

## **SECTION 4.5: "MR" MOUNTAIN RESIDENTIAL ZONE**

(Added by Ord. No. 2956, effective 4-11-91)

### **PURPOSE A.**

The Mountain Residential Zone is intended primarily for the mountain areas of Tulare County where residential uses may be located in environmentally sensitive surroundings. This zone is also considered appropriate in those areas where residential uses are of a primarily second home or recreational character. These areas are generally identified in the General Plan as "Mountain Residential", with various minimum lot area requirements. The purposes of this district are

1. To establish a minimum lot area and density which reflects prevailing conditions with regard to topography, soil, water and other environmental factors.
2. To allow residential uses in the mountain area in a manner which minimizes impacts on the natural habitat of native animal and plant species.
3. To protect the unique characteristics of mountain communities.
4. To protect the developed areas against wildland fire, soil instability and other natural and man made hazards.
5. To promote growth which is harmonious with available public facilities and services.
6. To allow uses reflecting a rural character which involve the raising of limited numbers of domesticated farm or range animals.

### **USEB.**

No building or land shall be used and no building shall be hereafter erected or structurally altered except for the following uses:

1. **One single family dwelling**, or one one-family manufactured home installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code which comply with Subsection F of this Section, on each legally created parcel.
2. In addition to the dwelling allowed under paragraph 1 above, **one (1) additional dwelling for each forty (40) acres** in the legally created parcel is permitted.
3. **Incidental and accessory structures and uses** including, but not limited to, guest houses as defined in this Ordinance, garages, carports, storage tanks, windmills, storage buildings, garden structures, greenhouses, and their enclosures, and storage and use of petroleum products. The structures and uses permitted in this section shall be for personal, non-commercial use only except as permitted in the home occupation provision of the Zoning Ordinance.
4. **Rental of single family dwellings for vacation or recreational purposes.**
5. **Raising and slaughter of poultry** up to a maximum of three (3) birds for each thirteen-hundred (1,300) square feet in the entire property, and not to exceed a total of one hundred (100) birds in all, unless a Use Permit has been secured as required in Subsection C of this Ordinance.
6. **Raising and slaughter of rabbits and other similar fur-bearing animals.** The maximum number of mature animals allowed on any parcel shall not exceed sixty (60). Any offspring of the animals allowed under this paragraph may remain on the property until they reach the normal age for weaning, unless a Use Permit has been secured as required in Subsection C of this Ordinance.

7. **The raising of sheep, goats, horses, mules, swine, bovine animals or other similar domesticated quadrupeds.** The total number of such animals shall not exceed two (2) mature animals for each acre in the entire property, unless a Use Permit has been secured as required in Subsection C of this Ordinance. Any offspring of the animals allowed under this paragraph may remain until they reach the normal age for weaning. However, no feed lot or area for concentrated feeding of more than twenty-five (25) animals may be permitted.
8. **Keeping of pack animals** in excess of the density standards in Paragraph B.7. for a period of no more than 48 hours.
9. **Open space** uses including, but not limited to, a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as agricultural land by the Land Conservation Act of 1965, as amended.
10. **Incidental and accessory structures and uses necessary** for the activities as allowed in paragraphs 5, 6, 7 and 8 above including but not limited to barns, stables, coops and silos.
11. **Power generating facilities** and their enclosures for personal, non-commercial use only, except hydroelectric facilities.
12. **The growing and harvesting of fruit and nut trees**, vines, vegetables, timber and trees grown for ornamental use, such as Christmas trees.
13. **The growing and harvesting of field crops**, grain and hay crops, and the growing of grass for pasture and grazing.
14. **Sale of agricultural products**, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber.
15. **Temporary or seasonal sale of firewood** not to exceed five (5) cords stored on the property at any one time.
16. **Signs** that pertain only to a permitted use on the property on which the sign is situated or that pertain to the sale, lease or rental of the property or a structure of personal property located on the property.
17. **Bed and Breakfast Home** with one or two guest rooms. (Added by Ord. No. 3222, effective 4-22-99)
18. **Family Day Care Home, small.** (Added by Ord. No. 3222, effective 4-22-99)

#### **USE PERMITS C.**

The establishment and operation of the following uses shall be permitted in this zone only if a Use Permit is first secured pursuant to the procedures referred to in paragraph B of Part II of Section 16 of this Ordinance. Additional special uses which are allowed in this zone are also set forth in said Part II of Section 16 of this Ordinance.

