	ZCC	SUP
Convenience Commercial (C-3)	ZCC	ZCC	ZCC	SUP
Recreation Commercial (R-C)	ZCC	ZCC	ZCC	SUP
Industrial Zones				
Heavy Industrial (I-1)	ZCC	ZCC	ZCC	SUP
Light Industrial (I-2)	ZCC	ZCC	ZCC	SUP
Recreational Zones				
Prime Recreation (Rec-P)	ZCC	ZCC	ZCC	SUP
Recreation (Rec-1)	ZCC	ZCC	ZCC	SUP
Recreation (Rec-3)	ZCC	ZCC	ZCC	SUP
Recreation (Rec-10)	ZCC	ZCC	ZCC	SUP
Recreation (Rec-20)	ZCC	ZCC	ZCC	SUP
Recreation Open Space (Rec-OS)	ZCC	ZCC	ZCC	SUP
Agricultural Zones				
Agricultural Preserve (AP)	ZCC	ZCC	ZCC	SUP
General Agriculture (GA)	ZCC	ZCC	ZCC	SUP
Timberland Production Zone				
Timberland Production (TPZ)	Exempt	Exempt	Exempt	Exempt
General Forest Zone				
General Forest (GF)	ZCC	ZCC	ZCC	SUP
Mining Zone				
Mining (M)	ZCC	ZCC	ZCC	SUP
Open Space Zone				
Open Space (OS)	---	---	---	---
Lake Zone				
Lake (L)	---	---	---	---

(b) Facilities Located Near Residential Zones or Near an Airport or Airstrip:

- (1) Excluding co-located facilities complying with Sec. 9-2.4109(d), a special use permit is required for telecommunications facilities in the following circumstances:

- (i) A proposed telecommunications facility will be located within one thousand (1000') feet of a residential zone; or
 - (ii) A proposed telecommunications facility will be located within one thousand (1000') feet of an airport or airstrip; or
 - (iii) A telecommunications facility requiring Airport Land Use Commission (ALUC) review.
- (2) Co-located facilities complying with Sec. 9-2.4109(d) are exempt from the requirements set forth in this section.
- (3) The Zoning Administrator shall make the following findings from the documentation supplied by the applicant to approve the special use permit:
- (i) Site is the least intrusive; and
 - (ii) A denial would be a violation of federal or state law.
- (c) Amateur Radio Systems or HAM Radio Systems:** Due to their critical role in the County's Office of Emergency Services (OES), an amateur radio system or ham radio system is required to obtain a zoning clearance certificate for a new tower or pole. See Section 9-2.4108(b)(6) for height requirements.

Sec. 9-2.4107. Permit Application Review and Terms

- (a) Application Materials.** Telecommunications facilities applicants are required to provide the following contents on, or as an attachment to, the application:
- (1) Zoning Clearance Certificate Requirements:
 - (i) Signature(s) of applicant(s) on the application form.
 - (ii) The applicant(s)' name, business address, and phone number(s).
 - (iii) If the applicant is not the record title holder, a copy of the lease (excluding financial terms) or letter of consent from the property owner demonstrating applicant's ability to pursue application.
 - (iv) The use being applied for, as well as a description of the proposed use detailing the following:
 - (aa) Facility operation.
 - (ab) Nature and type of facility, building(s), structure(s), and any associated equipment to be used.
 - (ac) Types of technology and consumer services that will be provided.
 - (ad) Number, size, material, and color of antenna(s).
 - (v) Facility plans which include:
 - (aa) Facility height, elevations, and any other pertinent dimensions drawn to scale.
 - (ab) Height, elevations, and any other pertinent dimensions of accessory building(s) drawn to scale.
 - (vi) The following documentation signed and/or prepared by a licensed professional engineer shall be provided by the applicant:
 - (aa) A report prepared pursuant to Federal Communications Commission Office of Engineering and Technology Bulletin 65 (FCC OET Bulletin 65) demonstrating facility compliance with FCC regulations for general population exposure limits to RF radiation.
 - (ab) A report that demonstrates the support structure can accommodate all applicable loads.

- (vii) Documentation demonstrating that all reasonable efforts have been made to create a facility that is as visually appealing and inconspicuous as possible.
 - (viii) In the event the applicant is subject to licensing by the FCC, documentation proving applicant is licensed by the FCC is required before a building permit is issued.
- (2) Special Use Permit Requirements. In addition to all requirements and documentation listed in Sec. 9-2.4107(a)(1)(i)-(viii), the following requirements shall be included when applying for a special use permit:
- (i) Provide documentation evaluating the feasibility of alternative sites, and if available, co-location opportunities.
 - (ii) Plans and graphic depictions, drawn to scale, detailing the following:
 - (aa) Site plans detailing easements, all surface water features, setbacks, facility location, and accessory structure(s)' location.
 - (ab) Preliminary grading and drainage plans, if applicable.
 - (ac) A graphic depiction of all technical criteria utilized to determine facility location.
 - (ad) Simulated photo(s) of proposed facility from public street viewpoint or other potential public viewpoint.
 - (ae) If applicable, a landscape plan detailing location and types of plants that will screen facility.
- (b) Fees.**
- (1) All application fees shall be paid in the amounts set forth in the Planning and Building Services Fee Schedule.
 - (2) The County, at the expense of the applicant, may retain a consultant to provide advice on individual sections of, or all of, the application.
- (c) Approval.** Approval of all permits shall be in accordance with all applicable state and federal rules and regulations relating to the local authorization of telecommunications facilities and structures.
- (d) Performance Security.** As a condition of approval of a discretionary permit:
- (1) The applicant shall post a performance bond in an amount and form determined by the Planning Director that is sufficient to cover the cost of removal and site remediation in the event the facility is abandoned or subject to a revoked permit; or
 - (2) The applicant shall deliver to the County an instrument of credit or letter of credit, indexed for inflation and in a form acceptable to County Counsel, issued by a financial institution subject to regulation by the state or federal government, guaranteeing payment to the County of the funds available pursuant to the instrument of credit or letter of credit, upon demand of the County, to cover the County's cost of removal and site remediation in the event the facility is abandoned or subject to a revoked permit; or
 - (3) The permittee, operator(s), and, if on private property, the real property owner(s) shall enter into and cause to be recorded in the Official Records of Plumas County, a preliminary lien agreement against the facility, all related personal property, and, if applicable, all real private property on which the facility was located to cover the County's cost of removal and site remediation in the event the facility is abandoned or subject to a revoked permit. The last-known permittee or its successor in-interest, operator(s), and, if on private property, the real property owner(s) shall be jointly and severally liable for all costs incurred by the County in connection with removal and site remediation, if the County has to do so; or

