

Ordinance No. NS-1200.335

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SANTA CLARA AMENDING APPENDIX I, ZONING,  
OF THE COUNTY OF SANTA CLARA ORDINANCE CODE TO  
REVISE REGULATIONS APPLICABLE TO WINERIES

SUMMARY

This ordinance revises various sections of Appendix I, Zoning, of the County of Santa Clara Ordinance Code applicable to wineries. Related policy changes applicable to agricultural sales are also proposed.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA  
ORDAINS AS FOLLOWS:**

**SECTION 1:** Section 2.10.030 of Chapter 2.10, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

**§ 2.10.030 Residential Use Classifications**

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**Residential Accessory Structures and Uses.** This classification includes detached buildings and structures whose use is entirely incidental to the primary residential use, and which do not contain living space or sleeping quarters. Residential accessory uses consist of activities customarily associated with (or otherwise reasonably associated with) the primary residential use, and include such activities when they occur on private communal open space within a residential development. Private, noncommercial gatherings hosted by residents or property owner(s) shall be considered residential accessory uses.

On lots with no legally established residential use, certain limited structures ancillary to maintenance and security of the land (e.g. fences, gates, well or irrigation hardware) shall be considered permitted accessory structures under this classification.

On lots with no legally established residential use, one limited storage building per lot is permitted under this classification in rural base zoning districts. The floor area of such storage buildings is restricted to 120 square feet maximum. Height shall not exceed 10 feet in height at any point, and such buildings shall comply with all other applicable provisions of Section 4.20.020. Such storage buildings may not include plumbing or

electricity in their construction. Any such building in an –sr combining district shall be subject to the scenic roads provisions of Section 3.30.030.

Accessory buildings shall be limited to two (2) internal plumbing fixtures except as provided by § 4.20.020: Accessory Structures.

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**SECTION 2:** Section 2.10.040 of Chapter 2.10, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

### **§ 2.10.040 Non-Residential Use Classifications**

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**Agricultural Sales.** (Commercial) Facilities for the retail sale of agricultural commodities, operated by a single seller on a seasonal or year-round basis. All uses within this classification shall fit within one of the following subcategories:

- ~~1. **Limited.** Seasonal sales of agricultural products grown predominantly on site or on other property within Santa Clara County and operated by a single proprietor. May include a stand or similar sales structure not exceeding 400 square feet in area. Includes operations where customers have access to the growing areas and pick the product themselves, such as Christmas tree farms, pumpkin patches, and apple or fruit picking.~~
- ~~2. **General.** Sales of agricultural products predominantly grown or produced within Santa Clara County and operated by a single proprietor. May include a stand or similar sales structure between 401 and 1,200 square feet.~~
1. **Limited.** Sales of agricultural products predominantly grown or produced within Santa Clara County. Includes operations where customers have access to the growing areas and pick the product themselves, such as Christmas tree farms, pumpkin patches, and apple or fruit picking. May include a stand or similar sales structure no larger than 1,200 square feet.
- ~~3.~~ 2. **Farmers' Markets.** Facilities used by multiple sellers for sales of agricultural commodities directly to the public.

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~~**Wineries.** (Industrial) Facilities for the production of wine, including storage, bottling and distribution and related administrative offices and functions such as on-site tasting facilities. Incidental production of products such as olive oils and non-alcoholic grape~~

juices is also permitted. All uses within this classification shall fit within one of the following subcategories:

1. ~~**Limited.** Wholesale-oriented operations whose annual production is limited to 10,000 cases per year or less. Associated and ancillary uses shall be limited to on-site tasting areas or rooms, limited recreational yards and grounds, and retail sales, including related products such as wine glasses, bottle openers, and similar products for marketing purposes.~~
2. ~~**General.** Operations whose annual production exceeds 10,000 cases per year. Associated and ancillary uses shall be limited to on-site tasting areas or rooms, limited recreational yards and grounds, and retail sales, including related products such as wine glasses, bottle openers, and similar products for marketing purposes.~~
3. ~~**Expanded Reception/ Special Event Facilities.** Any winery of any production amount having associated reception and special event facilities for meals, meetings, weddings, receptions, private parties, or other events.~~

**Wineries.** (Industrial) Facilities for the production of wine from fruit or fruit juices through fermentation, that are subject a Type 02 license by the California Department of Alcoholic Beverage Control. Wineries shall be entitled to all uses and activities provided under the Type 02 license. May also include ancillary distilling of wine to produce brandy or similar distilled spirit.

Such facilities may include related storage, blending and bottling activities, as well as administrative offices, marketing, tours, public tasting, wholesale and retail sales of wine. May include outdoor areas for picnics, gatherings and other activities incidental to wine-tasting. Incidental sale of marketing products and accessories related to the winery's brand identity, wine drinking, food pairing, local agriculture and local history is also permitted.

All uses within this classification shall fit within one of the following subcategories:

1. **Small-Scale.** Operations whose production does not exceed 10,000 cases per year, or volume equivalent (i.e. 45,000 liters). May include limited public gatherings and promotional events that are provided in Section 4.10.395 as allowed by right.
2. **Medium-Scale.** Includes any of the following:
  - a. Operations whose production exceeds 10,000 cases per year, or volume equivalent (i.e. 45,000 liters).
  - b. Operations that include "Medium Events," as provided in subsection 4.10.395(A)(2)(b).

Excludes such operations that include "Large Events" (see "Large-Scale").

**3. Large-Scale.** Operations that include “Large Events,” as provided in subsection 4.10.395(A)(2)(c).

**SECTION 3:** Section 2.20.020 of Chapter 2.20, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions overstruck):

**§ 2.20.020 Use Regulations**

The following tables, Tables 2.20-1 and 2.20-2, specify the allowable land uses for the rural base districts, listed by use classification as defined in Chapter 2.10. The regulations for each district are established by letter designations as follows:

- “R” designates use classifications that are permitted by right. The term “by right” indicates no discretionary permit process by the Planning Office is required. See subsection 1.20.040(D) for applicability of other rules and processes.
- “S” designates use classifications permitted with a special permit, subject to the provisions of Chapter 5.60, Special Permit.
- “A” designates use classifications permitted with architecture and site approval, subject to the provisions of Chapter 5.40, Architecture and Site Approval.
- “U” designates use classifications permitted with a use permit and architecture and site approval, subject to the provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval.
- “\_” designates use classifications that are not allowed.

Supplemental regulations for the establishment and conduct of a use are referenced in the “Supplemental Regulations” column of the tables. Use classifications not listed in the tables are prohibited in the rural base districts.

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
<b>Residences: Single-Family</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	Note 1
<b>Residential Accessory Structures &amp; Uses</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.20.020

- R** Permitted by Right
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

**Table 2.20-1**

**RESIDENTIAL USES  
IN RURAL BASE DISTRICTS**

**R** Permitted by Right  
**S** Special Permit (Ch 5.60)  
**A** ASA (Ch 5.40)  
**U** Use Permit/ ASA (Ch 5.65, 5.40)  
 - Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
<b>Agricultural Employee Housing</b>					
Short Term	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	§ 4.10.040
Long Term	<b>U</b>	<b>R</b>	<b>U</b>	<b>U</b>	§ 4.10.040, Note 2 (AR)
<b>Agricultural Employee Housing</b>					
Short Term	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	§ 4.10.040, Note 2
Long Term	<b>U</b>	<b>R</b>	<b>U</b>	<b>U</b>	§ 4.10.040, Note 2, Note 3 (AR)
<b>Community Care</b>					
Limited	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.090, Note 3 4
Expanded	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.090, Note 4 5
<b>Domestic Animals</b>					
Dogs & Cats	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	Note 5 6
Other (see Ag: Livestock, Table 2.20-2)					
<b>Home Occupations</b>					
General	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.180
Expanded	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	§ 4.10.180, Note 6 7
<b>Residential – Communal Institutional</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.300, Note 7 8
<b>Secondary Dwellings</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.340, Notes 1, & 9
<b>Temporary Residences / Construction</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.380

**NOTES:**

1. Single-family dwellings, including certain additions, and new secondary dwellings, may be subject to the building site approval provisions of Section C12-300 et seq. of the County Ordinance Code.
2. ~~On lots 10 acres or larger in AR districts, a second one-family dwelling for agriculture worker housing is allowed as a matter of right and is not subject to the supplemental use regulations.~~
2. Agricultural employee housing units may, on a limited basis, be used to accommodate overnight tourist stays. See subsection 4.10.395(C)(2) for criteria and permitting requirements.
3. On lots 10 acres or larger in AR districts, a second one-family dwelling for agricultural employee housing is allowed by right. Such agricultural employee housing unit shall not be subject to the supplemental use regulations of § 4.10.040.

