

Preliminary DRAFT Title 17 - Zoning

Table of Contents

Table of Contents	i
List of Tables	viii
List of Figures	ix
ARTICLE I. ZONING CODE ESTABLISHMENT, ADMINISTRATION, AND ENTITLEMENTS	1
CHAPTER 17.04 ZONING CODE ESTABLISHMENT, ADMINISTRATION, AND ENTITLEMENTS	1
17.04.010 Title	1
17.04.020 General purpose	1
17.04.030 Applicability	1
Chapter 17.06 ZONING CODE ADMINISTRATION	3
17.06.010 Purpose	3
17.06.020 Composition of the city planning agency	3
17.06.030 Responsibilities of the city council	3
17.06.040 Responsibilities of the planning commission	4
17.06.050 Responsibilities of the city manager	4
17.06.060 Responsibilities of the city planner	4
CHAPTER 17.08 APPLICATION PROCESSING PROCEDURES	5
17.08.010 Application submittal	5
17.08.020 Determination of completion	5
17.08.030 Application review and report	6
17.08.040 Public notices	7
17.08.050 Decision-Making authority	8
17.08.060 Appeals	10
17.08.070 Effective date	11
17.08.080 Permit to run with land	11
17.08.090 Permit time limits and extensions	11
17.08.100 Modification	12
17.08.110 Revocation of previously approved entitlement	12
Chapter 17.10 PERMITS AND ENTITLEMENTS	13
17.10.010 Purpose	13
17.10.020 Plan check	13

Preliminary DRAFT Title 17 - Zoning

17.10.030	Site plan review.....	14
17.10.040	Streamlined Ministerial Permit.....	18
17.10.050	Architectural design review for historic overlay district.....	20
17.10.060	Conditional use permit.....	23
17.10.070	Variance.....	25
17.10.080	Reasonable accommodation(s).....	27
17.10.090	Sign permit.....	30
17.10.100	Creative sign program.....	31
17.10.110	Uniform sign program.....	34
17.10.120	Temporary use permit.....	35
17.10.130	Development agreements.....	37
17.10.140	Planned development.....	39
17.10.150	Specific plans.....	42
17.10.160	Prezoning.....	44
17.10.170	Zoning code amendment.....	44
17.10.180	General plan amendment.....	45
Chapter 17.12	INTERPRETATION.....	47
17.12.010	Purpose.....	47
17.12.020	Applicability and authority for interpretations.....	47
17.12.030	Rules of interpretation.....	47
17.12.040	Record of interpretation.....	48
17.12.050	Appeals.....	48
Chapter 17.14	ENFORCEMENT.....	48
17.14.010	Purpose and intent.....	48
17.14.020	Enforcement authority.....	48
17.14.030	Violation—Deemed nuisance.....	49
Chapter 17.16	NONCONFORMING USES, BUILDINGS, STRUCTURES, AND LAND[2].....	49
17.16.010	Purpose.....	49
17.16.020	Regulations to apply.....	49
17.16.030	Building or structure.....	49
17.16.040	Uses.....	49

Preliminary DRAFT Title 17 - Zoning

17.16.050	Loss of nonconforming use status.	50
17.16.060	Reserved.....	50
17.16.070	Reserved.....	50
17.16.080	Reserved.....	50
17.16.090	Nonconforming parcels of land.	50
17.16.100	Signs, billboards, etc.	51
17.16.110	Nonconformance due to change of regulations.	51
17.16.120	Public utilities.....	51
17.16.130	Building under construction.	51
17.16.140	Reconstruction of damaged and nonconforming buildings.	51
17.16.150	Re-establishment of nonconforming structures voluntarily removed.....	52
17.16.160	Nonconforming due to lack of use permit.....	52
ARTICLE II.	ZONING DISTRICTS, ALLOWED USES, AND DEVELOPMENT STANDARDS.....	54
Chapter 17.20	ESTABLISHMENT OF ZONING DISTRICTS AND LAND USE CLASSIFICATION SYSTEM	54
17.20.010	Chapter purpose.	54
17.20.020	Zoning districts.	54
17.20.030	Conformance with zoning district regulations.	56
17.20.040	Zoning map.	56
17.20.050	Classification of land uses.	57
17.20.060	Allowed land uses and permit requirements.	58
17.20.070	Similar use determination.	59
Chapter 17.22	AGRICULTURAL AND RESIDENTIAL DISTRICTS.....	59
17.22.010	Chapter purpose.	59
17.22.020	Characteristics of agricultural and residential zoning districts.....	60
17.22.030	Allowed land uses and permit requirements.....	62
17.22.040	Development standards.....	68
Chapter 17.24	COMMERCIAL AND INDUSTRIAL DISTRICTS.....	72
17.24.010	Chapter purpose.	72
17.24.020	Characteristics of commercial and industrial districts.....	72
17.24.030	Allowed land uses and permit requirements.....	74

Preliminary DRAFT Title 17 - Zoning

17.24.040	Development standards.....	81
Chapter 17.25	PUBLIC/QUASI PUBLIC DISTRICTS.....	82
17.25.010	Chapter purpose.	82
17.25.020	Characteristics of public/quasi public districts.	82
17.25.030	Allowed land uses and permit requirements.	83
17.25.040	Development standards.....	85
Chapter 17.26	SPECIAL PURPOSE DISTRICTS.....	86
17.26.010	Chapter purpose.	86
17.26.020	Specific plan zoning districts.....	86
17.26.030	Planned development zoning districts.	87
Chapter 17.28	OVERLAY DISTRICTS	88
17.28.010	Chapter purpose.	88
17.28.020	Historic overlay (H) district.....	89
17.28.030	Downtown residential overlay district.	90
ARTICLE III.	SITE PLANNING STANDARDS.....	93
Chapter 17.30	BUILDING HEIGHT MEASUREMENT AND PROJECTIONS	93
17.30.010	Purpose.	93
17.30.020	Definitions.....	93
17.30.030	Height regulations.	93
17.30.040	Height measurement.....	93
17.30.050	Height exceptions.	94
Chapter 17.32	YARD MEASUREMENT AND PROJECTIONS	94
17.32.010	Purpose.	94
17.32.020	Definitions.....	95
17.32.030	Yard and setback regulations.....	95
17.32.040	Allowed encroachments/projections into required yards.	96
Chapter 17.34	PROPERTY AND UTILITY IMPROVEMENT	97
17.34.010	Purpose.	97
17.34.020	Curbs, gutters, and sidewalks.....	97
17.34.030	Underground utilities.....	98
Chapter 17.36	FENCES AND WALLS	98

Preliminary DRAFT Title 17 - Zoning

17.36.010	Purpose.	98
17.36.020	Permit requirements and exceptions.	99
17.36.030	Location and height restrictions.....	99
17.36.040	Fence and wall design standards.....	101
17.36.050	Special fence and wall requirements.....	101
Chapter 17.38	ACCESSORY STRUCTURES	103
17.38.010	Purpose.	103
17.38.020	Definitions.....	103
17.38.030	Permit requirements and exceptions.	103
17.38.040	Development standards.....	104
Chapter 17.40	PARKING.....	105
17.40.010	Purpose.	105
17.40.020	Applicability.....	105
17.40.030	Permit requirements.	106
17.40.040	General parking requirements.....	107
17.40.050	Number of parking spaces required.....	107
17.40.060	Parking requirements for the disabled.	109
17.40.070	Compact car requirements.	109
17.40.080	Parking and driveway design and development standards.....	110
Chapter 17.42	SIGNS ON PRIVATE PROPERTY	111
17.42.010	Purpose.	111
17.42.020	Policies for sign regulations.....	112
17.42.030	Definitions.....	113
17.42.040	Permits and review procedures.....	113
17.42.050	Exempt signs.....	115
17.42.060	Prohibited signs.....	118
17.42.070	General development, maintenance, and removal provisions.....	119
17.42.080	Design standards.....	123
17.42.090	Allowed permanent on-site sign standards.	128
17.42.100	Allowed temporary on-site sign standards.	130
17.42.110	Allowed off-site signage.....	131

Preliminary DRAFT Title 17 - Zoning

17.42.120	Nonconforming signs and abandoned signs.	133
Chapter 17.44	SIGNS ON CITY PROPERTY	134
17.44.010	Purpose and proprietary capacity.	134
17.44.020	Intent as to public forum.	134
17.44.030	Definitions.....	134
17.44.040	General prohibition.....	134
17.44.050	Certain governmental signs.....	134
17.44.060	Temporary signs displaying non-commercial message.....	135
17.44.070	Street banner program.	135
17.44.080	Special event signage.....	136
17.44.090	Long term leased signage.....	137
ARTICLE IV.	STANDARDS FOR SPECIFIC RESIDENTIAL USES.....	138
Chapter 17.110	HOME OCCUPATIONS.....	138
17.110.010	Purpose.....	138
17.110.020	Definitions.....	138
17.110.040	Business license.....	138
17.110.050	Plan check required.	138
17.110.060	Limitations of use.	138
17.110.070	Performance standards.	140
17.110.080	Conditions.....	141
17.110.090	Home owners association.....	141
Chapter 17.112	ACCESSORY DWELLING UNITS	142
17.112.010	Purpose.....	142
17.112.020	Applicability.....	142
17.112.030	Development Standards.....	142
17.112.050	Review Process for ADUs and JADUs Not Complying with Section 17.112.030...149	
Chapter 17.114	MULTIFAMILY STANDARDS.....	149
17.114.010	Applicability.....	149
17.114.020	Purpose.....	149
17.114.030	Standards	150
Chapter 17.116	Provisions for Specified Housing Types	156