- (4) The applicant shall deliver to the County other security instrument, indexed for inflation and acceptable to County Counsel.
- (e) **Indemnification.** As a condition of approval of a discretionary permit, the applicant(s) shall enter into a defense and indemnification agreement with the County in a form acceptable to the County.
- (f) **Administrative Review.** At reasonable intervals, the County may initiate and conduct an administrative review to verify the facility's continued compliance with the conditions of approval under which the application was originally approved.
- (g) **Permit Revocation.** If non-compliant facility is not remedied in a timely manner, the Planning Director shall commence with revocation procedures. The Planning Director will proceed with the following:
- (1) Notices. The Planning Director shall schedule a public hearing before the Plumas County Board of Supervisors with notice given as set forth in Article 11.5 of Title 9 of this Code and given by certified mail to the person to whom the special use permit was issued.
 - (2) Revocation. The Plumas County Board of Supervisors may revoke such permit or modify the original conditions for failure to comply with any of the conditions imposed or upon evidence of misrepresentation in the issuance of the special use permit. The abatement and remediation of facilities, if required by such revocation, shall be at the expense of the permittee.

Section 9-2.4108. General Requirements

(a) Setbacks.

- (1) The minimum setback from property lines, or if property line is in the middle of a roadway, the edge of the roadway, for all telecommunications facilities is one (1') foot of setback for every foot in facility height plus an additional twenty-five (25') feet. For example, a tower with a height of one hundred (100') feet shall have a minimum setback of one hundred (100') feet plus twenty-five (25') feet for a total setback from the property lines, or edge of roadway if applicable, of one hundred and twenty-five (125') feet.
- (2) Accessory building(s) shall be set back from property lines according to the required setbacks of the primary zone.
- (3) Reduced Setbacks.
 - (i) In the agriculture zones (AP, GA), the Zoning Administrator may approve a reduced setback requirement if:
 - (aa) The telecommunications facility is located adjacent to an existing structure such as a barn, other existing facility, or to a proposed accessory structure aesthetically and architecturally compatible with the surrounding environment, thereby allowing the telecommunications facility to blend with the surrounding area; or
 - (ab) Adjacent property owners consent in writing to a reduced distance, no less than the minimum setback required in the underlying zone.
 - (ii) Setbacks for telecommunications facilities within a non-residential zone and located within five hundred (500') feet of a residential zone, legally established residential dwelling, airport, or airstrip may have setbacks reduced with a variance if the Zoning Administrator finds that:

- (aa) Setback distances for the facility are greater than or equal to setbacks for structures in the underlying zone.
 - (ab) The facility is not located within any Special Plan Combining Zone, such as Scenic Areas (SP-ScA), Scenic Roads (SP-ScR), Historical Areas (SP-HA), or Historical Buildings (SP-HB) zones unless the design of the facility will not adversely impact the underlying purpose of the zone.
 - (ac) The facility is not located within five hundred (500') feet of any building or feature located on a local or state historic or cultural significance list unless the design of the facility will not adversely impact the historic or cultural significance of such feature.
 - (ad) The facility does not present any impacts to the safety, health, and welfare of the public.
 - (ae) Reduced setback(s) would not interfere with other standards or requirements set forth in Title 9 of this Code.
 - (af) The facility and accessory building(s) are designed to be aesthetically and architecturally compatible with the surrounding environment. For example, the facility incorporates stealth techniques, such as screening, concealment, or camouflaging.
- (iii) Any telecommunications facility located within a non-residential zone at a distance greater than five hundred (500') feet to a residential zone, legally established residential dwelling, airport, or airstrip, and is seeking reduced setbacks, only has to comply with Sec. 9-2.4108(a)(3)(ii)(aa)-(ae).
- (4) Facilities in Public or Private Utility Easements. Facilities located within public or private utility easements are exempt from meeting setback requirements.
- (b) Height.**
- (1) The maximum height for telecommunications facilities in all zones shall be two hundred (200') feet. Towers located within Military Training Routes (MTR) shall have a height no greater than one hundred and fifty (150') feet. Additional height may be approved by the Planning Director based upon justifiable need and consent from the Military within MTR. A variance application may be required for additional height.
 - (2) Facilities proposed in residential zones and not meeting the exemption set forth in Sec. 9-2.4105(i), may not exceed thirty-five (35') feet in height. Height requirements may be increased through the approval of a variance. The Zoning Administrator shall make the following findings from the proof supplied by the applicant to approve the variance:
 - (i) Site is the least intrusive; and
 - (ii) A denial would be a violation of federal or state law.
 - (3) The height for any facility shall be the minimum required to meet the technical requirements of the proposed facility.
 - (4) A roof-mounted telecommunications facility shall be no more than fifteen (15') feet taller than the roof of the structure on which it is mounted. Height requirements may be increased through the approval of a variance. The Zoning Administrator shall make the following findings from the proof supplied by the applicant to approve the variance:
 - (i) Site is the least intrusive; and
 - (ii) A denial would be a violation of federal or state law.
 - (5) A two-way radio antenna or television receiving antenna are subject to the maximum height requirement for the zone or no greater than fifty (50') feet.

- (6) An amateur radio system, also known as ham radio system, is subject to a maximum height of seventy (70') feet. Height requirements may be increased through the approval of a variance. The Zoning Administrator shall make the following finding from the proof supplied by the applicant to approve the variance:
- (i) The design of the proposed antenna installation is the minimum necessary for the reasonable accommodation of the communication needs of the operator as set forth in Federal and/or State rules and regulations.
- (c) Location Guidelines.**
- (1) Telecommunications facilities shall not be located so as to cause obstruction of currently existing or proposed air navigation operations.
 - (2) In residential zones, only one facility is permitted per parcel.
 - (3) In residential zones, multiple facilities may be co-located on a single tower or pole.
 - (4) Any facility located near a public right-of-way may not extend into, under, over, above, or upon a public right-of-way without obtaining an encroachment permit from the Public Works Department or Caltrans.
- (d) Building and Electrical Codes.**
- (1) Telecommunications facilities shall comply with all applicable building and electrical codes. Facilities shall comply with all applicable regulations adopted pursuant to Public Resources Code 4290.
 - (2) Applicant(s) shall submit certification from a registered structural engineer to the Building Department for any tower in excess of thirty (30') feet in height to demonstrate tower will withstand sustained winds as required by the Uniform Building Code.
 - (3) The facility shall be maintained in compliance with all applicable local and state building codes and any other applicable standards for telecommunications facilities.
- (e) Lighting.** All telecommunications facilities shall orient and shield lighting so as to not be intrusive to any residential surrounding areas. All shielding and orienting of lights shall comply with applicable authority's requirements, such as shielding for warning lights complying with FAA requirements.
- (f) Signs.** Telecommunications facilities are permitted to display warning and equipment information signs. Commercial displays or advertising of any kind on any portion of the facility or accessory building(s) shall not be permitted.
- (g) Aesthetics.** In residential zones, reasonable efforts shall be made to create a telecommunications facility with accessory buildings, whether new or co-located, that are architecturally similar with existing structures or styles in the surrounding area including colors, textures, and ornamentation.
- (h) Deed Restrictions.** The installation of a facility shall not violate any existing deed restrictions.
- (i) Vehicle Access.** Per Plumas County Code Sections 9-4.501(b)-(d), all facilities shall have a road, the portion of which that is under the control of the applicant, with an unobstructed horizontal traveled surface not less than fourteen (14') feet in width, excluding shoulders, and a minimum unobstructed vertical clearance of fifteen (15') feet. All such roads shall be capable of supporting a minimum load of forty thousand (40000 lbs.) pounds and all culverts, bridges, and other appurtenant structures which supplement the roadway bed or shoulders shall be constructed to carry at least the maximum load and provide the minimum vertical clearance as required by Vehicle Code Sections 35250 and 35550 through 35796. Applicant