1. **A second dwelling** on a legal lot when the lot is less than forty (40) acres in area but more than ten (10) acres, and was of record at the time this zone became applicable to the property.
2. **Raising and slaughter of poultry** when more than three (3) birds for each 1300 sq. ft. in the entire property, or more than 100 birds in all, are on the property at any time.

3. **Raising and slaughter of rabbits or other furbearing animals** when a total of more than 60 mature animals are on the property at any time.
4. **Raising of sheep, goats, horses, mules, swine, bovine animals and other domesticated quadrupeds** when more than two (2) mature animals for each acre in the entire property are on the property at any time, excluding feedlots or areas for concentrated feeding of more than 25 animals.
5. **Keeping of pack animals** in excess of the density standards set forth in B.7. for a period of more than 48 hours.
6. **An increase in lot density** beyond that which is allowed by this zone as set forth in subsection B of this section which would result from a division of land in conformance with the minimum parcel size regulations.
7. Where this zone is used in conjunction with Section 14.5, the "Special Combining" Zone, in a manner which sets forth a large minimum lot area, a division of land resulting in a lot size(s) smaller than the minimum lot size represented by the number attached to this zone as it appears on the Official Zone Map of Tulare County. Divisions of land proposed pursuant to this paragraph shall only be approved when it is found that special circumstances are applicable to the property, including size, shape, topography, location, surroundings or ownership, that can provide the basis for approving the division of land in spite of the fact that an increase in density will result.
8. **Power/energy generating facilities** not set forth in Subsection B of this section, including hydroelectric facilities.
9. **Game preserve, private or public.**
10. **Guest ranch or summer camp.**
11. **Hunting and fishing clubs**, and hunting and fishing on a commercial basis for members of the public.
12. **Post Office.**
13. **Sewage treatment plant and disposal area.**
14. **Water treatment plant.**
15. **Temporary and other permanent uses** as permitted in Part II (B) of Section 16 of this Ordinance.
16. Similar uses when determined in the manner prescribed in Section 15, sub-part A(1)(b).

#### **DEVELOPMENT STANDARDS D.**

The following improvement requirements shall be applicable to any building permit for property in this zone:

1. Lot area: The minimum lot area shall be twenty thousand (20,000) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provisions of this Section. Where topography, soil conditions, or other factors as set forth in the applicable Land Use Element or Community Plan of the Tulare County General Plan have indicated a need for a larger minimum lot size, the minimum parcel size is represented by the number attached to this zone as it appears on the Official Zone Map of Tulare County, and as described in the provisions of Section 14.5 of the "Special Combining Zone" of this Ordinance.
2. Coverage: The maximum site area covered by structures shall be twenty (20) percent of the total area of the site.

3. Height: The maximum building height shall be thirty-five (35) feet to the uppermost part of the roof except as provided in Section 15 of this Ordinance. Said maximum building height shall be measured at the average level between the highest and lowest points of that portion of the site being covered by the building to the uppermost part of the roof, provided that this paragraph shall not be so interpreted as to prohibit the construction of a one (1) story building.
4. Front yard: There shall be a front yard of not less than twenty-five (25) percent of the depth of the lot provided such front yard need not exceed twenty-five (25) feet.
5. Side yard: On interior lots there shall be a side yard on each side of a building of not less than ten (10) percent of the width of the lot, provided that such side yard shall not be less than three (3) feet and need not exceed five (5) feet in width. On corner lots the side yard regulation shall be the same as for interior lots except in the case of a reverse corner lot. In the case of a reverse corner lot, there shall be a side yard on the street side of the corner lot of not less than twelve and one-half (12 1/2) feet, and no accessory building on said corner lot shall project beyond the front yard line of the lot in the rear of said corner lot; provided, further, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reverse corner lot of record at the time this section becomes effective to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.
6. Rear yard: There shall be a rear yard of not less than twenty-five (25) percent of the depth of the lot, provided such rear yard need not exceed twenty-five (25) feet.
7. Setbacks for watercourses: All new structures, except fences, shall be set back a minimum of twenty-five (25) feet from any watercourse. However, where a more restrictive setback related to flooding conditions is established by other state or local regulations, the more restrictive setback shall apply.
8. Distance between structures: The minimum distance between any structures within a parcel shall be at least ten (10) feet, and the minimum distance between an accessory structure and property line shall be at least five (5) feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral or other structure housing livestock or poultry shall be forty (40) feet.
9. Fences: Where required by applicable General Plan\*, site perimeter fencing shall be constructed in such a way as to allow passage of deer. The following minimum standard shall be required: Either the lowest fence rail or barbless wire strand shall be no lower than 18" from the ground, or the highest fence rail or barbless wire strand shall be no higher than 42" from the ground. This standard shall not be applicable to fences being erected around homesites and areas where fruit trees, vines, or vegetables are grown and harvested.  
\* NOTE: The deer passage fencing standards are presently required in the Mountain Plan for the Kennedy Meadows subarea.
10. Generators and generator sheds: Where required by applicable General Plan, electric generators shall be equipped with sound muffling devices and shall be housed or enclosed in a sound attenuating structure so as to reduce or avoid the nuisance effect to adjacent properties, except for emergency purposes only.
11. Grading standards:
  - a. All disturbed slopes shall be graded so that they are contoured to harmonize and blend with the natural slopes remaining on the site and surrounding the development site.
  - b. The slope of exposed cuts and fills shall meet the standards established in the