- 3. **4.** Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
- 4. **5.** Not a permitted use in areas with the “Agriculture-Large Scale” land use plan designation of the general plan.
- 5. **6.** Not to exceed two (2) dogs and five (5) cats over four months of age on parcels less than five acres, or three (3) dogs and five (5) cats over four months of age on parcels five acres or more, unless the required permit is secured pursuant to Division B31 of the Ordinance Code.
- 6. **7.** Expanded home occupations permitted on lots one-acre or larger. For additional applicable criteria, see § 4.10.180.
- 7. **8.** In rural districts, the floor area of Residential – Communal Institutional uses shall be limited to 10,000 square feet or less.
- 8. **9.** Three classes of detached secondary dwellings are subject to the special permit process: (a) those exceeding the permissible separation between primary and secondary dwelling, (b) those attached to an accessory building where cumulative floor area exceeds the allowed area specified for secondary dwellings, and (c) those necessitating separate driveway access. See § 4.10.340(D) for more complete information.

**Table 2.20-2**

**NON-RESIDENTIAL USES  
IN RURAL BASE DISTRICTS**

- R** Permitted by Right
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- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
<b>Agriculture</b>					
General	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	
Livestock	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	Note 1 (HS)
<b>Agricultural Accessory Structures/ Uses</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.20.020
<b>Agricultural Equipment Sales/ Services</b>	<b>A</b>	–	–	–	
<b>Agricultural Processing</b>					
Small Scale	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.030
Medium Scale	<b>A</b>	–	–	–	§ 4.10.030
Large Scale	<b>U</b>	–	–	–	§ 4.10.030
<b>Agricultural Research</b>	<b>A</b>	–	–	–	
<b>Agricultural Sales</b>					
Limited	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.40.110 (Signs)
General	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	§ 4.40.110
Farmers’ Markets	<b>U</b>	<b>U</b>	–	–	

**Table 2.20-2**

**NON-RESIDENTIAL USES  
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 – Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
<b><u>Agricultural Sales</u></b>					
Limited	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.40.110 (Signs)
Farmers' Markets	<b>U</b>	<b>U</b>	–	–	
<b>Agriculturally Related Entertainment &amp; Commercial Uses</b>	<b>U</b>	–	–	–	§ 4.10.050
<b>Aircraft Landing Strips – Private</b>	<b>U</b>	<b>U</b>	–	–	Note 2
<b>Antennas – Commercial</b>					
Minor	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	
Major	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	
<b>Bed &amp; Breakfast Inns</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.060, <u>Note 3</u>
<b>Butcheries</b>	<b>U</b>	<b>U</b>	–	–	
<b>Camps &amp; Retreats</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.070, Note 4
<b>Cemeteries</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.080, Note 4
<b>Churches [See “Religious Institutions”]</b>					
<b>Clubs – Private &amp; Nonprofit</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	Note 5
<b>Community Care</b>					
Limited	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.090, Note 6
Expanded	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.090, Note 4
<b>Dairies</b>	<b>U</b>	<b>U</b>	–	–	§ 4.10.110
<b>Entertainment – Seasonal Outdoor</b>	–	–	<b>U</b>	–	§ 4.10.120
<b>Feed Lots</b>	<b>U</b>	<b>U</b>	–	–	§ 4.10.130
<b>Golf Courses &amp; Country Clubs</b>	<b>U</b>	–	<b>U</b>	<b>U</b>	§ 4.10.140, Note 4
<b>Golf Driving Ranges</b>	<b>U</b>	–	–	<b>U</b>	§ 4.10.150, Note 4
<b>Helipads</b>	–	–	<b>U</b>	–	§ 4.10.160
<b>Historic Structures – Use Conversion</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	§ 4.10.170
<b>Hospitals &amp; Clinics</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.190, Notes 4 & 5
<b>Hunting &amp; Fishing Preserves</b>	<b>U</b>	<b>R</b>	–	–	Note 7

**Table 2.20-2**

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- Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
<b>Informational Displays</b>					
Small	<b>R</b>	–	–	–	
Large	<b>U</b>	–	–	–	
<b>Kennels – Commercial</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.200
<b>Laboratories and Testing Services (Limited)</b>	<b>U</b>	–	–	–	
<b>Livestock Auction Yards</b>	<b>U</b>	<b>U</b>	–	–	§ 4.10.210
<b>Manufacturing: Small Scale Rural</b>	<b>A</b>	<b>U</b>	–	–	Note 5
<b>Museums</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	Note 8
<b>Mushroom Farms</b>	<b>U</b>	<b>U</b>	–	<b>U</b>	§ 4.10.220
<b>Nonprofit Institutions</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.230, Notes 4 & 5
<b>Nurseries</b>					
Retail	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	Note 9
Wholesale	<b>R</b>	<b>R</b>	<b>R</b>	<b>U</b>	Note 9
<b>Offices (Limited)</b>	<b>U</b>	–	–	–	Note 10
<b>Oil &amp; Gas Extraction</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	
<b>Poultry and Egg Farms – Commercial</b>	<b>U</b>	<b>U</b>	–	<b>U</b>	§ 4.10.240
<b>Radio-Controlled Model Aircraft Facilities</b>	<b>U</b>	–	–	–	§ 4.10.250
<b>Reception Facilities</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.260
<b>Recreational Playgrounds &amp; Sports Fields</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.270 (A Zoning District)
<b>Recreational Vehicle Parks</b>	–	–	<b>U</b>	<b>U</b>	§ 4.10.280



**Table 2.20-2**

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**U** Use Permit/ ASA (Ch 5.65, 5.40)  
 – Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
<b>Recycling Facilities</b>					
Collection Facilities– Consumer Recycling	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.285
Recycling/ Processing Facilities– Consumer Waste	–	–	–	–	
Concrete, Asphalt & Soil Recycling	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	Note 11
Composting & Wood Recycling	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	
Hazardous Materials	–	–	–	–	
<b>Religious Institutions</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.290, Notes 4 & 5
<b>Restaurants &amp; Bars (Limited)</b>	–	<b>U</b>	<b>U</b>	–	Note 12
<b>Retail Sales &amp; Services: Local-Serving</b>	–	<b>U</b>	<b>U</b>	–	§ 4.10.310, Note 5
<b>Rodeos and Equestrian Event Facilities</b>	<b>U</b>	<b>U</b>	–	–	§ 4.10.320
<b>Schools</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.330, Notes 4 & 5
<b>Solar Energy Conversion Systems– Commercial</b>					
Minor	<b>A</b>	<b>U</b>	<b>U</b>	<b>A</b>	§ 4.10.345, Notes 4 & 13
Major	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.345, Notes 4 & 13
<b>Sport Shooting</b>	–	<b>U</b>	<b>U</b>	–	§ 4.10.350
<b>Stables– Commercial</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.360
<b>Surface Mining</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.370
<b>Swim &amp; Tennis Clubs</b>	–	–	<b>U</b>	<b>U</b>	
<b>Timber Harvest– Commercial</b>	–	<b>U</b>	<b>U</b>	–	Note 14
<b>Truck Sales &amp; Services: Storage (Limited)</b>	<b>U</b>	–	–	–	Note 15
<b>Underground Mining</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	
<b>Utilities and Public Facilities</b>					Note 16
Minor	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	
Major	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	
<b>Veterinary Clinics &amp; Hospitals</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	Note 17
<b>Well-Drilling Operations</b>	<b>A</b>	–	–	–	