shall provide engineering specifications to support design, if requested by the County Engineer. Federal lands shall be exempt from this subdivision.

(j) Accessory Equipment Storage. All telecommunications facilities and accessory buildings shall be used to store accessory equipment and supplies necessary for the support of the facility. Only in emergency cases may accessory equipment or vehicles be stored outdoors.

(k) Federal and State Regulations.

(1) All facilities are subject to current regulations set forth by the FAA, the FCC, and all state and federal agencies with authority over telecommunications facilities.

(2) All facilities shall maintain compliance with state and federal standards or regulations at all times. A facility out of compliance due to recent changes in state and/or federal standards or regulations shall be brought into compliance by the facility owner and/or operator within six (6) months of the effective date of such standards or regulations, unless the state or federal agency mandates a more stringent compliance timeline.

(3) A facility not brought into compliance with federal and/or state regulations constitutes grounds for the County's commencement of permit revocation procedures set forth in this article.

(l) Emissions.

(1) A biennial RF/EMF emissions report, prepared in accordance with FCC reporting standards, shall be submitted to the Plumas County Planning Department by the facility owner or operator demonstrating facility compliance with FCC OET Bulletin 65: provided however, if no changes have been made to the facility during the reporting period that would materially increase the RF/EMF emissions at the facility, a written certification of such shall be submitted in lieu of said report.

(2) A facility shall not generate a hazard to the health, safety, and welfare of the public due to RF/EMF emissions greater than exposure limits allowed by FCC OET Bulletin 65. If exposure limits are exceeded, the facility owner or operator shall promptly determine the transmitter(s) of concern and shall cause such to cease operation until it(they) is(are) brought into compliance with FCC OET Bulletin 65.

(m) Landscaping. In residential zones, if visual impacts cannot be avoided, a screen of plant materials shall be utilized to obscure the facility from public view. The buffer shall consist of non-invasive/native plant material. The outside perimeter of the facility shall have a landscaped strip no less than five (5') foot in width. In locations where the visual impact of the facility would be minimal, the landscaping requirement may be reduced or waived. If a facility is located on a large, wooded lot, the natural growth and trees shall suffice for the screen.

(n) Security and Fencing. Facility, including accessory building(s) and equipment, shall be secured at all times and have a security fence of six (6') feet or more in height or other security measures appropriate to the site conditions to prevent access by the public.

(o) Maintenance. Site and the facility, including accessory building(s), fencing, paint used to demonstrate caution, landscaping, lighting (aviation warning lights, etc.), and all related equipment shall be maintained in accordance with all approved plans and on a routine basis for the life of the facility. The following requirements shall be adhered to:

(1) In residential zones, maintenance hours shall be limited to 7:00 a.m. to 5:00 p.m., Monday through Saturday, excluding emergency repairs.

- (2) In the case of failure or malfunction of an antenna structure identification or warning light system, all reporting and corrective work shall be accomplished in accordance with the then-current requirements established by the FAA.
- (p) **Cultural Resources.** Should development activities reveal the presence of cultural resources (i.e., artifact concentrations, including, but not limited to, projectile points and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains), work within 50 feet of the find shall cease immediately until a qualified professional archaeologist can be consulted to evaluate the remains and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of such remains.

Sec. 9-2.4109. Facility Design Standards

- (a) **Building Façade-Mounted Facilities in Commercial Zoning (Core Commercial (C-1), Periphery Commercial (C-2), Convenience Commercial (C-3), and Recreation Commercial (R-C)), Industrial Zoning (Heavy Industrial (I-1) and Light Industrial (I-2)), Residential Zoning (Single Family Residential(2-R, 3-R, and 7-R) and Multiple-Family Residential (M-R)), Recreational Zoning (Prime Recreation(Rec-P), Recreation(Rec-1, Rec-3, Rec-10, and Rec-20), Recreation Open Space (Rec-OS)), Agricultural Zoning (Agricultural Preserve (AP) and General Agriculture (GA)), General Forest (GF), and Mining (M).**
- (1) **Visibility.** To minimize the appearance of facilities extending above the roofline of any structure, stealth techniques shall be utilized or facility shall be painted and textured to blend with the existing structure on which it is mounted.
- (2) **Maximum Coverage.** Total facility coverage of a facility mounted to the face of an existing structure may not exceed ten (10%) percent of the square footage of the building face or thirty-two (32 ft²) square feet per façade, whichever is less.
- (3) **Maximum Extension from Façade.** A facility shall not extend more than eighteen (18”) inches from the building face.
- (4) **Minimum Installation Height.** The lowest portion of all facilities shall be located a minimum of fifteen (15’) feet above grade level.
- (5) **Accessory Buildings.** Under no circumstances shall any structure utilized for a telecommunications facility be constructed or placed within a setback. Acceptable placements of accessory buildings are on the existing building’s roof, within the existing building, or on the premises surrounding the existing building.
- (b) **Roof-Mounted Facilities in Commercial Zoning (Core Commercial (C-1), Periphery Commercial (C-2), Convenience Commercial (C-3), and Recreation Commercial (R-C)), Industrial Zoning (Heavy Industrial (I-1) and Light Industrial (I-2)), Residential Zoning (Single Family Residential(2-R, 3-R, and 7-R) and Multiple Family Residential (M-R)), Recreational Zoning (Prime Recreation(Rec-P), Recreation(Rec-1, Rec-3, Rec-10, and Rec-20), Recreation Open Space (Rec-OS)), Agricultural Zoning (Agricultural Preserve (AP) and General Agriculture (GA)), General Forest (GF), and Mining (M).**