Preliminary DRAFT Title 17 - Zoning

17.116.010	Manufactured housing	156
17.116.020	Employee Housing (Six or fewer employees).....	156
17.116.030	Agricultural Employee Housing	156
17.116.040	– Emergency Shelters.....	157
17.116.050	– Supportive Housing	158
17.116.060	– Low Barrier Navigation Centers	158
Chapter 17.118	Duplex Units in Single Family Zones.....	159
17.118.010	Purpose.....	159
17.118.020	Streamlined Ministerial Permit.....	159
17.118.020	Development Standards.....	159
17.118.020	Denial	160
Chapter 17.110	STATE DENSITY BONUS AND OTHER INCENTIVES.....	160
17.120.010	Purpose.....	160
17.120.020	– Density Bonus and Incentives.	161
17.120.080	Process for approval or denial.....	167
Chapter 17.122	Day Care Homes.....	168
Section 17.122.010	Family Day Care Homes	168
Article V	– Standards for Non-Residential Uses.....	169
Chapter 17.210	WIRELESS COMMUNICATION FACILITIES.....	169
17.210.010	Purpose and applicability.....	169
17.210.020	Definitions.....	169
17.210.030	Permit requirements.....	169
17.210.040	Application requirements.	169
17.210.050	Exemptions.	170
17.210.060	Development standards.....	171
17.210.070	Operation and maintenance standards.	174
17.210.080	Removal provisions.....	174
Chapter 17.220	TEMPORARY USES	174
17.220.010	Purpose.....	174
17.220.020	Permit required.	175
17.220.030	Temporary use regulations.	175

Preliminary DRAFT Title 17 - Zoning

17.220.040	Similar uses.....	177
Chapter 17.230	Medical Marijuana	177
17.230.010	Medical marijuana.....	177
ARTICLE VI.	GLOSSARY	182
Chapter 17.300	GLOSSARY OF TERMS.....	182
17.300.010	Purpose.....	182
17.300.020	General definitions.....	183
Chapter 17.310	ALLOWED USE DEFINITIONS	215
17.310.010	Purpose.....	215
17.310.020	Allowed use definitions.	215

List of Tables

Table 17.08.050-1	Decision-Making Authority.....	8
Table 17.08.060-1:	Appeal Authority	10
Table 17.20.020-1:	Zoning Districts.....	55
Table 17.22.030-1:	Allowed Uses and Permit Requirements for Agricultural and Residential Zoning Districts	62
Table 17.22.040-1:	Development Standards for Agricultural and Residential Zoning Districts.....	68
Table 17.24.030-1:	Allowed Uses and Permit Requirements for Commercial and Industrial Zoning Districts	74
Table 17.24.040-1:	Development Standards for Commercial and Industrial Zoning Districts.....	81
Table 17.25.030-1:	Allowed Uses and Requirements for Public/Quasi Public Zoning Districts.....	83
Table 17.25.040-1:	Development Standards for Public/Quasi Public Zoning Districts	86
Table 17.28.030-1:	Development Standards for the Downtown Residential Overlay (DR) Zoning District	91
Table 17.36.030-1:	Maximum Height of Fences and Walls in Required Yard Area	99
Table 17.38.040-1	Development Standards for Accessory Structures.....	104
Table 17.40.050-1:	Parking Requirements by Land Use.....	108
Table 17.42.090-1:	Allowed Permanent On-Site Sign Standards.....	129
Table 17.42.100-1:	Temporary Sign Standards	131

Preliminary DRAFT Title 17 - Zoning

List of Figures

Figure 17.30.040-1: Measurement of Height	94
Figure 17.32.040-1: Single-Family Encroachment	97
Figure 17.36.030-1 Front and Side Street Setback Areas.....	100
Figure 17.36.030-2: Measurement of fence height on parcels with different elevations.....	101
Figure 17.42.070-1: Sign Area	120
Figure 17.42.070-2: Awning or Canopy Sign Area.....	121
Figure 17.42.070-3: Freestanding Sign Area.....	122
Figure 17.42.070-4: Area of three-dimensional objects.....	122
Figure 17.42.080-1: Awning and Canopy Sign	125
Figure 17.42.080-2: Text Scale.....	126
Figure 17.42.080-3: Multiple Element Signs	127
Figure 17.300.020-1: A-frame Sign.....	185
Figure 17.300.020-2: Bracket Sign.....	187
Figure 17.300.020-3: Blade Sign	187
Figure 17.300.020-4: Building Frontage and Primary Building Frontage.....	188
Figure 17.300.020-5: Can Sign	189
Figure 17.300.020-6: Changeable Copy Sign	190
Figure 17.300.020-7: Channel Letter Sign.....	190
Figure 17.300.020-8: Clear Visibility Triangle.....	192
Figure 17.300.020-9: Electronic Message Sign.....	194
Figure 17.300.020-10: Corner lot	197
Figure 17.300.020-11: Double frontage lot	198
Figure 17.300.020-12: Flag lot.....	198
Figure 17.300.020-13: Interior Lot.....	199
Figure 17.300.020-14 Lot Lines (lots along cul-de-sacs, elbows, or other roadways).....	202
Figure 17.300.020-15 Lot Lines—Irregular Lots.....	203
Figure 17.300.020-16: Monument Sign.....	204
Figure 17.300.020-17: Pole Sign	207
Figure 17.300.020-18: Push Pin Letter Sign.....	208
Figure 17.300.020-19: Pylon Sign.....	208

Preliminary DRAFT Title 17 - Zoning

Figure 17.300.020-20: Reverse Channel Letter Sign.....	209
Figure 17.300.020-21: Yard area	214

ARTICLE I. ZONING CODE ESTABLISHMENT, ADMINISTRATION, AND ENTITLEMENTS

CHAPTER 17.04 ZONING CODE ESTABLISHMENT, ADMINISTRATION, AND ENTITLEMENTS

17.04.010 Title.

This title shall be known as the "Zoning Code of the City of Lone."

(Ord. No. 423, § 2, 4-21-2009)

17.04.020 General purpose.

The ~~city-land-use~~ zoning code carries out the policies of the lone general plan by classifying and regulating the uses of land and structures within the city, consistent with the general plan and the Municipal Code. This zoning code is adopted and established to serve the public health, safety, comfort, convenience, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources, and to encourage, guide, and provide a definite plan for the future growth and development of the city. More specifically, the purposes of this zoning code are to:

- A. Provide standards and guidelines for the orderly growth and development of the city that will assist in protecting the characteristics and community identity of lone;
- B. Create a comprehensive and stable pattern of land uses up on which to plan transportation, water supply, sewer serviceage, and other public facilities and utilities;
- C. Conserve and protect the city's natural features such as creeks, oak trees, and historic and environmental resources;
- D. Minimize automobile congestion by promoting safe and effective traffic circulation, and adequate off-street parking facilities; and
- E. Ensure compatibility between residential and non-residential development and land uses.

(Ord. No. 423, § 2, 4-21-2009)

17.04.030 Applicability.

- A. Relationship to prior ordinance. The provisions of this title, as it existed prior to the effective date of the ordinance enacting this title, Ordinance No. 423, are repealed and superseded as provided in Ordinance No. 423. No provision of this title shall validate or legalize any land use or structure established, constructed, or maintained in violation of the title as it existed prior to its repeal by Ordinance No. 423.
- B. Prior rights and violations. The enactment of this title shall not terminate or otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance, nor shall violation of prior ordinance be excused by the adoption of this title.

Preliminary DRAFT Title 17 - Zoning

- C. New land uses or structures. It shall be unlawful, and a violation of the Municipal Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of this title.
- D. Continuation of an existing land use or structure. It is unlawful and a violation of the Municipal Code for anyone to use a parcel or structure in a manner that violates any provision of this title. However, a land use that was lawfully established before this title was enacted, or before enactment of any applicable amendment to this title, may continue as provided in Chapter 17.16 (Nonconforming uses). No expansion or modification to a pre-existing legal nonconforming use or structure shall be permitted except as allowed by Chapter 17.16 (Nonconforming uses).
- E. Subdivisions. Any subdivision of land proposed within the city after the effective date of this zoning code shall be consistent with the minimum lot size requirements of Article II, zoning districts, allowable uses, and development standards, the subdivision requirements of the city subdivision code (Title 16), and all other applicable requirements of this zoning code.
- F. Effect of zoning code changes on pending applications. Following the effective date of this title, or any amendment of this title, regulations of this title are applicable to all pending entitlement applications, unless prohibited by state law. Entitlement applications are no longer deemed pending once the appeal period has expired or the appeal process fully exercised.
- G. Conflicting requirements.
 - 1. Zoning code and Municipal Code provisions. If conflicts occur between requirements of this zoning code, or between this zoning code, the Municipal Code, or other plans and policies adopted by the city, the zoning code shall govern.
 - 2. Development agreements. If conflicts occur between the requirements of this zoning code and standards adopted as part of any development agreement, the requirements of the development agreement shall govern.
 - 3. Private agreements. This zoning code applies to all land uses and development but may not affect private agreements or restrictions in the use of land or development of structures. The city shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.
- H. Other requirements/permits. Nothing in this zoning code eliminates the need for obtaining any other permits required by the city, or any permit, approval, or entitlement required by the regulations of any regional, state, or federal agency.
- I. Public nuisance. Neither the provisions of this title nor the approval of any permit authorized by this title shall authorize the maintenance of any public nuisance as defined in this Municipal Code.
- J. Severability, partial invalidation of zoning code. If any portion of this title is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determinations shall not affect the validity of the remaining portions of this title. The city council hereby declares that this title and each article, chapter, section, subsection,

Preliminary DRAFT Title 17 - Zoning

paragraph, subparagraph, sentence, clause, phrase and portion thereof is adopted without regard to the fact that one or more portions of this title may be declared invalid, unconstitutional, or unenforceable.

(Ord. No. 423, § 2, 4-21-2009)

Chapter 17.06 ZONING CODE ADMINISTRATION

Sections:

17.06.010 Purpose.

The purpose of this chapter is to establish the administration of this title and to set forth the basic responsibilities of the officials and bodies charged with its administration.

(Ord. No. 423, § 2, 4-21-2009)

17.06.020 Composition of the city planning agency.

California Government Code Section 65100 requires each jurisdiction to establish a planning agency to carry out the land use and planning functions of the jurisdiction. The functions of the planning agency, as designated by this title, may be performed by any one of the following groups or individuals, as further defined in this chapter and title:

- A. City council.
- B. Planning commission.
- C. City manager.
- D. City planner.