**Table 2.20-2**

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**A** ASA (Ch 5.40)  
**U** Use Permit/ ASA (Ch 5.65, 5.40)  
 – Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Wind Energy Conversion Systems – Commercial	U	U	U	U	§ 4.10.390
<b>Wineries</b>					
Limited	R	R	R	R	
General	A	A	A	A	
Expanded—Receptions/ Special Events	U	U	U	U	
<b>Wineries</b>					
Small-Scale	R	R	R	R	§ 4.10.395, § 4.40.110 (Signs)
Medium-Scale	S	S	S	S	§ 4.10.395, § 4.40.110
Large-Scale	U	U	U	U	§ 4.10.395, § 4.40.110
<b>Wireless Telecommunication Facilities</b>					
Co-location	A	A	A	A	§ 4.10.400, Note 18
Minor	A	A	A	A	§ 4.10.400
Major	U	U	U	U	§ 4.10.400

**NOTES:**

1. Livestock breeding, raising and keeping is limited in HS districts as follows: Not more than three (3) large animals or six (6) medium animals per acre as a matter of right, or a proportional combination totaling three (3) animal units where each large animal constitutes one (1) animal unit, and each medium animal constitutes 0.5 animal unit. Special permit required for numbers of large and medium animals exceeding these limits. There are no specified numerical limits for small animals.
2. Landing strip, including approach and departure zones, shall be located a safe distance from residential development to prevent significant hazard.
3. Bed and breakfast inns ancillary to on-site wineries, agricultural sales operations or other agriculturally related uses shall be subject to a special permit, in lieu of a use permit, provided they are situated within the primary residence on the property. Bed and breakfast inns are prohibited within the Los Gatos Hillside Specific Plan area, except as provided under the classification Historic Structures–Use Conversion.
4. Not a permitted use in areas with the “Agriculture-Large Scale” land use plan designation of the general plan.
5. The use shall be limited in scale and shall primarily serve the local (rural) community. The location shall be accessible and convenient to the local population to be served.

6. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
7. The minimum lot size for hunting preserves shall be one hundred sixty (160) acres.
8. Museums in rural districts shall be limited in scale and must relate to the locally significant cultural, historical or social themes of the rural area.
9. The size of buildings for on-site sales and ancillary office associated with nurseries shall be kept to a minimum.
10. Offices ancillary to a permitted agricultural activity in A districts that contain no more than 2,400 square feet of floor area are allowed as a matter of right. Offices larger than 2,400 square feet are subject to a use permit.
11. Concrete, asphalt and soil recycling within rural districts is a permitted use only in association with an existing quarry operation in any rural base zoning district.
12. Restaurants and bars in rural districts shall be limited in scale, with a maximum floor area of 1,200 square feet, and shall primarily serve the local (rural) residents.
13. Not a permitted use in areas with the –d1 (Santa Clara Valley Viewshed) or –d2 (Milpitas Hillside) Design Review combining zoning districts.
14. Timber harvest of commercial tree species as defined by the County Tree Preservation and Removal Ordinance, Division C16 of the County Ordinance Code, including but not limited to Redwood and Douglas Fir, may be subject to the regulatory and permitting authority of the California Department of Forestry and Fire Protection (CDF). No County permit shall be required if CDF has approved a *Timber Harvest Plan* or *Non-Industrial Timber Management Plan* for the activity.
15. Truck storage uses in rural districts shall be limited to agriculture-related tractors, trucks, trailers, and similar equipment.
16. Utility structures and facilities may be exempt from local zoning regulations if they are established by a government agency. There may also be federal or state laws that provide exemptions for certain types of utilities.
17. The minimum lot size for veterinary clinics and hospitals shall be two and one-half (2.50) acres.
18. Co-location of wireless telecommunication facilities may be eligible for an ASA small project exemption (§ 5.40.050), where consistent with the provisions of this ordinance. Where the proposed co-location meets the criteria in Government Code § 65850.6(b) relating to previously approved facilities permitted by a means of a discretionary permit issued on or after January 1, 2007, and either a negative declaration, mitigated negative declaration, or environmental impact report was prepared and adopted, the co-location shall be reviewed for consistency with the approved plans, mitigation requirements, and conditions imposed on the existing facility, and if found consistent, will be subject only to a building permit or other applicable permits required by Title C of the County Ordinance Code.

**SECTION 4:** Section 2.30.020 of Chapter 2.30, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

### § 2.30.020 Use Regulations

The following tables, Tables 2.30-1 and 2.30-2, specify the allowable land uses for the urban residential base districts, listed by use classification as defined in Chapter 2.10. The regulations for each district are established by letter designations as follows:

- “R” designates use classifications that are permitted by right. The term “by right” indicates no discretionary permit process by the Planning Office is required. See subsection 1.20.040(D) for applicability of other rules and processes.
- “S” designates use classifications permitted with a special permit, subject to the provisions of Chapter 5.60, Special Permit.
- “A” designates use classifications permitted with architecture and site approval, subject to the provisions of Chapter 5.40, Architecture and Site Approval.
- “U” designates use classifications permitted with a use permit and architecture and site approval, subject to the provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval.
- “–” designates use classifications that are not allowed.

Supplemental regulations for the establishment and conduct of a use are referenced in the “Supplemental Regulations” column of the tables. Use classifications not listed in the tables are prohibited in the rural base districts.

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**SECTION 5:** Section 2.40.020 of Chapter 2.40, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

### § 2.40.020 Use Regulations

The following table, Table 2.40-1, specifies the allowable land uses for the commercial and industrial base districts, listed by use classification as defined in Chapter 2.10. The regulations for each district are established by letter designations as follows:

- “R” designates use classifications that are permitted by right. The term “by right” indicates no discretionary permit process by the Planning Office is required. See subsection 1.20.040(D) for applicability of other rules and processes.
- “S” designates use classifications permitted with a special permit, subject to the provisions of Chapter 5.60, Special Permit.

- “A” designates use classifications permitted with architecture and site approval, subject to the provisions of Chapter 5.40, Architecture and Site Approval.
- “U” designates use classifications permitted with a use permit and architecture and site approval, subject to the provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval.
- “\_” designates use classifications that are not allowed.

Supplemental regulations for the establishment and conduct of a use are referenced in the “Supplemental Regulations” column of the tables. Use classifications not listed in the tables are prohibited in the rural base districts.

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**SECTION 6:** Section 2.50.020 of Chapter 2.50, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

**§ 2.50.020 Use Regulations**

The following table, Table 2.50-1, specifies the allowable land uses for the special purpose base districts, listed by use classification as defined in Chapter 2.10. The regulations for each district are established by letter designations as follows:

- “R” designates use classifications that are permitted by right. The term “by right” indicates no discretionary permit process by the Planning Office is required. See subsection 1.20.040(D) for applicability of other rules and processes.
- “S” designates use classifications permitted with a special permit, subject to the provisions of Chapter 5.60, Special Permit.
- “A” designates use classifications permitted with architecture and site approval, subject to the provisions of Chapter 5.40, Architecture and Site Approval.
- “U” designates use classifications permitted with a use permit, and architecture and site approval, subject to the provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval.
- “\_” designates use classifications that are not allowed.