- (1) Setback. The minimum setback for roof-mounted facilities is one (1') foot of setback for every foot in facility height. For example, a tower with a height of ten (10') feet shall have a minimum setback of ten (10') feet. The setback shall be measured from the roof's edge nearest the facility.
 - (2) Maximum Height. A roof-mounted facility shall not exceed the maximum building height of the underlying zone or ten (10') feet above the existing roofline, whichever is less. The height is measured from the base of the facility, which is affixed to the roof of the building, to the top of the facility. Additional height may be approved by the Zoning Administrator based upon justifiable need.
 - (3) Accessory Buildings. Under no circumstance shall any accessory building utilized for a facility be constructed or placed within a setback. Acceptable placements of accessory buildings are on the existing building's roof, within the existing building, or on the premises surrounding the existing building.
- (c) Existing Pole or Tower Mounted Facilities.**
- (1) Setback. Facilities mounted on an existing pole or tower are not subject to setback requirements.
 - (2) Height. The overall height of an existing pole, tower, or co-location facility may increase by approval of a variance or other zoning approval as required for the zone in which the facility is located, based upon justifiable need.
- (d) Co-Located Facilities.**
- (1) As set forth in California Government Code Section 65850.6, a co-location facility is permitted with the approval of a zoning clearance certificate if it complies with the following requirements:
 - (i) The telecommunications co-location facility on which the co-location facility is proposed on, or immediately adjacent to, was subject to a discretionary permit by the County and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the telecommunications co-location facility in compliance with the California Environmental Quality Act (Division 13(commencing with Section 21000) of the Public Resources Code), the requirements of Section 21166 do not apply, and the co-location facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.
 - (ii) State and local requirements, including the Plumas County General Plan, any applicable community plan or specific plan, and Title 9, Planning and Zoning, of this Code.
 - (2) A telecommunications co-location facility proposed on, or immediately adjacent to an existing co-location facility that was not subject to a County discretionary permit pursuant to Sec. 9-2.4109(d)(1) shall require the approval of a special use permit, comply with all standards listed in Sec. 9-2.4109(d)(1)(ii), and shall comply with the California Environmental Quality Act through certification of an environmental impact report, or adoption of a negative declaration or mitigated negative declaration.
 - (3) Telecommunications co-location facilities are permitted subject to the approval of a zoning clearance certificate if in compliance with the standards listed in Sec. 9-2.4109(d)(1) and the following standards:
 - (i) All co-location facilities are subject to the requirements set forth in Sec. 9-2.4108 General Requirements.

- (ii) No facility shall extend from pole or tower greater than existing facilities mounted on pole or tower.
- (iii) Co-location facility is compliant with RF exposure limits set forth by the FCC.
- (iv) Accessory buildings are placed on the existing building's roof, within the existing building, or on the premises surrounding the existing building outside of setback, if located in Commercial Zoning (Core Commercial (C-1), Periphery Commercial (C-2), Convenience Commercial (C-3), or Recreation Commercial (R-C)), Industrial Zoning (Heavy Industrial (I-1) and Light Industrial (I-2)), Residential Zoning (Single Family Residential (2-R, 3-R, and 7-R) and Multiple Family Residential (M-R)), Recreational Zoning (Prime Recreation (Rec-P), Recreation (Rec-1, Rec-3, Rec-10, and Rec-20), Recreation Open Space (Rec-OS)), Agricultural Zoning (Agricultural Preserve (AP) and General Agriculture (GA)), General Forest (GF), and Mining (M)).

Sec. 9-2.4110. Facility Abandonment, Removal, and Remediation

- (a) A facility not maintained for ready use by telecommunications providers for a continuous period of twelve (12) months may be considered abandoned and designated as unlawful and as a public nuisance. To ensure a facility is not deemed abandoned and is being maintained, a written maintenance certificate shall be submitted to the Planning Department once per year.
- (b) Within ninety (90) days of receiving written notice from the County following its formal abandonment procedure, the facility owner and/or operator shall remove and remediate facility in its entirety, including accessory building(s) and associated equipment, returning the site to the original pre-construction state. If the abandoned facility is not removed and remediated within ninety (90) days, the County may have the facility removed and remediated, if necessary, and exercise its rights under Performance Security. Refer to Sec. 9-2.4107(e) regarding Performance Security.
- (c) All owners and/or operators with the intent to abandon a facility shall notify the County of such intentions no less than thirty (30) days prior to final day of use.
- (d) If two or more users are utilizing a single facility, the facility shall not be considered abandoned until operation from all users has ceased.
- (e) Facilities for which any permits have been revoked are subject to subdivisions (b)-(d) of this section.

Article 6.5 – Zoning Clearance Certificate

Sec. 9-2.651. Purpose

A zoning clearance certificate certifies that a proposed development or project conforms with all current requirements of the Zoning regulations and, if applicable, the terms and conditions of any previously approved development permit or variance.

Sec. 9-2.652. Required Zoning Clearance Certificate

A zoning clearance certificate is required whenever a building permit for a certain use, as specified in this Chapter, is required and must be secured prior to the issuance of the building permit.

Sec. 9-2.653. Filing and Processing Applications for a Zoning Clearance Certificate

(a) *Applications.* Any private individual or commercial entity may apply for a zoning clearance certificate in conjunction with or prior to application for a building permit for a proposed development or operation. Planning and Building Services shall provide standard forms on which applications for zoning clearance certificates can be filed. Applications for a zoning clearance certificate shall be filed with the Planning Division of Planning and Building Services on the forms provided. At the time the application is filed, the applicant shall submit the required filing fees prescribed by the Board of Supervisors. The application for the zoning clearance certificate shall contain the following information:

- (1) Signature(s) of applicant(s) on the application form.
- (2) The applicant(s) name, business address, and phone number(s).
- (3) If the applicant is not the record title holder, a copy of the lease (excluding financial terms) or letter of consent from the property owner demonstrating applicant's ability to pursue application.
- (4) The use being applied for, as well as a description of the proposed use detailing the following:
 - (i) Facility operation.
 - (ii) Nature and type of facility, building(s), structure(s), and any associated equipment to be used.
 - (iii) Types of technology and consumer services that will be provided.
 - (iv) Information on number, size, material and color of building and structures.
- (5) Facility plans including the following:
 - (i) Facility height, elevations and any other pertinent dimensions drawn to standard architect or engineer scale.
 - (ii) Height, elevations, and any other pertinent dimensions of accessory structure(s) drawn to standard architect or engineer scale.