Improvement Standards of Tulare County as adopted pursuant to Section 7080 of the Ordinance Code of Tulare County and as said improvement standards are amended from time to time.

- c. Where cut or fill slopes intersect, the area of intersection shall be graded and shaped to closely resemble natural topography. This requirement is not applicable to cut or fill slopes composed entirely of rock material.
- d. All lots and parcels shall be designed in a manner that minimizes future grading or land disturbance.

12. Sediment, drainage and erosion control standards:

- a. Fill slopes shall not extend into natural watercourses or constructed channels. Excavated materials shall not be stored in watercourses.
- b. Immediately following completion of grading or excavation activities, temporary mulching, seeding or other suitable stabilization methods shall be undertaken to protect exposed critical areas.
- c. Any denuded or exposed slopes caused by construction activities shall be planted with native plant materials or other similar climatically adaptive vegetation which are determined suitable for protecting exposed slopes from erosion.

13. Fire protection standards:

- a. A thirty (30) foot clearance of flammable vegetation shall be provided and maintained around all new main structures.
- b. Class A fire retardant roofing materials, as established in the Uniform Building Code, shall be provided on all new buildings.
- c. Attic vent screens of corrosion-resistant wire mesh, with a mesh size of 1/4 inch, shall be provided for all vent openings. Chimney openings shall be equipped with a corrosion-resistant wire mesh screen with a mesh size of 1/2 inch. These provisions are applicable to all new buildings.
- d. House numbers shall be provided in conjunction with the establishment of all new dwelling units in those areas where a house numbering plan is available from the County. The house numbers shall be a minimum of three (3) inches high, with a one-half (1/2) inch line width, and a reflective color that contrasts sharply with the background. The numbers shall be placed so that they are clearly visible from an adjacent public roadway. If the dwelling is to be located more than one-hundred (100) feet from the public roadway, the house numbers shall be displayed upon a non-flammable sign and post to be provided at the intersection of the driveway and the public road.

**STANDARDS FOR MANUFACTURED HOMES E.**

- 1. The installation of a manufactured home in accordance with subsection B of this Section shall not be permitted if more than ten (10) years have elapsed between the date of manufacture of the manufactured home and the date of issuance of a permit to install the manufactured home.
- 2. Every manufactured home installed after the effective date of this subsection shall comply with the following architectural requirements:
  - a. Roof overhang: Shall be not less than 12 inches around the entire perimeter of the manufactured home as measured from the vertical side of the home. The overhang requirement may be waived where an accessory structure is attached to the manufactured home.

- b. Roof material: Shall consist of material customarily used for conventional one-family dwellings, such as tile, composition shingles, and wood shakes and shingles (if permitted by County fire regulations). If shingles or wood shakes are used, the pitch of the roof shall be not less than a nominal 3 inches vertical to 12 inches horizontal.
- c. Siding material: Shall consist of exterior material customarily used for conventional one-family dwellings, such as stucco, wood, brick, stone or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the manufactured home.