Supplemental regulations for the establishment and conduct of a use are referenced in the “Supplemental Regulations” column of the table. Use classifications not listed in the table are prohibited in the special purpose base districts.

**Table 2.50-1**

**USES IN SPECIAL PURPOSE BASE DISTRICTS**

**R** Permitted by Right  
**S** Special Permit (Ch 5.60)  
**A** ASA (Ch 5.40)  
**U** Use Permit/ ASA (Ch 5.65, 5.40)  
 – Not Permitted

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
<b>Adult Uses</b>	<b>U</b>	–	–	§ 4.10.020
<b>Agriculture</b>	<b>R</b>	<b>R</b>	<b>R</b>	Note 1 (OS/F)
<b>Agricultural Accessory Structures &amp; Uses</b>	<b>R</b>	<b>R</b>	<b>A</b>	§ 4.20.020, Note 2 (OS/F)
<b>Agricultural Employee Housing</b>				
Short Term	<b>S</b>	–	–	§ 4.10.040, Note 16
Long Term	<b>U</b>	–	–	§ 4.10.040, Note 16
<b>Agricultural Equipment Sales &amp; Services</b>	<b>U</b>	–	–	
<b>Agricultural Processing</b>				
Small Scale	<b>R</b>	–	<b>A</b>	§ 4.10.030; Note 2, 3 (OS/F)
Medium Scale	<b>A</b>	–	–	§ 4.10.030
Large Scale	<b>U</b>	–	–	§ 4.10.030
<b>Agricultural Research</b>	<b>A</b>	–		
<b>Agricultural Sales</b>				
Limited	<b>R</b>	<b>R</b>	<b>A</b>	§ 4.40.110 (Signs), Note 2, 3 (OS/F)
General	<b>A</b>	<b>A</b>	<b>A</b>	§ 4.40.110, Note 2, 3 (OS/F)
Farmers' Markets	<b>U</b>	<b>U</b>	–	
<b>Agricultural Sales</b>				
Limited	<b>R</b>	<b>R</b>	<b>A</b>	§ 4.40.110 (Signs), Note 2, 3 (OS/F)
Farmers' Markets	<b>U</b>	<b>U</b>	–	
<b>Agriculturally Related Entertainment &amp; Commercial Uses</b>	<b>U</b>	<b>U</b>	–	§ 4.10.050
<b>Antennas – Commercial</b>				
Minor	<b>A</b>	<b>A</b>	<b>A</b>	
Major	<b>U</b>	<b>U</b>	<b>A</b>	
<b>Auction Houses</b>	<b>U</b>	–	–	

**Table 2.50-1**

**USES IN SPECIAL PURPOSE BASE DISTRICTS**

- R** Permitted by Right
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
<b>Automotive Sales &amp; Services</b>				
Limited Repair	U	–	–	
General Repair	U	–	–	
Sales & Rentals	U	–	–	
Service Stations	U	U	–	
Storage	U	–	–	
Washing	U	–	–	
<b>Banks</b>	U	–	–	
<b>Bed &amp; Breakfast Inns</b>	U	U	–	§ 4.10.060, Note 17
<b>Billboards</b>	U	–	–	
<b>Broadcasting</b>	U	–	–	
<b>Business Services</b>	U	–	–	
<b>Butcheries</b>	U	–	–	
<b>Camps &amp; Retreats</b>	–	–		
<b>Caretaker’s Residences</b>	U	U	A	Note 4 (OS/F)
<b>Cemeteries</b>	U	–	–	
<b>Churches (See “Religious Institutions”)</b>				
<b>Clubs–Private &amp; Nonprofit</b>	U	–	–	
<b>Colleges &amp; Vocational Schools</b>	U	–	–	
<b>Community Care</b>				
Limited	R	R	–	§ 4.10.090, Note 5
Expanded	U	U	–	§ 4.10.090
<b>Contractors’ Facilities</b>	U	–	–	
<b>Dairies</b>	U	–	–	
<b>Domestic Animals</b>	R	R	–	
<b>Feed Lots</b>	U	–	–	
<b>Field Research</b>	R	R	R	Note 2 (OS/F)
<b>Food &amp; Beverage Sales</b>	U	U	–	Note 6 (RS)
<b>Food Preparation &amp; Catering Services</b>	U	–	–	

**Table 2.50-1**

**USES IN SPECIAL PURPOSE BASE DISTRICTS**

**R** Permitted by Right  
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**A** ASA (Ch 5.40)  
**U** Use Permit/ ASA (Ch 5.65, 5.40)  
 - Not Permitted

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
<b>Funeral &amp; Cremation Services</b>	<b>U</b>	-	-	
<b>Golf Courses &amp; Country Clubs</b>	<b>U</b>	-	-	§ 4.10.140(B)
<b>Golf Driving Ranges</b>	<b>U</b>	-	-	§ 4.10.150(B)
<b>Health &amp; Fitness Clubs</b>	<b>U</b>	-	-	
<b>Helipads</b>	<b>U</b>	-	-	§ 4.10.160
<b>Historic Structure– Use Conversion</b>	<b>A</b>	<b>A</b>	-	§ 4.10.170
<b>Home Occupations</b>				
General	<b>R</b>	<b>R</b>	-	§ 4.10.180
Expanded	<b>S</b>	<b>S</b>	-	§ 4.10.180
<b>Hospitals &amp; Clinics</b>	<b>U</b>	-	-	
<b>Hotels &amp; Motels</b>	<b>U</b>	<b>U</b>	-	
<b>Kennels</b>	<b>U</b>	-	-	§ 4.10.200
<b>Laboratories &amp; Testing Services</b>	<b>U</b>	-	-	
<b>Laundries–Commercial</b>	<b>U</b>	-	-	
<b>Livestock Auction Yards</b>	<b>U</b>	-	-	§4.10.210
<b>Machinery &amp; Equipment Services</b>				
Limited	<b>U</b>	-	-	
General	<b>U</b>	-	-	
<b>Maintenance &amp; Repair Services</b>	<b>U</b>	-	-	
<b>Manufactured-Home Sales &amp; Rentals</b>	<b>U</b>	-	-	
<b>Manufacturing</b>				
Limited	<b>U</b>	-	-	
General	<b>U</b>	-	-	
Intensive	<b>U</b>	-	-	
<b>Massage Establishments</b>	<b>U</b>	-	-	Note 8
<b>Museums</b>	<b>U</b>	-	-	
<b>Mushroom Farms</b>	<b>U</b>	-	-	§4.10.220
<b>Nonprofit Institutions</b>	<b>U</b>	-	-	



**Table 2.50-1**

**USES IN SPECIAL PURPOSE BASE DISTRICTS**

- R** Permitted by Right
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
<b>Nurseries</b>				
Retail	U	-	-	
Wholesale	U	-	-	
<b>Offices</b>	U	-	-	
<b>Oil and Gas Extraction</b>	U	-	-	
<b>Parking Services &amp; Facilities</b>	U	-	-	
<b>Personal Services: All</b>	U	-	-	
<b>Petroleum Products Distribution</b>	U	-	-	
<b>Poultry &amp; Egg Farms</b>	U	-	-	§ 4.10.240
<b>Radio-Controlled Model Aircraft Facilities</b>	U	-	-	§ 4.10.250
<b>Reception Facilities</b>	U	-	-	§ 4.10.260
<b>Recreation – Commercial</b>	U	-	-	
<b>Recreational Playgrounds &amp; Sports Fields</b>	U	-	-	
<b>Recreational Vehicle Parks</b>	U	U	-	§ 4.10.280
<b>Recycling Facilities</b>				
Collection Facilities – Consumer Recycling	R	-	-	§ 4.10.285
Recycling/ Processing Facilities – Consumer Waste	U	-	-	
Concrete, Asphalt, & Soil Recycling	U	-	-	
Composting & Wood Recycling	U	-	A	Note 2, 9 (OS/F)
Hazardous Materials	U	-	-	
<b>Religious Institutions</b>	U	-	-	
<b>Residential</b>				
Single-Family	R	R	-	Note 10
Two-Family	U	-	-	
Multi-Family	U	-	-	
<b>Residential Accessory Structures &amp; Uses</b>	R	R	-	§ 4.20.020