- (iii) Documentation showing that reasonable efforts have been made to create a facility that is as visually appealing and inconspicuous as possible.
- (6) For a zoning clearance certificate pertaining to any telecommunication facility, the following documentation signed and/or prepared by a licensed professional engineer shall be provided by the applicant:
 - (i) A report prepared pursuant to Federal Communications Commission Office of Engineering and Technology Bulletin 65 demonstrating facility compliance with Federal Communications Commission regulations for general population exposure limits to radio frequency (RF) radiation.
 - (ii) A report that demonstrates the support structure can accommodate all applicable loads.
- (7) In the event the applicant is subject to licensing by the Federal Communications Commission, documentation proving applicant is licensed by the Federal Communications Commission is required before a building permit is issued.
- (b) *Processing.* Within five (5) working days of accepting an application as complete, the Planning Division shall review the proposed development for conformance with the Plumas County Zoning Regulations and, if applicable, the terms and conditions of any previously approved development permit or variance.
- (c) *Issuance.* Upon completion of the required Planning Division review, zoning clearance certificates shall be approved and immediately issued by the Director, or designee, if, based upon information provided by the applicant, all of the following findings are made:
 - (i) The proposed development or operation conforms with all requirements of the Plumas County Zoning Regulations; and
 - (ii) The proposed development or operation complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development or operation; and
 - (iii) The proposed development or operation is not located on the same property where conditions exist or activities are being conducted which are a part of the proposed development or operation and in violation of Plumas County Code, unless the zoning clearance a) is necessary for the abatement of the existing violation(s); or b) addresses an imminent health and/or safety violation; or c) facilitates an accessibility improvement to a structure or site for ADA compliance; or d) the applicant has executed and recorded an enforcement agreement with the County to cure the violation.

Written notification of the Director's decision shall be transmitted to the Building Division within five (5) working days of the decision.

Sec. 9-2.415. - Public utility facilities.

Underground public utility facilities shall be permitted in all zones except the Open Space Zone (OS).

The provisions of this chapter shall not apply to public utility transmission and distribution lines, towers and poles, except that the routes of all proposed overhead transmission lines shall be submitted to the Commission for recommendation and approval prior to the acquisition of rights-of-way therefor.

Telecommunications facilities shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985)

Sec. 9-2.1302. - Uses (2-R, 3-R, 7-R).

- (a) The following uses shall be permitted in the Single-Family Residential Zones (2-R, 3-R, 7-R):
 - (1) One dwelling unit; one guest house; and one additional detached dwelling unit on any parcel of twice or more the minimum lot area; and
 - (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, limited home businesses and bed and breakfast inns.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, child day care facilities, community care facilities, 4-H and FFA animal projects, home businesses, parks, places of assembly, public utility facilities, public service facilities, and schools.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units and manufactured homes, including those in recreation oriented residential developments, at the ratio of up to one dwelling unit or manufactured home for each unit of minimum lot area within the area of the parcel.

(d) Telecommunications facilities in the Single-Family Residential Zones (2-R, 3-R, 7-R) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 9, Ord. 86-623, eff. February 6, 1986, § 4, Ord. 89-716, effective October 5, 1989, § 1, Ord. 92-787, eff. July 16, 1992, § 2, Ord. 93-817, eff. November 11, 1993, § 6, Ord. 99-924, eff. November 11, 1999; § 1, Ord. 2005-1022, adopted February 1, 2005; and § 2, Ord. No. 2007-1061, adopted November 6, 2007)

Sec. 9-2.1402. - Uses (M-R).

(a) The following uses shall be permitted in the Multiple-Family Residential Zone (M-R):

- (1) Dwelling units and manufactured homes, excluding additional quarters, at the ratio of up to one dwelling unit or manufactured home for each 1/21.8 acre of lot area; and
- (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, limited home business, one- or two-person business offices, and one- or two-person personal services.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

- (1) Alcohol and drug recovery facilities, bed and breakfast inns, child day care facilities, community care facilities, 4-H and FFA animal projects, health services, home businesses, limited administrative offices, lodging facilities, parking lots, places of assembly, public utility facilities, public service facilities, recreation facilities, rooming facilities, and schools.

(c) Telecommunications facilities in the Multiple-Family Residential Zone (M-R) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 10, Ord. 86-623, eff. February 6, 1986; § 2, Ord. 89-713, eff. July 13, 1989; § 3, Ord. 89-716, eff. October 5, 1989; § 1, Ord. 89-719, eff. November 2, 1989; § 1, Ord. 91-759, eff. August 1, 1991; § 1, Ord. 92-787, eff. July 16, 1992; § 3, Ord. 93-817, eff. November 11, 1993; § 7, Ord. 99-924, eff. November 11, 1999; and § 2, Ord. No. 2007-1061, adopted November 6, 2007)

Sec. 9-2.1502. - Uses (S-1).

(a) The following uses shall be permitted in the Suburban Zone (S-1):

- (1) One dwelling unit; one guest house; and one additional detached dwelling unit on any parcel of twice or more the minimum lot area; and
- (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, home businesses, small animal husbandry, and horticulture.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

- (1) Alcohol and drug recovery facilities, bed and breakfast inns, child day care facilities, community care facilities, 4-H breeding projects and FFA animal projects, nurseries, places of assembly, public utility facilities, public service facilities, recreation facilities, and schools.

(c) The following uses shall be permitted subject to the issuance of a planned development permit:

- (1) Dwelling units and manufactured homes, including those in recreation-oriented residential developments, at the ratio of up to one dwelling unit or mobile home for each unit of minimum lot area within the area of the parcel.

(d) Telecommunications facilities in the Suburban Zone (S-1) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 11, Ord. 86-623, eff. February 6, 1986, § 2, Ord. 89-716, eff. October 5, 1989, § 1, Ord. 92-787, eff. July 16, 1992, § 4, Ord. 93-817, eff. November 11, 1993, § 8, Ord. 99-924, eff. November 11, 1999; § 2, Ord. 00-932, eff. June 8, 2000; and § 2, Ord. No. 2007-1061, adopted November 6, 2007)

Sec. 9-2.1602. - Uses (S-3).