Agencies responsible for enforcing and implementing this title shall have such duties as assigned by this title. Where this title fails to assign any land use and planning functions, the city council shall have the planning agency responsibility and activity.

(Ord. No. 423, § 2, 4-21-2009)

17.06.030 Responsibilities of the city council.

The city council shall have the following land use responsibilities:

- A. Appoint members of the planning commission.
- B. Hear and decide appeals of the decisions of the planning commission.
- C. Hear and decide applications for amendments to the general plan, amendments to the zoning code text and map, and applications for specific plans, planned developments, and development agreements and amendments thereto. In the event that applications for other land use permits are requested in conjunction with these entitlements, the city council shall also be the final decision-making body for such land use permits.

Preliminary DRAFT Title 17 - Zoning

- D. Direct planning-related policy amendments and special studies as necessary or desired.
- E. Exercise such other powers and duties as are prescribed by state law or local ordinance.

(Ord. No. 423, § 2, 4-21-2009)

17.06.040 Responsibilities of the planning commission.

The planning commission shall have the following land use responsibilities:

- A. Hear and decide appeals of the decisions of the city planner.
- B. Hear and decide applications for conditional use permits, variances, historic architectural review, site plan review, boundary line adjustments, tentative subdivision maps, and tentative parcel maps.
- C. Hear and make recommendations to the city council on applications or proposals for amendments to this title.
- D. Initiate studies of amendments to this title and make recommendations to the city council for amendments to this title.
- E. Hear and make recommendations to the city council on applications for zoning amendments, general plan and amendments thereto, specific plans, planned developments, rezoning, and other related planning studies.
- F. Exercise such other powers and duties as are prescribed by state law, local ordinance, or as directed by the city council.

(Ord. No. 423, § 2, 4-21-2009)

17.06.050 Responsibilities of the city manager.

The city manager shall have the following land use responsibilities:

- A. Oversee the work of the city planner.
- B. Negotiate and conduct periodic review of development agreements.

(Ord. No. 423, § 2, 4-21-2009)

17.06.060 Responsibilities of the city planner.

The city planner shall have the following land use responsibilities:

- A. Maintain the sections of this title, zoning map, and all records of zoning actions and interpretations.
- B. Advise the city council, city manager, and planning commission on planning matters.
- C. ~~Issue-Review~~ and decide matters related to ministerial ~~permits~~actions as shown in Table 17.08-050-1.

Preliminary DRAFT Title 17 - Zoning

- D. Staff meetings ~~and provide administrative services~~ for the planning commission.
- E. Direct planning-related policy amendments and special studies as necessary or desired.
- F. Conduct administrative functions authorized by this title, including distribution and receipt of permit applications and corresponding fees, application review and public noticing, determination and issuance of ministerial permits and approvals, and preparation of staff reports with recommendations, proposed findings, and proposed conditions for quasi-judicial and legislative actions by designated planning agencies. For a comprehensive list of permits, see Chapter 17.10, Entitlements.
- G. Provide information to the public and facilitate public participation on planning matters.
- H. Exercise such other powers and duties as are prescribed by state law, local ordinance, or as directed by the city manager.

(Ord. No. 423, § 2, 4-21-2009)

CHAPTER 17.08 APPLICATION PROCESSING PROCEDURES

17.08.010 Application submittal.

All applications for land use and development permits and actions pertaining to this title shall be submitted to the city planning department on a city application form, together with all fees, plans, maps, and any other information required by the city planning department. Every application for a land use or development permit shall include a completed application form designated for the particular request, applicant signature(s), agent authorization as appropriate, and processing fee(s) established by city council resolution. Additionally, each application requires the submittal of particular maps, plans, and other data about the project development, project site and vicinity deemed necessary by the city planner to provide the ~~approving decision-making~~ authority~~ies~~ with adequate information on which to base decisions. Each permit application form lists the necessary submittal materials for that particular type of permit.

(Ord. No. 423, § 2, 4-21-2009)

17.08.020 Determination of completion.

- A. Application completeness. Within 30 days of application submittal to the city planning department, the city planner shall determine whether or not the application is complete. The city planner shall notify the applicant of the determination either that:
 - 1. All the submittal requirements have been satisfied and that the application has been accepted as complete; or
 - 2. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with city standards and requirements.
- B. Notwithstanding paragraph A, in order to expedite the determination of completeness for ministerial permits and actions issued by the city planner, ~~zoning code interpretation and~~

Preliminary DRAFT Title 17 - Zoning

~~plan check (e.g., plan check), ministerial permit~~ applications shall be deemed complete within ten working days unless the applicant is otherwise notified in writing within that time period of additional information necessary to complete the application.

- ~~C.B.~~ Application completeness without notification. If the written determination is not made within 30 days after receipt of the application and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter.
- ~~D.C.~~ Resubmittal. Upon receipt and resubmittal of any incomplete application, a new 30-day period shall begin during which the city planner shall determine the completeness of the application. Application completeness shall be determined and noticed as specific in Subsection A. (Application completeness).
- ~~E.D.~~ Incomplete application. If additional information or submittals are required and the application is not made complete within six months of the completeness determination letter, the application shall be deemed by the city to have been withdrawn, and no action will be taken on the application. Unexpended fees, as determined by the city planner, will be returned to the applicant. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits and other materials must then be filed in compliance with this article.
- ~~F.E.~~ Right to appeal. The applicant may appeal the determination in accordance with Section 17.08.060 (Appeals) and the Permit Streamlining Act (California Government Code Section 65943).

(Ord. No. 423, § 2, 4-21-2009)

17.08.030 Application review and report.

After acceptance of a complete application, the ~~project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA). The city planner will review the project for consistency with the Zoning Code, General Plan, and all applicable planning requirements and will~~ consult with other departments as appropriate to ensure compliance with all provisions of the Municipal Code and other adopted policies and plans. ~~If the project is requesting a discretionary permit, the project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA).~~ The city planner will prepare a report (the staff report) to the ~~designated approving authority decision-making authority~~ (planning commission and/or city council) describing the project, along with a recommendation to approve, conditionally approve, or deny the application. The report shall be provided to the applicant and property owner at the same time as it is provided to the ~~approving authority decision-making authority~~ prior to consideration of the entitlement request. The report may be amended as necessary or supplemented with additional information at any time prior to the hearing to address issues or information not reasonably known at the time the report is due.

(Ord. No. 423, § 2, 4-21-2009)

Preliminary DRAFT Title 17 - Zoning

17.08.040 Public notices.

- A. Public hearing required. The following procedures shall govern the notice and public hearing, where required, for consideration of a permit. In accordance with planning and zoning law, the Subdivision Map Act, and the California Environmental Quality Act, public hearings shall be required for all quasi-judicial permits (e.g., variance, conditional use permit, site plan review) and legislative actions of the city (e.g., specific plans, planned developments, zoning amendments, and general plan amendments). The hearing(s) shall be held before the ~~designated approving authority~~decision-making authority as identified in this title.
- B. Notice of hearing. Pursuant to California Government Code Section 65091, not less than ten days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, a general explanation of the matter to be considered, and a general description of the real property (text or diagram), if any, which is the subject of the hearing.
1. Notice of the public hearing shall be published in at least one newspaper of general circulation in the city.
 2. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners and tenants of property within a radius of 300 feet of the exterior boundaries of the property involved in the application, using for this purpose that last known name and address of such owners as shown upon the current tax assessors records. If the number of owners exceeds 1,000, the city may, in lieu of mailed notice, provide notice by placing notice of at least one-eighth page in one newspaper of general circulation within the city.
 3. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent, and to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the proposed project.
 4. Notice of the public hearing shall be provided to each local agency expected to provide water, sewage, streets, roads, schools, or other essential functions or services to the project whose ability to provide those facilities and services may be significantly affected.
 5. Notice of the public hearing shall be posted at city hall and in at least two other public places within the boundaries of the city, including one place in the area directly affected by the proceeding.
- C. Requests for notification. Any person who requests to be on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the city clerk. The city may impose a reasonable fee for the purpose of recovering the cost of such notification.
- D. Failure to receive notice. Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this title shall not constitute grounds for any court to invalidate the actions of a ~~designated approving authority~~decision-making authority for which the notice was given.

Preliminary DRAFT Title 17 - Zoning

- E. Hearing procedure. Hearings as provided for in this chapter shall be held at the date, time, and place for which notice has been given as required in this chapter. The ~~designated approving authority~~decision-making authority shall conduct the public hearing and hear testimony. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued. If the hearing is not continued to a specific date/time, then the hearing shall be re-noticed.

(Ord. No. 423, § 2, 4-21-2009)

17.08.050 ~~Approving Decision-Making~~ authority.

The ~~approving decision-making~~ authority as designated in Table 17.08.050-1 (~~Approving Decision-making~~ authority) shall approve, conditionally approve, or deny the proposed land use or development permit in accordance with the requirements of this title. ~~Table 17.08.050-1 identifies both recommending (R) and final (F) authorities for each permit.~~ When a proposed project requires more than one permit with more than one ~~approving decision-making~~ authority, all project permits shall be processed concurrently and final action shall be taken by the highest level ~~designated decision-making~~approving authority for all such requested permits. In acting on a permit, the ~~approving decision-making~~ authority shall make the applicable findings as established in Chapter 17.10, permit requirements, and as may be required by other laws and regulations. An action of the ~~decision-making~~approving authority may be appealed pursuant to procedures set forth in Section 17.08.060, appeals.