**Table 2.50-1**

**USES IN SPECIAL PURPOSE BASE DISTRICTS**

- R** Permitted by Right
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
<b>Residential– Communal Institutional</b>	<b>U</b>	–	–	
<b>Restaurants and Bars</b>	<b>U</b>	<b>U</b>	–	
<b>Retail Sales &amp; Services</b>				
General	<b>U</b>	<b>U</b>	–	Note 6 (RS)
Outdoor Sales & Storage	<b>U</b>	–	–	
<b>Rodeos &amp; Equestrian Events</b>	<b>U</b>	–	–	
<b>Rooming Houses, Fraternities, &amp; Sororities</b>	<b>U</b>	–	–	
<b>Schools</b>	<b>U</b>	–	–	
<b>Secondary Dwellings</b>	<b>R</b>	<b>R</b>	–	§ 4.10.340, Note 10
<b>Solar Energy Conversion Systems– Commercial</b>				
Minor	<b>A</b>	–	–	§ 4.10.345
Major	<b>U</b>	–	–	§ 4.10.345
<b>Sport Shooting</b>	<b>U</b>	–	–	§ 4.10.350
<b>Stables– Commercial</b>	<b>U</b>	–	–	§ 4.10.360
<b>Stanford– Specialized Facilities and Installations</b>	–	–	<b>A</b>	Note 11 (OS/F)
<b>Studios– Arts &amp; Crafts</b>	<b>U</b>	–	–	
<b>Surface Mining</b>	<b>U</b>	–	–	§ 4.10.370
<b>Swim &amp; Tennis Clubs</b>	<b>U</b>	–	–	
<b>Taxidermy</b>	<b>U</b>	–	–	
<b>Temporary Residences / Construction</b>	<b>R</b>	<b>R</b>	–	§ 4.10.380
<b>Theaters</b>	<b>U</b>	–	–	
<b>Timber Harvest Operations – Commercial</b>	<b>U</b>	–	–	
<b>Truck &amp; Railroad Terminals</b>	<b>U</b>	–	–	

**Table 2.50-1**

**USES IN SPECIAL PURPOSE BASE DISTRICTS**

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- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
<b>Truck Sales &amp; Services</b>				
Repair	U	-	-	
Sales	U	-	-	
Storage	U	-	-	
<b>Underground Mining</b>	U	-	-	
<b>Utilities and Public Facilities</b>				Note 14
Minor	A	A	A	Note 12, 13 (OS/F)
Major	U	U	A	Note 12, 13 (OS/F)
<b>Veterinary Clinics &amp; Hospitals</b>	U	-	-	
<b>Warehousing &amp; Storage</b>				
Indoor	U	-	-	
Outdoor	U	-	-	
<b>Well-Drilling Operations</b>	U	-	-	
<b>Wholesaling &amp; Distribution</b>	U	-	-	
<b>Wind Energy Conversion Systems – Commercial</b>	U	U	-	§ 4.10.390
<b>Wineries</b>				
Limited	R	-	-	
General	A	-	-	
Expanded Reception/ Special Events Facilities	U	-	-	
<b>Wineries</b>				
Small-Scale	R	R	-	§ 4.10.395, § 4.40.110 (Signs)
Medium-Scale	S	S	-	§ 4.10.395, § 4.40.110
Large-Scale	U	U	-	§ 4.10.395, § 4.40.110
<b>Wireless Telecommunication Facilities</b>				
Co-location	A	A	A	§ 4.10.400, Note 15
Minor	A	A	A	§ 4.10.400
Major	U	U	A	§ 4.10.400

**NOTES:**

1. Within the OS/F district, tree farm operations that grow trees in containers or in the ground are consistent with the “Agriculture” use classification.
2. Within the OS/F district, structures ancillary to any allowed use or activity are permitted subject to the requirements of ASA (Chapter 5.40 and subsection 2.50.040(B)).
3. Within the OS/F district, agricultural processing is limited to low intensity processing and agricultural sales activities that would not significantly impact local transportation patterns. For example, activities such as packaging products for off-site shipping and allowing limited on-site purchase of agricultural commodities are consistent with allowable uses for this district. Activities such as a canning operation, or establishing a commercial outlet for sale of multiple agricultural commodities, would exceed the intensity allowed in this district. Prior to establishment of any use or activity, the Planning Office must determine that such use or activity is of low intensity and consistent with the General Use Permit requirements for the OS/F district.
4. Within the OS/F district, caretaker’s residences, as defined in § 2.10.030, are allowed as follows: A cumulative total of five caretaker’s residences is allowed to the extent they are consistent with all provisions of the Stanford General Use Permit and the zoning ordinance. This cumulative total includes all legal existing residential structures within the OS/F district, including any that may be legal nonconforming uses. Any existing legal nonconforming caretaker’s residences that existed on December 12, 2000 and have not been subsequently abandoned may continue to be utilized as caretaker residences. Stanford University bears the burden of establishing that any existing structure and use is legal or legal nonconforming. Consistent with all other provisions of the zoning ordinance, any legal structure that has been converted to a caretaker’s residence may be relocated, replaced, or modified, so long as there is no cumulative increase in the overall square footage of all residential structures. Caretaker’s residences are subject to ASA (Chapter 5.40 and subsection 2.50.040 (B)). Cumulative building area (square footage and building footprint) for the five caretaker’s residences shall not exceed the total square footage of documented building area for all legal or legal nonconforming residential structures that existed in the OS/F district on December 12, 2000.
5. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
6. In Roadside Services (RS) districts, general retail sales uses must be limited in scale and ancillary to a permitted use that is primarily oriented toward serving the needs of the motoring public, consistent with the general plan.
7. The existing Stanford University Golf Course may be modified or reconfigured within its boundaries as they existed on December 12, 2000, but the Golf Course footprint may not be expanded. Modification or replacement of the golf course clubhouse or ancillary support facilities is permitted if consistent with all applicable provisions of the Community Plan, General Use Permit, and the zoning ordinance.
8. Massage establishments shall comply with the provisions of Division B22 of the County Ordinance Code.
9. Within the OS/F district, composting facilities are limited to those servicing Stanford University purposes, and no other communities, jurisdictions or uses (e.g., Stanford Shopping Center).
10. Single-family dwellings, including certain additions, and new secondary dwellings, may be subject to the building site approval provisions of Division C12-300-399 of the County Ordinance Code.