(a) The following uses shall be permitted in the Secondary Suburban Zone (S-3):

- (1) One dwelling unit; one guest house; and one additional dwelling unit on any parcel of twice or more the minimum lot area; and
- (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, small animal husbandry, large animal husbandry, horticulture, home businesses, and veterinary services.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

- (1) Alcohol and drug recovery facilities, bed and breakfast inns, child day care facilities, community care facilities, places of assembly, public utility facilities, public service facilities, recreation facilities, and schools; and
- (2) Home industry, nurseries, and animal breeding and boarding.

(c) The following uses shall be permitted subject to the issuance of a planned development permit:

- (1) Dwelling units and mobile homes, including those in recreation-oriented residential developments, at the ratio of up to one dwelling unit or manufactured home for each unit of minimum lot area within the area of the parcel.

(d) Telecommunications facilities in the Secondary Suburban Zone (S-3) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 12, Ord. 86-623, eff. February 6, 1986, § 2, Ord. 89-716, eff. October 5, 1989, § 1, Ord. 92-787, eff. July 16, 1992, § 3, Ord. 92-800, eff. January 21, 1993, and § 9, Ord. 99-924, eff. November 11, 1999; and § 2, Ord. 00-932, eff. June 8, 2000; and § 2, Ord. No. 2007-1061, adopted November 6, 2007)

Sec. 9-2.1702. - Uses (R-10).

(a) The following uses shall be permitted in the Rural Zone (R-10):

- (1) One dwelling unit; one guest house; and one additional dwelling unit on any parcel of twice or more the minimum lot area, any of which may be alternative housing;
- (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, small animal husbandry, large animal husbandry, home businesses, and horticulture; and
- (3) Wildlife management, kennels, and veterinary services.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

- (1) Alcohol and drug recovery facilities, bed and breakfast inns, child day care facilities, community care facilities, places of assembly, public utility facilities, public service facilities, recreation facilities, schools; and
- (2) Home industry, commercial animal husbandry, agricultural auction yards, limited electric generation, mining, nurseries, shooting ranges, animal breeding and boarding, and hunting clubs.

(c) The following uses shall be permitted subject to the issuance of a planned development permit:

- (1) Dwelling units and manufactured homes, including those in recreation-oriented residential developments, at the ratio of up to one dwelling unit or manufactured home for each unit of minimum lot area within the area of the parcel.

(d) Telecommunications facilities in the Rural Zone (R-10) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 13, Ord. 86-623, eff. February 6, 1986, § 2, Ord. 89-716, eff. October 5, 1989, § 1, Ord. 92-787, eff. July 16, 1992, and § 10, Ord. 99-924, eff. November 11, 1999; § 2, Ord. 00-932, eff. June 8, 2000; and § 2, Ord. No. 2007-1061, adopted November 6, 2007)

Sec. 9-2.1802. - Uses (R-20).

(a) The following uses shall be permitted in the Rural Zone (R-20):

- (1) One dwelling unit; one guest house; and one additional dwelling unit on any parcel of twice or more the minimum lot area, any of which may be alternative housing;
- (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, small animal husbandry, large animal husbandry, home businesses, and horticulture; and
- (3) Wildlife management, kennels, and veterinary services.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

- (1) Alcohol and drug recovery facilities, bed and breakfast inns, child day care facilities, community care facilities, places of assembly, public utility facilities, public service facilities, recreation facilities, schools; and
- (2) Home industry, commercial animal husbandry, agricultural auction yards, limited electric generation, mining, nurseries, shooting ranges, animal breeding and boarding, and hunting clubs.

(c) The following uses shall be permitted subject to the issuance of a planned development permit:

- (1) Dwelling units and mobile homes, including those in recreation oriented residential developments, at the ratio of up to one dwelling unit or mobile home for each unit of minimum lot area within the area of the parcel.

(d) Telecommunications facilities in the Rural Zone (R-20) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 14, Ord. 86-623, eff. February 6, 1986, § 2, Ord. 89-716, eff. October 5, 1989, § 1, Ord. 92-787, eff. July 16, 1992, and § 11, Ord. 99-924, eff. November 11, 1999; § 2, Ord. 00-932, eff. June 8, 2000; and § 2, Ord. No. 2007-1061, adopted November 6, 2007)

Sec. 9-2.1902. - Uses (C-1).

(a) The following uses shall be permitted in the Core Commercial Zone (C-1):

- (1) Business offices, child day care homes, limited child day care homes, child day care facilities, personal services, retail stores, taverns, restaurants, and parking lots;
- (2) Lodging on the second floor if the entire first floor is in commercial use;
- (3) One dwelling unit where the residential uses does not exceed the floor area of the commercial use; and
- (4) Dwelling units on the second floor if the entire first floor is in commercial use.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

- (1) Alcohol and drug recovery facilities, limited electric generation, gas stations, health service, mining, places of assembly, postal services, public service facilities, public utility facilities, recreation facilities, schools, and community care facilities.

(c) Telecommunications facilities in the Core Commercial Zone (C-1) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 15, Ord. 86-623, eff. February 6, 1986, § 1, Ord. 89-719, eff. November 2, 1990, § 1, Urgency Ord. 91-757, eff. July 18, 1991 § 1, Ord. 91-759, eff. August 1, 1991; § 1, Ord. 94-836, eff. July 14, 1994; § 1, Ord. No. 2005-1031, adopted August 9, 2005; and § 2, Ord. No. 2007-1061, adopted November 6, 2007)

Sec. 9-2.2002. - Uses. (C-2).

- (a) The following uses shall be permitted in the Periphery Commercial Zone (C-2):
- (1) Building supply, business offices, child day care homes, limited child day care homes, child day care facilities, gas stations, health services, heavy equipment sales, heavy equipment services, lodging facilities, personal services, places of assembly, postal services, prefabricated building sales, recreation facilities, restaurants, retail stores, self-service facilities, taverns, vehicle sales, vehicle services, wholesale commercial supply, and parking lots;
 - (2) One dwelling unit where the residential use does not exceed the floor area of the commercial use or one dwelling unit on the rear fifty (50%) percent of the parcel; and
 - (3) Dwelling units on the second floor if the entire first floor is in commercial use.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
- (1) Alcohol and drug recovery facilities, animal breeding and boarding, camp grounds, community care facilities, limited electric generation, mining, public service facilities, public utility facilities, recycling facilities, schools, indoor shooting ranges, storage, transport stations, undertaking, used goods sales, veterinary services, warehousing, and wholesaling; and
 - (2) Assembly, manufacturing, and processing which are based upon materials which are already in processed form.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
- (1) Dwelling units on the rear fifty (50%) percent of the parcel.
- (d) Telecommunications facilities in the Periphery Commercial Zone (C-2) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.**

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 16, Ord. 86-623, eff. February 6, 1986, § 1, Ord. 89-719, eff. November 2, 1989, § 1, Urgency Ord. 91-757, eff. July 18, 1991, § 1, Ord. 91-759, eff. August 1, 1991; and § 2, Ord. 94-832, eff. June 9, 1994; and § 2, Ord. No. 2007-1061, adopted November 6, 2007)

Sec. 9-2.2102. - Uses (C-3).