Table 17.08.050-1 ~~Approving Decision-Making~~ Authority

Type of Permit or Decision	<u>Applicable Chapter</u>	Designated Approving <u>Decision-Making</u> Authority ¹ "R" symbolizes the "Recommending Body" "F" symbolizes the "Final Decision-Making Body"		
		City Planner	Planning Commission	City Council
Zoning Code Interpretation	<u>17.12</u>	F		
Plan Check	<u>17.10.020</u>	F		
<u>Administrative Site Plan Review (Ministerial)</u>	<u>17.10.030</u>	<u>F</u>		
Site Plan Review (Discretionary)	<u>17.10.030</u>	R	F	
<u>Streamlined Ministerial Permit</u>	<u>17.10.040</u>	F ²		

Preliminary DRAFT Title 17 - Zoning

Administrative Architectural Design Review	17.10.050	F		
Comprehensive Architectural Design Review	17.10.050	R	F	
Conditional Use Permit	17.10.060	R	F	
Minor Variance	17.10.070	E		
Major Variance	17.10.070	R	F	
Reasonable Accommodation(s)	17.10.080	E		
Sign Permit	17.10.090	E		
Creative Sign Program	17.10.100	E		
Uniform Sign Program	17.10.110	R	E	
Temporary Use Permit	17.10.120	E		
Development Agreement	17.10.130	R	R	E
Planned Development	17.10.140	R	R	F
Specific Plan	17.10.150	R	R	F
Density Bonus	17.46		R	E
Reasonable Accommodation(s)		F		
Sign Permit		F		
Creative Sign Program		F		
Uniform Sign Program		R	F	
Temporary Use Permit		F		
Development Agreement		R	R	F
Prezoning	17.10.160	R	R	F
Zoning Amendment (Text and Map)	17.10.170	R	R	F
General Plan Amendment	17.10.180	R	R	F

Notes:

1. All listed actions are subject to appeal pursuant to Section 17.08.060.

2. [May be referred to Planning Commission for ministerial review by the City Planner.](#)

(Ord. No. 455, § 3, 12-6-2011 ; Ord. No. 423, § 2, 4-21-2009)

Preliminary DRAFT Title 17 - Zoning

17.08.060 Appeals.

- A. Purpose. This section identifies the procedures for filing and processing an appeal consistent with California Government Code Section 65900 et. seq. The appeal provisions of this section shall govern appeals of all planning and zoning matters, and other entitlement procedures in this title.
- B. Appeal applicability and authority. Any person dissatisfied with a determination or action of the city planner or planning commission made pursuant to this article, may appeal such action to the designated appeal authority listed in Table 17.08.060-1 (Appeal authority) below, within ten days from the date of the action. Actions by the city council are final and no further administrative appeals are available.

Table 17.08.060-1: Appeal Authority

Approving Decision-Making Authority for Action Being Appealed	Appeal Authority	
	Planning Commission	City Council
City Planner	X	
Planning Commission		X

- C. Filing an appeal. All appeals shall be submitted in writing, identifying the determination or action being appealed and specifically stating the basis or grounds of the appeal. Appeals shall be filed within ten days following the date of determination or action for which an appeal is made, accompanied by a filing fee established by city council resolution, and submitted to the city clerk. The filing of an appeal shall stay the issuance of any necessary subsequent permit(s) associated with any right or entitlement that will be subject of the appeal (e.g., building permits).
- D. Notice and schedule of appeal hearings. Unless otherwise agreed upon by the person filing the appeal and the applicant, appeal hearings should be conducted within 45 days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of Section 17.08.040, public notices.
- E. Appeal hearing and action. Each appeal shall be considered a de novo (new) hearing and the appeal authority may reverse, modify, or affirm the decision in whole or in part. In taking its action on an appeal, the appeal authority shall state the basis for its action. The appeal authority may modify, delete, or add such conditions as it deems necessary. The appeal authority may also refer the matter back to the original ~~approving decision-making~~ authority for further action. The action of the appeal authority is final on the date of decision and, unless expressly provided by the chapter, may not be further appealed. A person may seek judicial review of a final decision of the city in accordance with applicable sections of the California Government Code or Code of Civil Procedures.

(Ord. No. 423, § 2, 4-21-2009)

Preliminary DRAFT Title 17 - Zoning

17.08.070 Effective date.

Generally, the action to approve, conditionally approve, or deny a permit or entitlement authorized by this title shall be effective on the 11th day after the date of action, immediately following expiration of the ten-day appeal period. Legislative actions by the city council (zoning amendment, general plan amendment, specific plans, development agreements) become effective 30 days from the date of final action and may not be appealed. In accordance with Section 17.12.030 (Rules of interpretation), where the last of the specified number of days falls on a weekend or city holiday, the time limit of the appeal shall extend to the end of the next working day. Permit(s) shall not be issued until the effective date of required permit.

No application for a variance, conditional use permit, or zoning map amendment which has been denied shall be considered by the ~~approving decision-making~~ authority within one year from the date of the action to deny, except on the grounds of new evidence of proof of changed conditions found by the planning commission.

(Ord. No. 423, § 2, 4-21-2009)

17.08.080 Permit to run with land.

Unless otherwise conditioned, land use and development permits and approvals granted pursuant to the provisions of this chapter shall be transferable upon a change of ownership of the site, business, service, use or structures, provided that the use and conditions of the original permit or approval are fully complied with, and the project is not modified or enlarged/expanded.

(Ord. No. 423, § 2, 4-21-2009)

17.08.090 Permit time limits and extensions.

- A. Time limits conditioned. As part of the conditions of approval, the ~~designated approving decision-making~~ authority may establish a time limit for the exercising of an entitlement. In the case of tentative maps, the time limits shall be as provided by state law.
- B. Exercising permits. The exercise of a permit occurs when the property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon such permit(s). Such exercise of a permit constitutes the vested right to complete the work authorized by the permit. A permit may be otherwise exercised by a condition of the permit or corresponding legal agreement that specifies that other substantial efforts or expenditures constitutes exercise of the permit. Unless otherwise provided, permits that have not been exercised prior to a zoning amendment, which would make the permitted use or structure nonconforming, shall automatically be deemed invalid on the effective date of the zoning amendment.
- C. Permit extensions. The same ~~approving authority~~~~decision-making authority~~ that granted the original permit may extend the period within which the exercise of a permit must occur. An application for extension shall be filed not less than 30 days prior to the expiration date of the permit, along with appropriate fees and necessary submittal materials listed in this title. The approval of an extension extends the expiration date for one year from the original permit date.

Preliminary DRAFT Title 17 - Zoning

The permit, as extended, may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved. The extension may be granted only when the ~~designated approving authority~~decision-making authority finds that the original permit findings can be made and that there are changed circumstances or that there has been diligent pursuit to exercise the permit that warrants such extension.

(Ord. No. 423, § 2, 4-21-2009)

17.08.100 Modification.

Any person holding a permit granted under this title may request a modification or amendment to that permit. For the purpose of this section, the modification of a permit may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit.

If the city planner determines that a proposed project action is not in substantial conformance with the original approval, the city planner shall notify the property owner of the requirement to submit a permit modification application for consideration and action by the same ~~approving authority~~decision-making authority as the original permit. A permit modification may be granted only when the ~~approving authority~~decision-making authority makes all findings required for the original approval, and the additional finding that there are changed circumstances sufficient to justify the modification of the approval.

(Ord. No. 423, § 2, 4-21-2009)

17.08.110 Revocation of previously approved entitlement.

- A. Purpose. The purpose of this section is to provide for the revocation of any permit or entitlement (e.g., variance, conditional use permit) granted under this title.
- B. Grounds for revocation. In the event a permit holder or the permit holder's successor in interest, fails to comply with any or all conditions of entitlement approval, the city council, planning commission, or city planner, may institute a revocation proceeding if it is determined that there is substantial likelihood that any of the following situations exist:
 1. The permit was obtained or extended by false, misleading, or incomplete information;
 2. One or more conditions of approval have not been implemented or have been violated; or
 3. The activities, or the use itself, are substantially different from what was approved.
- C. Initiation of action. The revocation of a permit may be initiated by any of the city's designated planning agencies as identified in Section 17.06.020 (Composition of the city planning agency). The designated planning agency shall specify in writing to the permittee the basis upon which the action to revoke the permit is to be evaluated during the hearing to revoke.
- D. Revocation hearing.

Preliminary DRAFT Title 17 - Zoning

1. A public hearing is required for any action to revoke a permit. The hearing shall be held by the original ~~approving authority~~decision-making authority for the subject permit. The hearing shall be noticed in the same manner required for the granting of the original permit pursuant to Section 17.08.040 (Public notices).
2. In its discretion, the ~~designated approving authority~~decision-making authority may modify or delete the conditions of approval or add new conditions of approval in lieu of revoking a permit in order to address the issues raised by the revocation hearing. The action on the revocation is subject to appeal in accordance with the provisions of Section 17.08.060 (Appeals).

E. Permit issued in error. Any approval or permit issued in error may be revoked by the decision-making authority upon written notice to the permit holder of the reason for the revocation.

(Ord. No. 423, § 2, 4-21-2009)

Chapter 17.10 PERMITS AND ENTITLEMENTS

17.10.010 Purpose.

The purpose of this chapter is to establish the procedures for administering all planning and zoning-related permits and entitlements required and regulated by the city in accordance with this title. ~~Such permits and entitlements generally fall into three categories based on the type of permit or action and the level of review:~~

- ~~A. Ministerial permits and actions (e.g., plan check, sign permit, temporary use permit);~~
- ~~B. Quasi-judicial permits and actions (e.g., variance, conditional use permit); and~~
- ~~C. Legislative actions (e.g., zoning code amendment, general plan amendment).~~

Each permit type is described in this chapter in terms of purpose and applicability, ~~approving authority~~, and unique processing provisions. See Chapter 17.08 (Application processing procedures) for general application submittal, review, noticing/hearing, decision-making authorities, and appeal provisions. The permit process for review, decision, and appeal of signs is listed in Chapter 17.42 (Signs). Exemptions to permit requirements are listed throughout this title. Provisions for tentative maps, parcel maps, and final maps are listed in Title 16.