11. Within the OS/F district, Stanford specialized facilities and installations are limited to those structures or facilities that require a remote setting, including but not limited to facilities for astronomical or atmospheric research. Only those structures or facilities that require isolation from sources of interference (such as noise, vibration, electromagnetic fields, or similar impediments) are allowed.
12. Within the OS/F district, existing utilities may be replaced if there is no increase in size or scale of aboveground structures. Above-ground disturbance resulting from the maintenance or replacement of such structures shall be restored to pre-disturbance condition.
13. Within the OS/F district, new utilities may be constructed that serve either Stanford or other lands if such facilities reasonably minimize degradation to the natural environment and maintain the predominantly natural appearance of the foothill setting.
14. Utility structures and facilities may be exempt from local zoning regulations if they are established by a government agency. There may also be federal or state laws that provide exemptions for certain types of utilities.
15. Co-location of wireless telecommunication facilities may be eligible for an ASA small project exemption (§ 5.40.050), where consistent with the provisions of this ordinance. Where the proposed co-location meets the criteria in Government Code §65850.6(b) relating to previously approved facilities permitted by a means of a discretionary permit issued on or after January 1, 2007, and either a negative declaration, mitigated negative declaration, or environmental impact report was prepared and adopted, the co-location shall be reviewed for consistency with the approved plans, mitigation requirements, and conditions imposed on the existing facility, and if found consistent, will be subject only to a building permit or other applicable permits required by Title C of the County Ordinance Code.
16. Agricultural employee housing units may, on a limited basis, be used to accommodate overnight tourist stays. See subsection 4.10.395(C)(2) for criteria and permitting requirements.
17. Bed and breakfast inns ancillary to on-site wineries, agricultural sales operations or other agriculturally related uses shall be subject to a special permit, in lieu of a use permit, provided they are situated within the primary residence on the property.

**SECTION 7:** Section 3.30.040 of Chapter 3.30, Article 3 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

### **§ 3.30.040 Signs**

Signs within the -sr combining district shall be subject to the following regulations, except where other more restrictive provisions apply through a base or other combining district:

- A. **Number.** One on-site advertising sign may be located on any lot in the -sr combining district. One additional sign may be placed on a lot regarding the sale, lease or rental of all or a portion of the property. The following exceptions are permitted:

~~1. Agricultural stands existing at the time that the sr designation is applied to a property are exempt from the provisions of this section, provided that all signs for the agricultural stand comply with the requirements of § 4.40.100.~~

1. Signs associated with uses classified as *Agricultural Sales*, and *Wineries*, subject to all applicable provisions of § 4.40.110.

2. Temporary on-site identification and off-site directional signs to seasonal sales establishments are exempt from the provisions of this section and are subject to the requirements of ~~§ 4.40.100~~ § 4.40.110.

B. **Size.** Signs are subject to the following size limitations:

1. Signs associated with uses classified as *Agricultural Sales*, and *Wineries*, shall be subject to the sign area limitations provided in subsection 4.40.110(B)(2).

~~2.~~ 2. With the exception of properties within 1,000 feet of the right of way of US 101, and signs associated with uses classified as *Agricultural Sales*, and *Wineries*, signs are limited to 16 square feet in area.

~~2.~~ 3. On all properties or portions of properties within 1,000 feet of the right of way of US 101, signs are limited to 50 square feet in area and 20 feet in height from the ground to the uppermost point on the sign. Signs up to 100 square feet in area may be permitted with a special permit.

C. **Design.** All signs and parts of signs shall remain stationary. All illumination for signs shall remain stationary and constant in intensity and color.

**SECTION 8:** The following new Section 4.10.395 of Chapter 4.10, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is added as follows:

#### **§4.10.395 Wineries**

This section refers to uses classified as *Wineries*, as described in § 2.10.040. Wineries shall comply with all of the requirements of this section.

**A. Gatherings and Events.** Public gatherings and events shall be allowed as ancillary to winery operations, as provided in subsections 1 and 2 below. Where numbers of events are specified, each event day shall count as a separate event. Events where outdoor amplified music/ sound is proposed shall be subject to the provisions of subsection B: “Outdoor Amplified Sound,” below.

Wineries hosting such events shall have wastewater disposal systems capable of accommodating the maximum number of attendees anticipated, in conformance with Sections B11-60 through B11-88 of Division B11: Environmental Health, of

the County Ordinance Code. Event operations shall conform with applicable requirements pertaining to water, food service and sanitation. Facilities used for events shall comply with applicable Building and Fire Marshal requirements of the California Building Code and the County Ordinance Code.

**1. Industry/ Marketing Events.** Defined as events that function specifically to market wine and winemaking, industry/ marketing events include barrel tasting, wine club dinners, Passport Weekend, and harvest festival. Up to 12 such events per calendar year shall be allowed by right. Additional events (above the maximum of 12) shall be subject to the permitting requirements of “Medium Events,” or “Large Events” (subsection 2), depending on scale and frequency.

**2. Commercial Reception Events, Facility-Rental Events, Other Public Gatherings and Events.** Gatherings and events other than “Industry/ Marketing Events” shall be allowed subject to the criteria and procedures provided in subsections a, b and c, below. Threshold attendance numbers shall be based on the maximum number of event attendees that may be onsite at any given time.

**a. Small Events.** Events where attendance is 50 or fewer shall be allowed by right (for definition of “by right,” see § 2.20.020).

Events with attendance of 51-100 shall also be deemed “small events” when the winery facility meets all of the following criteria:

- i. Lot size is 5 acres or larger.
- ii. Event area is set back 50 feet (min) from nearest property line, 200 feet from nearest non-winery residence.
- iii. Onsite parking conforms with Chapter 4.30; Parking.
- iv. Property is accessible via publicly maintained road, or via private road that conforms to all applicable County Office of Land Development Engineering private road standards.
- v. Driveway conforms to applicable County Office of Land Development Engineering driveway standards.

**b. Medium Events.** Events with larger attendance than provided for under “Small Events,” with the following limitations, shall be subject to a special permit.

- i. Maximum attendance shall be based on demonstrated capacity of facility, not to exceed a maximum of 250 attendees.
- ii. Not more than 12 medium events per year shall be allowed.

c. **Large Events.** Events where attendance or frequency (or both) exceeds the thresholds of “Medium Events,” shall be subject to a use permit.

Private, noncommercial gatherings of the property owner or winery operator shall be allowed by right, as provided in Section 2.10.030 for residential accessory uses.

B. **Outdoor Amplified Sound.** A winery using outdoor amplified sound in conjunction with winery events shall submit (or complete) an acoustic evaluation as part of the appropriate discretionary review process and permit. A winery not subject to a discretionary review process and permit as medium-scale or large-scale wineries and intending to conduct, organize, or set-up events using outdoor amplified sound shall obtain an outdoor amplified sound permit pursuant to Chapter VIII of Division B3 of the County Ordinance Code.

C. **Overnight Accommodation:** The following types of overnight tourism accommodation may be permitted as ancillary to on-site winery operations.

1. **Bed and Breakfast Inns.** Uses classified as *Bed and Breakfast Inns* associated with winery operations shall be subject to a special permit, provided they are situated within the primary residence on the property.

2. **Agricultural Employee Housing.** Uses classified as *Agricultural Employee Housing* associated with winery operations may be used to accommodate tourist stays for compensation. Such use as tourism accommodation may only take place during those limited periods of the growing/ harvesting cycle where agricultural employee housing may be temporarily vacant. The duration of such stays shall not exceed 72 hours.

A change in occupancy of an existing agricultural employee housing unit to accommodate tourist stays shall be subject to permitting and requirements of the California Building Code and the County Ordinance Code.

D. **Commercial Kitchens:** Commercial kitchens for onsite food preparation shall be allowed as ancillary to winery operations, subject to permitting and requirements of the California Building Code, the California Retail Food Code and the County Ordinance Code.

E. **Off-Site Tasting Facility:** An off-site tasting facility (licensed as such by the California Department of Alcoholic Beverage Control) shall be subject to a special permit. The associated primary winery facility must be located within Santa Clara County.



[The section headings for Chapter 4.10, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, shall be appropriately revised as follows:]

## CHAPTER 4.10 SUPPLEMENTAL USE REGULATIONS

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### Sections:

§ 4.10.010	Purpose
//	
§ 4.10.380	Temporary Residences during House Construction
§ 4.10.390	Wind Energy Conversion Systems – Commercial
§ 4.10.395	Wineries
§ 4.10.400	Wireless Telecommunication Facilities

**SECTION 9:** Section 4.30.040 of Chapter 4.30, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

### § 4.30.040 Parking Spaces Required – Nonresidential Uses

Table 4.30-2 sets forth the number of parking spaces needed for each nonresidential use.