(a) The following uses shall be permitted in the Convenience Commercial Zone (C-3):

- (1) Building supply, business offices, child day care homes, limited child day care homes, child day care facilities, gas stations, heavy equipment services, farm supply sales, health services, laundromats, lodging facilities, personal services, places of assembly, limited recycling facilities, postal services, recreation facilities, restaurants, retail stores, taverns, parking lots, and vehicles services;
- (2) One dwelling unit where the residential use does not exceed the floor area of the commercial use or one dwelling unit on the rear fifty (50%) percent of the parcel; and
- (3) Dwelling units on the second floor if the entire first floor is in commercial use.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

- (1) Alcohol and drug recovery facilities, animal breeding and boarding, camp grounds, community care facilities, limited electric generation, mining, public service facilities, public utility facilities, schools, storage, used goods sales, veterinary services, and transport stations.

(c) Telecommunications facilities in the Convenience Commercial Zone (C-3) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 17, Ord. 86-623, eff. February 6, 1986, § 1, Ord. 89-719, eff. November 2, 1989, § 1, Urgency Ord. 91-757, eff. July 18, 1991, § 1, Ord. 91-759, eff. August 1, 1991, § 2, Ord. 94-832, eff. June 9, 1994; § 5, Ord. 99-915, eff. June 3, 1999; and § 2, Ord. No. 2007-1061, adopted November 6, 2007)

Sec. 9-2.2202. - Uses (R-C).

- (a) The following uses shall be permitted in the Recreation Commercial Zone (R-C):
 - (1) Boat ramps, boat services, business offices, child day care homes, limited child day care homes, child day care facilities, gas stations, health services, laundromats, lodging facilities, marinas, personal services, places of assembly, postal services, limited recycling facilities, recreation facilities, resorts, restaurants, retail stores, and taverns;
 - (2) One dwelling unit where the residential use does not exceed the floor area of the commercial use or one dwelling unit on the rear fifty (50%) percent of the parcel; and
 - (3) Dwelling units on the second floor if the entire first floor is in commercial use.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, animal breeding and boarding, camp grounds, community care facilities, limited electric generation, mining, public service facilities, public utility facilities, recycling facilities, schools, veterinary services, wholesale commercial supply, parking lots, transport stations, and storage.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units on the rear fifty (50%) percent of the parcel.
- (d) Telecommunications facilities in the Recreation Commercial Zone (R-C) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 18, Ord. 86-623, eff. February 6, 1986; § 1, Ord. 89-719, eff. November 2, 1989; § 1, Urgency Ord. 91-757, eff. July 18, 1991; § 1, Ord. 91-759, eff. August 1, 1991; § 1, Ord. 2004-1001, adopted February 10, 2004; and § 2, Ord. No. 2007-1061, adopted November 6, 2007)

Sec. 9-2.2302. - Uses (Rec).

- (a) The following uses shall be permitted in the Recreation Zones (Rec-P, Rec-1, Rec-3, Rec-10, Rec-20):
 - (1) Boat ramps, boat services, camp grounds, loading facilities, marinas, postal services, recreation facilities, and resorts;
 - (2) When in conjunction with and subordinate to a use permitted by subsection (1) of this subsection, business offices, child day care homes, limited child day care homes, child day care facilities, gas stations, health services, Laundromats, personal services, places of assembly, limited recycling facilities, restaurants, retail stores, and taverns; and
 - (3) One dwelling unit or limited residential alcohol and drug recovery facility.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, community care facilities, mining, public service facilities, public utility facilities, recycling facilities, rooming facilities, and schools;
 - (2) In Rec-P, Rec-1 and Rec-3: Indoor shooting ranges;
 - (3) In Rec-10 and Rec-20: Limited electric generation and shooting ranges.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit: dwelling units in recreation-oriented residential developments at the ratio of up to:
 - (1) Rec-P: seven (7) per acre;
 - (2) Rec-1: one to three (3) acres per dwelling unit;
 - (3) Rec-3: three (3) to ten (10) acres per dwelling unit;
 - (4) Rec-10: ten (10) to twenty (20) acres per dwelling unit; and
 - (5) Rec-20: twenty (20) acres per dwelling unit.
- (d) Telecommunications facilities in the Recreation Zones (Rec-P, Rec-1, Rec-3, Rec-10, Rec-20) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 19, Ord. 86-623, eff. February 6, 1986, Ord. 86-643, eff. November 6, 1986, § 1, Ord. 89-719, eff. November 2, 1989, § 1, Urgency Ord. 91-757, eff. July 18, 1991; § 1, Ord. 91-759, eff. August 1, 1991; and § 2, Ord. No. 2007-1061, adopted November 6, 2007)

Sec. 9-2.2402. - Uses (Rec-OS).

(a) The following uses shall be permitted in the Recreation-Open Space Zone (Rec-OS):

(1) Golf facilities, parks, grazing, horticulture, timber management, and boat ramps.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

(1) Public utility facilities, public service facilities, outdoor shooting ranges, and hunting clubs.

(c) Telecommunications facilities in the Recreation-Open Space Zone (Rec-OS) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 20, Ord. 86-623, eff. February 6, 1986)

Sec. 9-2.2502. - Uses (I-1).

(a) The following uses shall be permitted in the Heavy Industrial Zone (I-1) subject to site development review as set forth in Article 11.3 of this chapter:

- (1) Assembly, building supply, manufacturing, processing, electric generation, junk yards, salvage operations, public utility facilities, heavy equipment sales, heavy equipment services, storage, and transport stations;
- (2) Retail sales and wholesaling when associated with and appurtenant to a use permitted in subsection (1) of this subsection and subsection (b) of this section;
- (3) One dwelling unit when in conjunction with an industrial use; and
- (4) Child day care homes and limited child day care homes.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

- (1) Mining and public service facilities; and
- (2) Permitted uses which exceed the height limitations.

(c) Telecommunications facilities in the Heavy Industrial Zone (I-1) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 21, Ord. 86-623, eff. February 6, 1986, and § 2, Ord. 94-832, eff. June 9, 1994, and § 1, Ord. 00-930, eff. May 4, 2000)

Sec. 9-2.2602. - Uses (I-2).