(Ord. No. 423, § 2, 4-21-2009)

17.10.020 Plan check.

- A. Purpose and applicability. The purpose of the plan check is to ensure that all new and modified uses and structures comply with applicable provisions of this title, using simple administrative plan check procedures. Plan check is required for the following actions:
 1. All structures that require a building permit;
 2. All planning entitlement applications to ensure compliance with applicable conditions of approval; and

Preliminary DRAFT Title 17 - Zoning

3. For other city applications, including tree removal, business license, encroachment, and grading and improvement plans.

~~B. Approving authority. The designated approving authority for plan check is the city planner. The city planner may approve, conditionally approve, or deny the plan check in accordance with the requirements of this title.~~

~~B.~~ Process. No separate application form is necessary for plan check. This process will be conducted by the city planner as part of the building permit entitlement or other city application review. Plan check clearance shall be granted only when the city planner finds the proposal to be in conformance with all applicable provisions of this title. The city planner may modify plans in whole or in part, apply conditions of approval, or require guarantees to ensure compliance with applicable provisions of this title. Any permit or application listed in Subsection A. shall not be issued without approval of plan check.

(Ord. No. 423, § 2, 4-21-2009)

17.10.0390- Site plan review.

- A. Purpose and intent. The purpose of site plan review is to provide a process for promoting the orderly and harmonious growth of the city; to encourage development in keeping with the desired character of the city; and to ensure physical and functional compatibility between uses. This site plan review permit established by this chapter is intended to provide a process for consideration of development proposals to ensure that the design and layout of commercial, retail, industrial or institutional uses or multifamily residential development will constitute suitable development and will not result in a detriment to the city or to the environment. There are two types of site plan review:

1. Administrative Site Plan Review – SP(a). An Administrative Site Plan Review is a ministerial, non-discretionary review by the decision-making authority of a project application to determine compliance with the provisions of this Code and the lone General Plan.

2. Discretionary Site Plan Review – SP(d). A Discretionary Site Plan Review is a discretionary review by the decision-making authority of a project application to determine compliance with the provisions of this Code and the lone General Plan.

- B. Applicability.

1. A discretionary site plan review permit is required for the following items:

- a1. Multifamily residential development;

- b. Single family residential homes, except those addressed under paragraph 2 (Administrative Site Plan Review) or Subsection C (Exemptions);

- c2. Non-residential development (e.g., commercial, office, industrial, public/quasi-public);

Preliminary DRAFT Title 17 - Zoning

- d3. Additions to the above projects where 500 or more gross square feet is being added to existing structures;
- e4. Fences and walls not otherwise exempt under Section 17.36.020 (Permit requirements and exemptions); and
- f5. Any item not listed in paragraph 2 or Subsection C., for which the city planner determines that a site plan review permit is required.

2. An administrative site plan review permit is required for the following items:

- a. A project of up to two single family homes;
- b. One duplex (projects proposing more than one duplex or other residential dwelling types in addition to one duplex require a discretionary site plan review);
- c. One triplex (projects proposing more than one triplex or other residential dwelling types in addition to one triplex require a discretionary site plan review);
- d. One fourplex (projects proposing more than one fourplex or other residential dwelling types in addition to one fourplex require a discretionary site plan review);
- e. Additions to single family residential homes greater than 150 square feet and less than 500 square feet in size;
- f. Additions to non-residential structures greater than 150 square feet and less than 500 square feet in size;
- g. Accessory structures 500 square feet or larger; and
- h. Uses identified as requiring an administrative site plan review in Tables 17.22.030-1 and 17.24-030-1.

- C. Exemptions. The following structures and activities are exempt from site plan review. However, such structures may require additional permits and plan check, such as a ministerial building permit, to ensure compliance with adopted building code standards and applicable zoning code provisions.

- 1. Single family homes that are within an approved subdivision that has received site plan review approval;
- 2. Additions to single family residential homes less than 150 square feet in size;
- 3. Additions to non-residential structures less than 500-150 square feet in size;
- 4. Accessory structures less than 500 square feet~~consistent with the provisions of this title;~~
- 5. Installation of signs;
- 6. Repairs and maintenance to the site or structure that do not add to, enlarge, or expand the area occupied by the structure, or the gross floor area of the structure.
- 7. Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure (e.g., tenant improvements); and

Preliminary DRAFT Title 17 - Zoning

8. Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment).

9. Projects subject to a streamlined ministerial process under Section 17.10.040.

~~D. Submittal requirements. Section 17.08.010 (Application submittal) identifies the requirement for submittal of any application to the city for permit or entitlement. In addition to this general requirement, the city shall require, at a minimum, that the following be submitted for a site plan review:~~

- ~~1. A completed city application form indicating, among other things, the applicant's name, address, and telephone number;~~
- ~~2. Address of the property for which the request is being made;~~
- ~~3. Detailed project description;~~
- ~~4. A site plan showing the location of proposed structure(s) in relation to surrounding properties and structures; and~~
- ~~5. Such other relevant information as may be requested by the city planner or his or her designee in order to provide the approving authority with adequate information on which to base a decision.~~

~~ED. Approving authority~~Timing. The designated approving authority for site plan review is the planning commission. The city planner provides a recommendation and the planning commission approves, conditionally approves, or denies the site plan review application in accordance with the requirements of this title. Site plan review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action for corresponding development applications.

EF. Considerations. In conducting a site plan review, the ~~designated approving authority~~decision-making authority shall consider the following:

1. Considerations relating to site layout, the orientation and location of building, signs, other structures, open spaces, landscaping and other development features in relation to the physical characteristics, zoning, and land use of the site and surrounding properties;
2. Considerations relating to traffic, safety, and traffic congestion, including the effect of the development plan on traffic conditions on abutting streets, the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways, the adequacy of off-street parking facilities to prevent traffic congestion, and the circulation patterns within the boundaries of the development;

Preliminary DRAFT Title 17 - Zoning

3. Considerations necessary to ensure that the proposed development is consistent with the general plan and all applicable specific plans or planned development master plans, including but not limited to the density of residential units; and
4. Considerations relating to the availability of city services, including, but not limited to, water, sewer, drainage, police and fire; and whether such services are adequate based upon city standards.

~~FG.~~ Findings. A site plan review permit or any modification thereto shall be granted only when the ~~designated approving authority~~decision-making authority makes all of the following findings:

1. Administrative Site Plan Review

- a. The proposed project is consistent with the objectives of the general plan, complies with applicable zoning regulations, planned development master plan or specific plan provisions, improvements standards, and other applicable standards and regulations adopted by the city;
- b. The proposed project will not create safety conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation;
- c. The proposed project is compatible with adjacent residential and on-residential uses; and
- d. The proposed project will not have an adverse impact on public health or safety.

2. Discretionary Site Plan Review

- a1. The proposed project is consistent with the objectives of the general plan, complies with applicable zoning regulations, planned development master plan or specific plan provisions, improvements standards, and other applicable standards and regulations adopted by the city;
- b2. The proposed project will not create safety conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; ~~and~~
- c3. The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features are compatible with ~~and complement adjacent residential and non-residential uses~~the existing surrounding environment and ultimate character of the area under the general plan; and
- d. The proposed project will not have an adverse impact on public health or safety.

~~HG.~~ Conditions. The ~~designated approving authority~~decision-making authority may modify plans in whole or in part and may condition the site plan review permit to ensure specific design features and conformance with all applicable provisions of this title.

~~I.~~ Permit issuance. The final action of the site plan review permit by the ~~designated approving authority~~ shall constitute approval of the permit. Such permit shall only become valid after

Preliminary DRAFT Title 17 - Zoning

~~the designated ten-day appeal period has been complete as provided in Section 17.08.060 (Appeals).~~

17.10.040 Streamlined Ministerial Permit

- A. Purpose. The purpose of the Streamlined Ministerial Permit process is to provide a streamlined ministerial review process for a development project eligible for a streamlined ministerial process under California Government Code Section 65913.4, California Health and Safety Code Section 17021.8, or other sections of State law requiring a streamlined ministerial review process and to determine whether an eligible project is consistent with applicable objective standards.
- B. Process for an Eligible Multifamily Project Under California Government Code Section 65913.4
 - 1. Prior to submitting an application for a Streamlined Ministerial Permit, the applicant shall submit a Pre-Application which includes all of the information required by California Government Code Section 65913.4 and the city planner shall conduct Native American tribal consultation as required by Government Code Section 65913.4(b).
 - 2. Streamlined Ministerial Permit applications for eligible multifamily projects shall be submitted to the city planner, which shall approve, conditionally approve, or disapprove such application or set the application on the agenda of the Planning Commission for design review or public oversight.
 - 3. The Streamlined Ministerial Permit review shall focus on assessing compliance with criteria for streamlined projects established by California Government Code Section 65913.4(b), as well as any reasonable objective design standards published and adopted by ordinance or resolution before submission of the Streamlined Ministerial Permit application, and shall be broadly applicable to development within the jurisdiction.
 - 4. If the development project is in conflict with any applicable objective planning standards specified in California Government Code Section 65913.4(a), the city planner shall provide the applicant written documentation of which standard or standards the project conflicts with, and an explanation for the reason or reasons of the conflict, as follows:
 - a. Within 60 days of submittal of the complete Streamlined Ministerial Permit application pursuant to this section if the project contains 150 or fewer housing units.
 - b. Within 90 days of submittal of the complete Streamlined Ministerial Permit application to this section if the project contains more than 150 housing units.
 - 5. The application shall be denied unless it is found to satisfy all applicable objective standards. For purposes of this subsection, a project development is consistent with the objective planning standards if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

Preliminary DRAFT Title 17 - Zoning

6. The Streamlined Ministerial Permit application may be referred to the Planning Commission or City Council for design review or public oversight. Such review shall not in any way inhibit, chill, or preclude the ministerial approval provided by California Government Code Section 65913.4, shall be limited in scope as described in paragraph (3), and shall be completed within the time period prescribed by the Government Code, which is as follows, unless alternate review or decision periods are established by State law for a specific use or development type:

- a. Within 90 days of submittal of the complete application to the city planner if the development contains 150 or fewer housing units.
- b. Within 180 days of submittal of the complete application to the city planner if the development contains more than 150 housing units.