- A. **Requirement Based on Square Footage.** When a number of spaces per square feet is required, that measurement shall be of the gross floor area of each building devoted to such use less any interior space used for parking, loading, heating and air-conditioning equipment, stairs and elevators, mechanical and electrical equipment, and communications equipment, unless otherwise specified.
- B. **Requirement Based on Employees.** When a number of spaces "per employee" is required, that number shall be based on the maximum number of employees working on the premises at any given time during a normal work schedule.
- C. **Company Vehicles.** Parking spaces shall be provided for all vehicles used by the operators of the use and parked on the site during any portion of the normal operating hours. This requirement does not apply to vehicles used by employees to get to and from the premises. The spaces for company vehicles are in addition to those required by Table 4.30-2.
- D. **Additional Spaces.** The approval authority shall have the authority to require additional spaces over and above the requirements in Table 4.30-2 when either: (a) the nature of a specific use is demonstrably more parking-intensive than typical uses under that use classification; or (b) the roads adjacent to that use do not have the physical capacity to provide on-street parking. Conversely, a

reduction in required spaces may be allowed per the provisions of § 4.30.100:  
Parking Exception.

**Table 4.30-2**  
**Parking Spaces Required**  
**NONRESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
Adult Uses	1 per 200 square feet
Agricultural Equipment Sales & Services	1 per 500 square feet, plus 1 per employee
Agricultural Processing (all)	1 per 500 square feet, plus 1 per employee
Agricultural Research	1 per 350 square feet, plus 1 per employee
Agricultural Sales	
Limited	5 per stand, plus 3 additional spaces for operations that allow customers access to the growing areas and pick the product themselves.
—General	<del>8 per stand</del>
Agriculturally Related Entertainment & Commercial Uses	As specified by use permit/ ASA
Aircraft Landing Strips—Private	As specified by use permit/ ASA
Antennas—Commercial (all)	1 if attended, plus 1 for service vehicle
Auction Houses	1 per 400 square feet
Automobile Sales & Services	
Limited Repair	4 per vehicle work station, plus 1 per employee
General Repair	4 per vehicle work station, plus 1 per employee
Sales & Rentals	1 per 500 square feet, plus 1 per employee
Service Stations	3 per service bay, plus 1 per employee
Storage	2, plus 1 per employee
Washing	2 per 500 square feet, plus 1 per employee
Banks	1 per 250 square feet
Bed & Breakfast Inns	2 (both shall be covered), plus 1 for each guest room, plus 1 for each

**Table 4.30-2  
Parking Spaces Required  
NONRESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
	employee
Broadcasting	1 per employee
Business Services	1 per 250 square feet
Butcheries	1 per 500 square feet
Camps and Retreats	As specified by use permit/ ASA
Cemeteries	As specified by use permit/ ASA
Clubs–Private & Nonprofit	1 per 200 square feet
Colleges & Vocational Schools	<p><i>Colleges:</i> 1 per staff, plus 1 per 3 students, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 lineal feet of bench)</p> <p><i>Vocational Schools:</i> 1 per staff, plus 1 per 2 students</p>
Community Care (all)	<p><i>Daycare:</i> 1 per staff, plus 1 per 15 children, plus passenger loading area</p> <p><i>24-hour Care:</i> 1 per 6 beds, plus 1 per employee</p>
Corporation Yards	2, plus 1 per employee
Dairies	1 per employee
Entertainment–Seasonal Outdoor	As specified by use permit/ ASA
Farmers’ Markets	1 per 300 square feet of indoor and outdoor sales area
Feed Lots	1 per employee
Food & Beverage Sales	1 per 250 square feet
Food Preparation & Catering Services	1 per 500 square feet, plus 1 per employee
Funeral & Cremation Services	1 per 4 seats used for services, plus 1 per employee
Golf Courses & County Clubs	As specified by use permit/ ASA
Golf Driving Ranges	As specified by use permit/ ASA
Health & Fitness Clubs	1 per 400 square feet
Historic Structure–Use Conversion	See requirements for new use(s)
Hospitals & Clinics	<i>Hospital (beds available for 24-hour stay):</i> 1 per 4 beds, plus 1 per

**Table 4.30-2  
Parking Spaces Required  
NONRESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
	employee
	<i>Clinics:</i> 1 per 200 square feet
Hotels & Motels	1 per guest room, plus 1 per employee
Hunting & Fishing Preserves	1 per employee
Informational Displays	
Small	None
Large	As specified by use permit/ ASA
Kennels–Commercial	0.25 per animal (at design capacity), plus 1 per employee
Laboratories & Testing Services	1 per 500 square feet, plus 1 per employee
Laundries–Industrial	1 per employee
Livestock Auction Yards	As specified by use permit/ ASA
Machinery & Equipment Services	
Limited	1 per 500 square feet, plus one per employee
General	1 per 1,000 square feet, plus one per employee
Maintenance & Repair Services	1 per 400 square feet
Manufactured-Home Sales & Rentals	2, plus 1 per employee
Manufacturing (all)	1 per 500 square feet
Massage Establishments	1 per 250 square feet
Medical Marijuana Dispensaries	1 per 200 square feet
Museums	As specified by use permit/ ASA
Mushroom Farms	As specified by use permit/ ASA
Nonprofit Institutions	1 per 250 square feet
Nurseries	
Retail	1 per 350 square feet, plus 1 per 1,000 square feet of outdoor display space, plus 1 per employee
Wholesale	1 per 4,000 square feet including outdoor display space, plus 1 per employee
Offices	1 per 250 square feet

**Table 4.30-2  
Parking Spaces Required  
NONRESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
Oil & Gas Extraction	1 per employee
Parking Services & Facilities	1 per employee
Personal Services	1 per 250 square feet
Petroleum Products Distribution	1 per employee
Poultry & Egg Farms–Commercial	1 per employee
Radio-Controlled Model Aircraft Facilities	As specified by use permit/ASA
Reception Facilities	1 per 2 people allowed under occupancy limit, plus 1 per employee
Recreation–Commercial	As specified by use permit/ASA
Recreational Playgrounds & Sports Fields	As specified by use permit/ASA
Recreational Vehicle Parks	1 per recreational vehicle space, plus 1 per employee
Recycling Facilities	
Collection Facilities–Consumer Recycling	1 per 500 square feet of collection area, plus 1 per employee
Consumer Waste	1 per employee
Concrete, Asphalt & Soil Recycling	1 per employee
Composting & Wood Recycling	1 per employee
Hazardous Materials	1 per employee
Religious Institutions	1 per 4 fixed seats (or 1 per 6 lineal feet of bench), plus 1 per cleric and staff
Restaurants & Bars	1 per 3 seats, plus 5 for take-out service (if provided), plus 1 per employee
Retail Sales & Services	
Local-Serving	1 per 200 square feet
General	<i>Small (carry-out) Items:</i> 1 per 200 square feet <i>Large Items:</i> 1 per 500 square feet
Outdoor Sales & Storage	Same as “General,” plus 1 per 1,000 square feet of outdoor space open to the public
Rodeos & Equestrian Events	As specified by use permit /ASA