- (a) The following uses shall be permitted in the Light Industrial Zone (I-2) subject to site development review as set forth in Article 11.3 of this chapter:
 - (1) Assembly, manufacturing, and processing which are based upon materials which are already in processed form;
 - (2) Building supply, car wash, storage, transport stations, warehousing, wholesaling, public utility facilities, vehicle sales and vehicle services;
 - (3) Retail sales when associated with and appurtenant to a use permitted in subsections (1) and (2) of this subsection and subsection (b) of this section;
 - (4) One dwelling unit when in conjunction with an industrial use; and
 - (5) Child day care homes and limited child day care homes.
- (b) The following uses shall be permitted subject to the issuance of a special use permit.
 - (1) Junk yards, salvage operations, heavy equipment services, places of assembly, and public service facilities.
- (c) Telecommunications facilities in the Light Industrial Zone (I-2) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 22, Ord. 86-623, eff. February 6, 1986, § 2, Ord. 94-832, eff. June 9, 1994, and § 2, Ord. 99-915, eff. June 3, 1999, § 1, Ord. 99-926, eff. January 13, 2000, and § 1, Ord. 02-965, eff. April 9, 2002)

Sec. 9-2.2802. - Uses (OS).

(a) The following uses shall be permitted in the Open Space Zone (OS):

(1) Wildlife management.

(b) Telecommunications facilities in the Open Space Zone (OS) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985)

Sec. 9-2.2902. - Uses (L).

(a) The following uses shall be permitted in the Lake Zone (L):

(1) Water impoundment, hydroelectric generation, grazing, timber management, wildlife management, and docks.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

(1) Boat ramps, marinas, and recreation facilities.

(c) Telecommunications facilities in the Lake Zone (L) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 22.5, Ord. 86-623, eff. February 6, 1986)

Sec. 9-2.3002. - Uses (AP).

(a) The following uses shall be permitted in the Agricultural Preserve Zone (AP):

- (1) Agriculture, timber management, agricultural product sales, animal breeding and boarding, and employee housing;
- (2) One dwelling unit; and
- (3) Child day care homes and limited child day care homes.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

- (1) Mining, limited electric generation, public utility facilities, wildlife management, transport stations, agricultural auction yards, outdoor shooting ranges, hunting clubs, and bed and breakfast inns; and
- (2) Recreational uses, but not limited to walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation.

(c) Telecommunications facilities in the Agricultural Preserve Zone (AP) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 1, Ord. 85-613, eff. August 15, 1985, § 23, Ord. 86-623, eff. February 6, 1986, and § 1, Ord. 2004-1018, adopted November 2, 2004)

Sec. 9-2.3102. - Uses (GA).

(a) The following uses shall be permitted in the general Agriculture Zone (GA):

- (1) Agriculture, timber management, wildlife management, agricultural product sales, animal breeding and boarding, and employee housing;
- (2) One dwelling unit and, on any parcel of eighty (80) acres or more, one additional dwelling unit; and
- (3) Child day care homes, limited child day care homes, and home businesses.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

- (1) Mining, limited electric generation, home industry, public utility facilities, public service facilities, agricultural auction yards, transport stations, veterinary services, outdoor shooting ranges, and hunting clubs; and
- (2) On land of a soil type not suitable for identification as an important agricultural area, noncommercial camp grounds, recreation facilities, and resorts.

(c) The following uses shall be permitted subject to the issuance of a planned development permit:

- (1) Dwelling units at the ratio of up to one per each forty (40) acres of lot area.

(d) Telecommunications facilities in the General Agriculture Zone (GA) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 24, Ord. 86-623, eff. February 6, 1986, and Exh. A, § 6, Ord. 873, eff. October 31, 1996)

Sec. 9-2.3202. - Uses (TPZ).

The following uses shall be permitted in the Timberland Production Zone (TPZ):

- (a) The growing and harvesting of timber, including Christmas trees, and measures to protect such timber;
- (b) The following uses, **except** in specific instances **where** such a use would significantly detract from the use of property for the uses set forth in subsection (a) of this section:
 - (1) Management for watershed;
 - (2) Management for fish and wildlife habitat and hunting and fishing;
 - (3) Uses integral to the uses set forth in subsection (a) of this section, including forest management roads, log landings, log storage areas, and temporary portable wood processing equipment;
 - (4) Management for the use of other natural resources where less than three (3) acres of land is converted to non-timberland use and hydroelectric generation subject to site development review as set forth in Article 11.3 of this chapter;
 - (5) Grazing;
 - (6) Public utility facilities as permitted by Section 9-2.415 of Article 4 of this chapter;
 - (7) A residence or other structure necessary for the management of a parcel zoned as timberland production if such parcel is 160 acres or greater in size; child day care homes; and limited child day care homes; and
 - (8) Where a single parcel is partially zoned timberland production and agricultural, structures necessary for the management of agricultural land may be located within the timberland production area; and
- (c) Subject to the issuance of a special use permit:
 - (1) Public service facilities.
- (d) **Telecommunications facilities in the Timberland Production Zone (TPZ) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.**

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 25, Ord. 86-623, eff. February 6, 1986)

Sec. 9-2.3302. - Uses (GF).

(a) The following uses shall be permitted in the General Forest Zone (GF):

- (1) Timber management, agriculture, wildlife management, and animal breeding and boarding;
- (2) One dwelling unit and, on any parcel of eighty (80) acres or more, one additional dwelling unit; and
- (3) Child day care homes, limited child day care homes, and home businesses.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

- (1) Mining, limited electric generation, home industry, public utility facilities, public service facilities, outdoor shooting ranges, and hunting clubs.

(c) The following uses shall be permitted subject to the issuance of a planned development permit:

- (1) Dwelling units at the ratio of up to one per each forty (40) acres of lot area.

(d) Telecommunications facilities in the General Forest Zone (GF) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 26, Ord. 86-623, eff. February 6, 1986, and Exh. A, § 7, Ord. 873, eff. October 31, 1996)

Sec. 9-2.3402. - Uses (M).

(a) The following uses shall be permitted in the Mining Zone (M):

- (1) Mining, agriculture, timber management, hydroelectric generation, water impoundment, public utility facilities, animal breeding and boarding, and limited electric generation;
- (2) One dwelling unit; and
- (3) Child day care homes and limited child day care homes.

(b) The following uses shall be permitted subject to site development review as set forth in Article 11.3 of this chapter:

- (1) Hydroelectric generation.

(c) The following uses shall be permitted subject to the issuance of a special use permit:

- (1) Recreation facilities and public service facilities.

(d) Telecommunications facilities in the Mining Zone (M) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by § 27, Ord. 86-623, eff. February 6, 1986)