C. Process for Projects Pursuant to California Health and Safety Code Section 17021.8.

Applications for qualified projects submitted pursuant to California Health and Safety Code Section 17021.8, which addresses the streamlined ministerial process for eligible agricultural employee housing, shall be processed in conformance with the requirements of Section 17021.8.

D. Process for Other Projects Eligible for Streamlined Ministerial Review under State Law.

1. Streamlined ministerial permits shall conform to the application, timing, and findings requirements as specified for the specific permit type in State law.
2. Streamlined Ministerial Permit applications for eligible multifamily projects shall be submitted to the city planner which shall approve, conditionally approve, or disapprove such application or set the application on the agenda of the Planning Commission for design review or public oversight.
3. The Streamlined Ministerial Permit review shall be ministerial, objective, and strictly focused on assessing compliance with the Zoning Code, General Plan, and all other applicable requirements.
4. If the development project is in conflict with any applicable planning standards, the city planner shall provide the applicant written documentation of which standard or standards the project conflicts with, and an explanation for the reason or reasons of the conflict, within 90 days of submittal of the Streamlined Ministerial Permit application.
5. The application shall be denied unless it is found to satisfy all applicable objective standards. For purposes of this subsection, a project development is consistent with the objective planning standards if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.
6. The Streamlined Ministerial Permit application may be referred to the Planning Commission or City Council for design review or public oversight. Such review shall not in any way inhibit, chill, or preclude the ministerial approval provided by California

Preliminary DRAFT Title 17 - Zoning

Government Code Section 65913.4, shall be limited in scope as described in paragraph (3), and shall be completed within 180 days of submittal of the application pursuant to this title unless alternate review or decision periods are established by State law for a specific use or development type.

E. Expiration of Approval. Whenever no such use has been initiated within one year of the Streamlined Ministerial Permit approval, the approval shall thereupon become null and void, unless a permit extension has been requested and granted or the project meets the following requirements.

1. The approval shall not expire if the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making at or below 80 percent of the area median income.
2. If the project does not meet the requirements of paragraph (1), the approval shall remain valid for three years from the date of the final action establishing the approval or three years from the date of final judgment upholding an approval that has been litigated project provided that vertical construction of the development has begun and is in progress. For purposes of this paragraph, "in progress" means one of the following:
 - a. The construction has begun and has not ceased for more than 180 days.
 - b. If the development requires multiple building permits, an initial phase has been completed, and the project proponent has applied for and is diligently pursuing a building permit for a subsequent phase, provided that once it has been issued, the building permit for the subsequent phase does not lapse.

17.10.050100 Architectural design review for historic overlay district.

- A. Purpose and intent. The purpose of the architectural design review for historic overlay district (hereafter referred to as architectural design review) is to provide for the protection, enhancement, and perpetuation of the old and historical buildings of downtown lone; to ensure compliance with the architectural and design standards of Section 17.28.020 (Historic overlay (H) district); and to help prevent the depreciation of land values by ensuring proper attention is given to site and architectural design. This permit is intended to provide a process for consideration of development proposals in which the site, architectural and overall project design is substantially improved by the consideration of design and architectural features of the project as provided in Section 17.28.020 (Historic overlay district), while providing a significant city benefit. However, the flexibility does not apply to use of the land in that only those uses permitted within the underlying base zoning district are allowed.
- B. Applicability. An architectural design review permit is required for the following activities on properties designated with the historic overlay (H) zoning district:
 1. Installation of new features on existing structures/facades;
 2. Additions to existing structures;
 3. Placement, alteration, or relocation of signs;

Preliminary DRAFT Title 17 - Zoning

4. New development;
 5. Changes to exterior architectural style; and
 6. Other actions identified in this title.
- C. Exemptions. The following activities in the historic overlay (H) zoning district are exempt from architectural design review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted building code standards and applicable zoning code provisions.
1. Repair and maintenance to the site or structure that does not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure. Exterior repairs that employ the same materials and design as the original construction are also exempt from architecture review;
 2. Interior alterations that do not increase the gross floor area within the structure;
 3. Construction, alteration, or maintenance by a public utility agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and other similar facilities and equipment); and
 4. Construction, alteration, and maintenance of buildings used exclusively and solely for residential uses (e.g., single family residential) are hereby exempted. Buildings that provide for the mixing of residential and non-residential uses in a single structure (e.g., mixed use) do not qualify for this exemption.
- D. ~~Approving authority~~Decision-making authority. The designated approving authorities for architectural design review are listed below. For any architecture review process not identified, the planning commission shall be ~~designated approving authority~~decision-making authority. The ~~approving authority~~decision-making authority shall approve, conditionally approve, or deny the proposed architectural design review application in accordance with the provisions of this chapter and Section 17.28.020 (Historic overlay). Architectural design review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., conditional use permit, variance).
1. Administrative architectural design review. For all administrative actions, the city planner shall be the ~~designated approving authority~~decision-making authority. Administrative actions refer to all actions except new development and wholesale changes to architectural style of any existing building. These types of projects typically do not require routing of applications to other departments or agencies. Issues related to fire and building code compliance are addressed at time of building permit issuance. Administrative actions include, but are not limited to, the following:
 - a. Installation of new features on existing structures consistent with the existing architectural style of the building, such as new roof, trim, doors, windows, etc., and

Preliminary DRAFT Title 17 - Zoning

- b. Placement, alteration, or relocation of signs.
- 2. Comprehensive architectural design review. For all comprehensive actions, the planning commission shall be the ~~designated approving authority~~decision-making authority. Comprehensive actions include:
 - a. New construction and wholesale redevelopment of existing sites; and
 - b. Wholesale changes to the existing architectural style of a building (e.g., changing from mother lode to commercial vernacular).
- E. Submittal requirements. Section 17.08.010 (Application submittal) identifies the requirement for submittal of any application to the city for permit or entitlement. In addition to this general requirement, the city shall require, at a minimum, that the following be submitted for all architectural design reviews:
 - 1. A completed city application form indicating, among other things, the applicant's name, address, and telephone number;
 - 2. Address of the property for which the request is being made;
 - 3. Detailed project description;
 - 4. Plans showing the proposed physical improvements including either samples of the proposed materials or other information indicating the type of material, color, design, and/or fire rating; and
 - 5. Such other relevant information as may be requested by the city planner or his or her designee in order to provide the ~~approving authority~~decision-making authority with adequate information on which to base a decision.
- F. Procedure. The procedures for architectural design review shall be as provided in Chapter 17.08 (Application processing procedures) except as provided below:
 - 1. Administrative architectural design review.
 - a. No public hearing shall be required unless required below.
 - b. Notice of the filing of an application for administrative architectural design review shall be mailed to persons owning property within 300 feet of the project site and posted on the property. The mailed notice of application shall advise persons that plans for the project are available for public review at city hall and that the application will be decided unless a written request for hearing is received by the city planning department on or before a date specified in the notice which shall be ten working days after the date of mailing.
 - c. If no timely written request for hearing is filed, the application shall be administratively approved by the city planner if it is deemed to be consistent with the provisions of the historic overlay (H) district.
 - d. If a timely written request for hearing is filed, the application shall no longer be administratively processed and shall instead be processed in accordance with the procedures for comprehensive architectural design review.

Preliminary DRAFT Title 17 - Zoning

- e. The city planner may elevate any project to the comprehensive architectural design review process that, if in the opinion of the city planner, such project is not in substantial conformance with applicable provisions for the historic overlay (H) district, or if the city planner determines that because of location, size, or design of the project warrants a hearing before the planning commission.
- 2. Comprehensive architectural design review.
 - a. A public hearing shall be required by the ~~designated approving authority~~decision-making authority.
 - b. Public notice of the hearing shall be provided as specified in Section 17.08.040 (Public notices).
- G. Findings. An architectural design review permit, or any modification thereto, shall be granted only when the ~~designated approving authority~~decision-making authority makes all of the following findings:
 - 1. The proposed project is consistent with the objectives of the general plan, and complies with applicable zoning regulations and improvement standards adopted by the city;
 - 2. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community;
 - 3. The architecture, including the character, scale and quality of the design, relationship to the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signage and other similar elements establishes a clear design concept and is consistent with the architectural and design intentions of Section 17.28.020 (Historic overlay).
- H. Conditions. The ~~designated approving authority~~decision-making authority may modify plans in whole or in part and may condition the architectural design review permit to ensure specific design features, construction materials, and conformance with all applicable provisions of this title.
- I. Permit issuance. The final action on the architectural design review permit by the ~~designated approving authority~~decision-making authority shall constitute approval of the permit. Such permit shall only become valid after the designated ten-day appeal period has been completed.

(Ord. No. 423, § 2, 4-21-2009)

17.10.06080 Conditional use permit.

- A. Purpose and applicability. The purpose of the conditional use permit is for the individual review of uses, typically having unusual site development features or operating characteristics, to ensure compatibility with surrounding areas and uses where such uses are deemed essential or desirable to the various elements of objectives of the general plan.

Preliminary DRAFT Title 17 - Zoning

A conditional use permit is required for all uses specifically identified as requiring a conditional use permit in Article II, zoning districts, allowable land uses, and development standards, and Article ~~IV~~, standards for specific non-residential land uses. An existing nonconforming use may be enlarged or expanded upon approval of a conditional use permit by the decision-making authority.