**Table 4.30-2  
Parking Spaces Required  
NONRESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
Schools	<p><i>Elementary and Junior High:</i> 1 per staff, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 lineal feet of bench)</p> <p><i>High:</i> 1 per staff, plus 1 per 7 students, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 lineal feet of bench)</p>
Sport Shooting	As specified by use permit/ASA
Stables–Commercial	1 per 3 horses (at design capacity), plus 1 per employee
Studios–Arts & Crafts	1 per 1,000 square feet
Surface Mining	1 per employee
Swim & Tennis Clubs	As specified by use permit/ASA
Taxidermy	1 per 400 square feet
Theaters	1 space per 3 seats, plus 1 per employee
Timber Harvest Operations–Commercial	1 per employee
Truck & Railroad Terminals	1 per employee
Truck Sales & Services	
Repair	2 per vehicle work station, plus 1 per employee
Sales	1 per 1,000 square feet, plus 1 per employee
Storage	1 per employee
Underground Mining	1 per employee
Utilities	
Minor	1 per employee (manned facilities only)
Major	As specified by use permit/ASA
Veterinary Clinics & Hospitals	1 per 500 square feet, plus 1 per employee
Warehousing & Storage	
Indoor	1 per 2,000 square feet, plus 1 per 250

**Table 4.30-2  
Parking Spaces Required  
NONRESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
Outdoor	sq ft of office area 1 per 2,000 square feet, plus 1 per 250 sq ft of office area
Well-Drilling Operations	1 per employee
Wholesaling & Distribution	1 per 2,000 square feet open to the public, plus 1 per employee
Wind Energy Conversion Systems – Commercial	1 per employee
Wineries	
<del>Limited</del> <u>Small-Scale</u>	1 per 1,000 square feet of warehouse area, plus 1 per 200 sq ft of tasting room
<del>General</del> <u>Medium-Scale</u>	1 per 1,000 square feet of warehouse area, plus 1 per 200 sq ft of tasting room. <u>One space per 3 attendees of receptions and special events.</u>
<del>Expanded Reception / Special Event Facilities</del> <u>Large-Scale</u>	<del>As specified by use permit/ ASA.</del> <u>1 per 1,000 square feet of warehouse area, plus 1 per 200 sq ft of tasting room.</u> <u>One space per 3 attendees of receptions and special events.</u>

**SECTION 10:** Section 4.40.010 of Chapter 4.40, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

**§ 4.40.010 Purpose**

The purpose of this chapter, Signs, is to promote attractive signage that serves as an economic and aesthetic asset, comprehensively addresses aesthetic concerns of the public

regarding visual clutter and visual blight in the environment, and ensures that traffic safety hazards are not created.

For facilities that are open to the public, such as commercial and institutional facilities, the provisions of this chapter shall not apply to indoor signage, nor shall they apply to incidental outdoor visitor-serving signs that are not intended to direct attention to the business. Examples include parking signs, rest room signage, and any non-marketing signs authorized or required by a public agency.

**SECTION 11:** Section 4.40.110 of Chapter 4.40, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

**§ 4.40.110 Agricultural Roadside Sales and Winery Signs**

- A. **Intent.** This section establishes standards so that agricultural product sales may be reasonably and effectively advertised without resulting in significant adverse visual impacts.
- B. **Agricultural Sales: Limited, and Wineries.** All of the following provisions apply to signs serving uses classified in Chapter 2.10 as *Agricultural Sales: Limited, and Wineries:*
- ~~1. The total number of signs shall be limited to six (6) or fewer, with the sign area of any single sign not exceeding 64 square feet and the cumulative sign area of all signs not exceeding 128 square feet;~~
  1. **Number:** The total number of onsite and offsite signs associated with an agricultural sales or winery operation shall not exceed six (6).
  2. **Sign area:** The sign area of any individual sign shall not exceed 64 square feet. The cumulative sign area of all onsite and offsite signs associated with an agricultural sales or winery operation shall not exceed 128 square feet.
  - ~~3. Notwithstanding any other provision of this chapter, signs affiliated with an operation classified under Agricultural Sales: Limited shall be permitted without an ASA permit.~~
  3. **Height:** Maximum height of signs shall either be: (a) 12 feet above grade, or (b) 12 feet above the pavement elevation of an adjacent road from which its message is intended to be visible; whichever is higher.
  4. **Offsite signs:** Up to two (2) signs may be installed on a lot that is in a different location than that of the advertised agricultural sales or winery facility(ies).



5. **Sight clearance:** In those areas adjacent to driveways or intersecting streets, signs must be situated such that adequate sight clearance for safe vehicle movement is not compromised, consistent with Ordinance Code §§B17-68 and 69.
6. **Maintenance:** Signs shall be maintained such that they are: (a) legible at a reasonable distance; (b) not in an egregious state of disrepair; (c) not associated with an operation that has ceased for more than six (6) months and is not actively pursuing reestablishment, and; (d) not associated with a operation where a relocation has rendered obsolete any message content.
7. **Contact information:** All signs shall have the name, address, and telephone number of the person responsible for the agricultural sales or winery operation painted or printed indelibly on the back side of the sign; and.
8. **Discretionary review of alternative signage:** Signs conforming to the provisions of this subsection (§ 4.40.110(B)) shall be allowed by right. Uses classified as *Agricultural Sales: Limited* or *Wineries: Small Scale* may request approval for alternatives to the sign area and height standards (subsections 2 and 3) of this section via the architecture and site approval process. For uses classified as *Agricultural Sales: Farmers Markets*, *Wineries: Medium Scale*, or *Wineries: Large Scale*, the appropriate decision-making body may approve alternatives to the sign area and height standards (subsections 2 and 3) of this section via the applicable discretionary permit process. The decision-making body must find that the alternative equally achieves, or better achieves, the intent of this section.
9. **Viticulture Area signing:** Areas of the county that are recognized as American Viticulture Areas (AVA) by the U.S. Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms, may be identified by roadside signs. Such AVA identifying signage shall be allowed on private property adjacent to County or State roads, without impacting the numbers of other signs provided for in subsections 1 or 4. This provision shall not apply to signs that contain any message content other than that necessary to identify the area as an AVA.

~~C. **Agricultural Sales: General.** All of the following provisions apply to signs serving uses classified in Chapter 2.10 as Agricultural Sales: General:~~

- ~~1. The total number of signs shall be limited to eight (8) or fewer, with the sign area of any attached sign not exceeding 192 square feet, the sign area of any detached sign not exceeding 120 square feet, and the cumulative sign area of all signs not exceeding 384 square feet;~~
- ~~2. All signs shall have the name, address, and telephone number of the person responsible for the agricultural sales operation painted or printed indelibly on the back side of the sign; and~~

3. ~~The ASA committee may approve an alternative to the standards of this section when the committee clearly finds that the alternative better achieves the goals of minimizing traffic hazards, protecting the appearance of road frontage, and furthering the intent of this section.~~

[The section headings for Chapter 4.40, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, shall be appropriately revised as follows:]

## CHAPTER 4.40 SIGNS

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### Sections

§ 4.40.010	Purpose
§ 4.40.020	Review
§ 4.40.030	Construction and Maintenance of Signs
§ 4.40.040	Sign Illumination
§ 4.40.050	Nonresidential Uses – Attached Signs
§ 4.40.060	Nonresidential Uses – Freestanding Signs
§ 4.40.070	Other Signs
§ 4.40.080	Master Sign Program
§ 4.40.090	Subdivision Directional Signs
§ 4.40.100	Political Signs
§ 4.40.110	Agricultural Roadside Sales <u>and Winery</u> Signs
§ 4.40.120	Computation of Sign Area
§ 4.40.130	Nonconforming Signs
§ 4.40.140	Exemption for Stanford University
§ 4.40.150	Definitions

**SECTION 12: Severability.** This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof, other than the section so declared to be unconstitutional or invalid.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California on \_\_\_\_\_ by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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George Shirakawa, President  
Board of Supervisors

**SIGNED AND CERTIFIED** that a copy of this document has been delivered by electronic or other means to the President of the Board of Supervisors.

**ATTEST:**

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Lynn Regadanz  
Acting Clerk of the Board of Supervisors

**APPROVED AS TO FORM AND LEGALITY:**

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Elizabeth G. Pianca  
Deputy County Counsel