~~B. Submittal requirements. Section 17.08.010 (Application submittal) identifies the requirement for submittal of any application to the city for permit or entitlement. In addition to this general requirement, the city shall require, at a minimum, that the following be submitted for a conditional use permit:~~

- ~~1. A completed city application form indicating, among other things, the applicant's name, address, and telephone number;~~
- ~~2. Address of the property for which the request is being made;~~
- ~~3. Detailed project description;~~
- ~~4. A site plan showing the location of proposed structure(s) in relation to surrounding properties and structures; and~~
- ~~5. Such other relevant information as may be requested by the city planner or his or her designee in order to provide the approving authority with adequate information on which to base a decision.~~

~~C. Approving authority. The designated approving authority for a conditional use permit is the planning commission. The city planner provides a recommendation and the planning commission approves, conditionally approves, or denies the conditional use permit in accordance with the requirements of this title.~~

~~B.D.~~ Findings. Conditional use permits are quasi-judicial and shall be granted only when the planning commission determines that the proposed use or activity complies with all of the following findings:

1. The proposed use is consistent with the general plan and all applicable provisions of this title.
2. The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or the general welfare of the city.

~~C.E.~~ Conditions/guarantees. The planning commission may impose conditions and/or require guarantees for the conditional use permit to ensure compliance with this section and other applicable provisions of this title and to prevent adverse or detrimental impact to the surrounding neighborhood.

~~D.F.~~ Permit issuance. The final action on the conditional use permit by the planning commission shall constitute approval of the permit. Such permit shall only become valid after the designated ten-day appeal period has been completed.

Preliminary DRAFT Title 17 - Zoning

- EG.** Appeals. Appeal of the city planner or planning commission action on the request for conditional use permit shall be made in accordance with the procedures specified in Section 17.08.060 (Appeals).

(Ord. No. 423, § 2, 4-21-2009)

17.10.070 Variance.

- A. Purpose and applicability. In accordance with California Government Code Section 65906, a variance request allows the city to grant exception to the development standards and provisions of this title in cases where, because of special circumstances applicable to the property, the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical ~~land use~~ zoning districts. A variance approval is required to grant exception from any of the development standards and provisions of this title. Variance applications may not be granted for uses or activities not otherwise permitted by zoning district regulations.
- B. A variance is a request to exceed the applicable standards identified in this Chapter, except where this Chapter specifies that modifications to specific standards are allowed with a Conditional Use Permit. A major variance includes all requests to exceed applicable standards, except those requests addressed under a minor variance. A minor variance includes:
1. In any zone, modifications of the front, side, or rear yard setback requirements; provided, however, the total modification shall not reduce the applicable setbacks to less than eighty (80%) percent of those otherwise required in the zone;
 2. In any zone, modifications of building heights; provided, however, such building heights shall not exceed one hundred twenty (120%) percent of the otherwise applicable maximum height in the zone;
 3. In any zone, modifications of the minimum lot area, width, and depth; provided, however, such modifications shall not reduce the total lot area to less than eighty (80%) percent of that otherwise required in the zone; and
 4. In any zone, modifications of the maximum area or height of signs otherwise applicable in the zone; provided, however, such modifications shall not result in a sign exceeding one hundred twenty (120%) percent of either the maximum height or maximum size otherwise applicable in the zone.
 5. In any zone, modifications of the off-street parking requirements; provided, however, the total variance shall not reduce the off-street parking to less than eighty (80%) percent of that otherwise required off-street parking. Such modifications shall be authorized only if it is found that the off-street parking, as modified, provides, either on the same site or on some reasonably and conveniently located site, adequate parking, loading, turning, and maneuvering space to accommodate substantially such

Preliminary DRAFT Title 17 - Zoning

needs as are generated by the use and will not result in a safety hazard to the users of the site or surrounding areas.

6. In any zone, modifications to the surfacing materials required to satisfy the paving requirements for off-street parking and loading. Such modifications shall be authorized only if it is found that the location of the parking or storage area or the nature or weight of the vehicles or equipment is such as to make the normally required surfacing materials unnecessary.

7. In the Planned Development (PD) overlay zones, minor modifications of the detailed development plans or detailed development standards approved by the Planning Commission or City Council only if it is found that such modifications are in substantial conformity with the plans or standards approved by the Commission, and that the appearance and function of the total development will not be significantly adversely affected as a result of such modification.

8. In any zone, modification of any other standard by more than fifteen percent (15%).

~~B. Submittal requirements. Section 17.08.010 (Application submittal) identifies the requirement for submittal of any application to the city for permit or entitlement. In addition to this general requirement, the city shall require, at a minimum, that the following be submitted for a variance:~~

- ~~1. A completed city application form indicating, among other things, the applicant's name, address, and telephone number;~~
- ~~2. Address of the property for which the request is being made;~~
- ~~3. Detailed project description describing the need for requested variance;~~
- ~~4. A site plan showing the location of the proposed structure(s) in relation to the surrounding properties and structure and location of the requested variance; and~~
- ~~5. Such other relevant information as may be requested by the city planner or his or designee in order to provide the approving authority with adequate information on which to base a decision.~~

~~C. Approving authority. The designated approving authority for a variance is the planning commission. The planning commission may upon its own motion or upon the verified application of any interested parties initiate proceedings for the granting of a variance. The city planner provides a recommendation and the planning commission approves, conditionally approves, or denies the variance in accordance with the requirements of this title.~~

BD. Findings. The planning commission~~decision-making authority~~ may approve and/or modify any variance application in whole or in part, with or without conditions, only if the applicant can demonstrate to the decision-making authority~~planning commission~~ that the circumstances of their particular case can justify making all of the following findings:

1. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of this title

Preliminary DRAFT Title 17 - Zoning

deprives such property of privileges enjoyed by other property owners in the vicinity and under identical land use zoning district classifications.

2. That granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use zoning district in which such property is located.
3. That granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
4. That the granting of the variance is consistent with the objectives of the general plan and zoning code.

CE. Conditions. The ~~decision-making authority~~planning commission may impose conditions for the variance to ensure compliance with this section and other applicable provisions of this title.

DF. Issuance. The final action on the variance by the ~~decision-making authority~~planning commission shall constitute approval of the permit. Such permit shall only become valid after the designated ten-day appeal period has been completed.

EG. Appeals. Appeal of the ~~decision-making authority~~city planner or planning commission ~~action~~ on the request for variance shall be made in accordance with the procedures specified in Section 17.08.060 (Appeals).

(Ord. No. 423, § 2, 4-21-2009)

17.10.0860 Reasonable accommodation(s).

- A. Purpose and intent. The purpose of allowing reasonable accommodation(s) is to provide a process for individuals with disabilities to make requests for reasonable accommodation(s) for relief from the various land use, zoning, or rules, policies, practices, and/or procedures of the city. It is the policy of the city, pursuant to the federal Fair Housing Amendments Act of 1988, as amended, and the California Fair Employment and Housing Act, as amended (hereafter "fair housing laws")~~federal Fair Housing Act (as amended)~~, to provide people with disabilities reasonable accommodation(s) in rules, policies, and procedures that may be necessary to ensure equal access to housing.
- B. Requesting reasonable accommodation(s).
 1. In order to make specific housing available to an individual with a disability, a disabled person or representative may request reasonable accommodation(s) relating to the various land use, zoning, or rules, policies, practices, and/or procedures of the city.
 2. If an individual needs assistance in making the request for reasonable accommodation(s) or appealing a determination regarding reasonable accommodation(s), the city planner will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative.

Preliminary DRAFT Title 17 - Zoning

3. A request for reasonable accommodation(s) with regard to city regulations, rules, policies, practices, and/or procedures may be filed on an application form provided by the city planner at the time that the accommodation may be necessary to ensure equal access to housing.
- C. Required information. The applicant shall provide the following information when requesting reasonable accommodation(s):
 1. A completed city application indicating, among other things, the applicant's name, address, and telephone;
 2. ~~Property owner and a~~Address of the property for which the request is being made;
 3. The current actual use of the property;
 4. The zoning code provision, regulation, or policy from which reasonable accommodation(s) is being requested;
 5. The basis for the claim that the person(s) for whom the reasonable accommodation(s) is/are sought is/are considered disabled under the Fair Housing Act and why the accommodation is reasonably necessary to make specific housing ~~available~~usable and accessible to the person(s);
 6. ~~If necessary to reach a determination, the~~Such other relevant information as may be requested by the city planner or his or her designee may request further information, consistent with fair housing laws, specifying in detail the information that is required.
- D. ~~Approving authority~~Decision-making authority and approval process.
 1. Notwithstanding any other provision of this zoning code, the city planner shall have the authority to consider and take action on requests for reasonable accommodation(s). When a request for reasonable accommodation(s) is filed with the city planning department, it will be referred to the city planner for review and consideration as a ministerial action unless determined otherwise by the city planner. ~~A request for reasonable accommodation(s) shall be considered ministerial in nature when it is related to a physical improvement that cannot be constructed to conform to the city's setbacks or design standards. Typical improvements considered to be "ministerial" in nature would include ramps, walls, handrails, or other physical improvements necessary to accommodate a person's disability.~~The city planner shall issue a written determination of his or her action within 30 days of the date of receipt of a completed application, except that the decision period may be extended to 30 days from the date any information requested under paragraph C subparagraph 6 is submitted by the applicant to the city. The city planner may and may:
 - a. Grant or deny the accommodation request; or
 - b. Grant the accommodation request subject to specified nondiscriminatory condition(s); ~~or~~

Preliminary DRAFT Title 17 - Zoning

- ~~c. Forward the request to the planning commission for consideration as a conditional use permit and subject to the findings stated in Subsection F. (Required findings for reasonable accommodation(s)).~~
- ~~2. In the event the city planner determines that the request for reasonable accommodation(s) is non-ministerial in nature, such request shall be forwarded to the planning commission in accordance with Section 17.10.080 (Conditional use permit) and shall be subject to the findings stated in Subsection F. (Required findings for reasonable accommodation(s)).~~
23. All written determinations of actions of the city planner shall give notice of the right to appeal and the right to request reasonable accommodation(s) on the appeals process (e.g., requesting that city staff attempt to schedule an appeal hearing as soon as legally and practically possible), if necessary. The notice of action shall be sent to the applicant by mail.
34. If necessary to reach a determination or action on the request for reasonable accommodation(s), the city planner may request further information from the applicant consistent with the city planning department specifying in detail what information is required. In the event a request for further information is made, the 30-day period to issue a written determination shall be stayed until the applicant fully and sufficiently responds to the request.
- ~~E. Group homes. All requests for reasonable accommodation(s) relating to increased occupancy of a group home shall be filed first with the city planner. At his/her sole discretion, the city planner can act upon the request as described in Subsection D. (Approving authority and approval process) or such request shall be forwarded to the planning commission as described in Subsection D. (Approving authority and approval process). If a request is forwarded to the planning commission, it shall be processed as a conditional use permit and shall be subject to the findings stated in Subsection F. (Required findings for reasonable accommodation(s)).~~
- EF. Required findings for reasonable accommodation(s). In making a determination regarding the reasonableness of a requested accommodation(s), the ~~approving authority~~decision-making authority shall make the following findings:
1. The housing which is the subject of the request for reasonable accommodation(s) will be used for an individual protected under ~~fair housing laws~~the Fair Housing Act.
 2. The request for reasonable accommodation(s) is necessary to make specific housing available to an individual protected under ~~fair housing laws~~the Fair Housing Act.
 3. The requested reasonable accommodation(s) does not impose an undue financial or administrative burden on the city.
 4. The requested accommodation~~and~~ does not fundamentally alter the city's land use and zoning or building program~~zoning, development standards, policies, or procedures~~.

Preliminary DRAFT Title 17 - Zoning

~~EG.~~ Appeals. Appeal of the city planner ~~or planning commission~~ action on the request for reasonable accommodation(s) shall be made in accordance with the following procedures ~~specified in Section 17.08.060 (Appeals).~~

1. Within thirty (30) days of the date of the decision-making authority's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.
2. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.
3. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
4. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

(Ord. No. 423, § 2, 4-21-2009)

17.10.09030 Sign permit.

- A. Purpose. Sign permits provide a mechanism for administrative review and determinations to ensure that signs are consistent with the general plan and provisions of the zoning code.
- B. Applicability. A sign permit shall be required for all permanent signs, as defined by this title, prior to the establishment or erection of a new sign or the replacement, alteration, or relocation of an existing permanent sign, as specified in Section 17.42.040 (Permits and review procedures). Where a sign is proposed, no building permit may be issued until a sign permit has first been approved and issued.

~~C. Approving authority. The designated approving authority for a sign permit is the city planner. The city planner approves, conditionally approves, or denies sign permits in accordance with the requirements of this title.~~

~~BD.~~ Procedures.

1. The city planner, or his or her designee, shall be the designated approving authority ~~decision-making authority~~ for sign permits.
2. Multiple sign applications. When an application proposes two or more signs on the same property and/or as part of the same tenant, the applications may be granted in whole or in part, with separate decisions as to each proposed sign. When an application is denied in whole or in part, a written notice shall specify the ground(s) for such denial.
- ~~3. Revocation or cancellation. The city planner shall revoke any approval or permit upon refusal by the permit holder to comply with the provisions of the permit after written notice of noncompliance and at least 30 days opportunity to correct. The opportunity~~

Preliminary DRAFT Title 17 - Zoning

~~to correct does not apply in the event that the sign, by nature of its physical condition, poses an imminent or significant threat to public safety.~~

- ~~4. Permits issued in error. Any approval or permit issued in error may be revoked by the approving authority upon written notice to the permit holder of the reason for the revocation.~~

CE. Submittal ~~requirements~~ timing.

- ~~1. Timing. An application for a sign permit for a permanent sign shall be submitted to the city planning department at the time the building permit application is submitted to the building department.~~

- ~~2. Application contents. The application for a sign permit shall be made on a form as prescribed by the city planning department and shall be accompanied by the information required by such form. The information shall include, but is not limited to, the following:~~

- ~~a. The name, address, contact information, and signature of the applicant, as well as the name, address, and contact information for the contractor or installer and property owner. If the applicant is someone other than the sign owner, then the sign owner's signature is also required on the application form;~~
- ~~b. Proof of consent of the property owner or other person(s) having the immediate right to possession and control of the property;~~
- ~~c. All required materials for issuance of a building permit;~~
- ~~d. Location, size, structure, and other descriptive information for the sign as required by the city planning department; and~~
- ~~e. Such other information as the city planning department may reasonably request to determine that the proposed sign is in full compliance with the provisions of this title, the City Code, and other applicable law. The message proposed to be displayed on the sign is not required, but may be shown at the option of the applicant.~~

- DF. Approval findings. The ~~approving~~ decision-making authority may approve a sign permit when the sign permit application and the sign itself comply with the standards and requirements of this title. A sign permit application may be approved subject to conditions, so long as those conditions are not in conflict with this title or some other applicable law, rule, or regulation.

(Ord. No. 423, § 2, 4-21-2009)

17.10.035-100 Creative sign program.

- A. Purpose. The purpose of a creative sign program is to provide a process for property owners and businesses to propose, and the city to consider, special deviations from the regulations for on-site permanent signs provided in this title under certain limited circumstances. The creative sign program also provides a process for the city to review special signage types prior to issuance of a sign permit. The intent of the creative sign program is to:

Preliminary DRAFT Title 17 - Zoning

1. Encourage signs of unique design that exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and
 2. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the city, while mitigating the impacts of large or unusually designed signs.
- B. Applicability. An applicant may request approval of a creative sign program in order to allow a sign that may require standards that differ from the signage provisions of this title, but comply with the purpose and findings for creative sign program. Establishments that are eligible for creative sign programs include any commercial, office, or industrial use in the city and specifically include any such use within the historic (H) overlay district.
- C. Approving-Decision-making authority and procedures.
1. The city planner, or his or her designee, shall be the ~~designated-approving authority~~decision-making authority for creative sign programs.
 2. Multiple signs. One creative sign program application may be submitted for multiple signs, provided all signs are on the same property and/or as part of the same tenant. In such instances, the application may be granted in whole or in part, with separate decisions as to each proposed sign. When an application is denied in whole or in part, a written notice shall specify the ground(s) for such denial.
 3. Public hearing. No public hearing shall be required for a creative sign program, except as set forth below:
 - a. Notice of the filing of an application for a creative sign program shall be mailed to persons owning property within 300 feet of the project site and posted on the property where the sign or signs are proposed to be located. The mailed notice of application shall advise persons that plans for the project are available for public review at city hall. The notice shall also indicate that the ~~approving authority~~decision-making authority will take final action on the application unless a written request for hearing is received by the city planning department on or before the date specified in the notice, which shall be at least ten working days from the date of mailing.
 - b. If no timely written request for hearing is filed, the application shall be administratively approved by the ~~approving authority~~decision-making authority if it is deemed to be consistent with the deviations and considerations for creative sign programs.
 - c. If a timely written request for hearing is filed, the application shall no longer be administratively processed and shall instead be decided at a public hearing of the planning commission.
 - d. Notwithstanding the foregoing, the ~~approving authority~~decision-making authority may elevate any project to a planning commission decision if, in the opinion of the ~~approving authority~~decision-making authority, such project is not in substantial conformance with the intent of the creative sign program, or if the

Preliminary DRAFT Title 17 - Zoning

~~approving authority~~decision-making authority determines that the location, size, or design of the project warrants a hearing before the planning commission.

4. Revocation or cancellation. The city planner shall revoke any creative sign program upon refusal by the permit holder to comply with the provisions of the creative sign program after written notice of noncompliance and at least 30 days opportunity to correct. In the event that the sign, by nature of its physical condition, poses an imminent or significant threat to public safety, the city planner shall revoke the creative sign program and order immediate correction of the safety hazard.

D. Submittal requirements.

1. Timing. An application for a creative sign program shall be submitted to the city planning department prior to submittal of an application for a sign permit.
2. Application contents. The application for creative sign program shall be made on a form as prescribed by the city planning department and shall be accompanied by the information identified on the form. The information shall include, but is not limited to, the following:
 - a. The name, address, contact information, and signature of the applicant, as well as the name, address, and contact information for the contractor or installer and property owner. If the applicant is someone other than the sign owner, then the sign owner's signature is also required on the application form;
 - b. Proof of consent of the property owner or other person(s) having the immediate right to possession and control of the property;
 - c. Preliminary information indicating how the sign will be constructed and/or mounted to a building or structure;
 - d. Location, size, structure, and other descriptive information required by the city planning department; and
 - e. Such other information as the city planning department may reasonably request to determine that the proposed application is in full compliance with the provisions of this title, the City Code, and other applicable law. The message proposed to be displayed on the sign is not required, but may be shown at the option of the applicant.

E. Deviations allowed. The following types of deviations from the signage standards of this title may be requested by the applicant for a creative sign program and may, upon written findings, be approved by the ~~approving authority~~decision-making authority:

1. Increases in maximum allowed area for permanent signs on the subject site;
2. Allowances for types of lighting not otherwise permitted by this title;
3. Allowances for types of signs not specifically permitted by this title; and
4. Allowances for signs to exceed the maximum height requirement(s).

Preliminary DRAFT Title 17 - Zoning

- F. Considerations and basis for deviations. In approving an application for a creative sign program and any deviations from the signage standards of this title, the ~~designated approving authority~~decision-making authority shall ensure that the proposed sign meets the following criteria:
1. Design quality. The sign shall:
 - a. Have a positive visual impact on the surrounding area;
 - b. Be of unique design and exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and
 - c. Provide strong graphic character through the imaginative use of color, graphics, proportion, quality materials, scale, and texture.
 2. Contextual criteria. The sign shall contain at least one of the following elements:
 - a. Classic historic design style;
 - b. Creative image reflecting current or historic character of the city; or
 - c. Inventive representation of the logo, name, or use of the structure or business.
 3. Architectural criteria. The sign shall:
 - a. Utilize or enhance the architectural elements of the building; and
 - b. Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features and details of the facade.
 4. Impacts on surrounding uses. The sign shall be located and designed not to cause light and glare impacts on surrounding uses, especially residential uses.
- G. Findings. A creative sign program shall be granted only when the ~~designated approving authority~~decision-making authority makes all of the following findings:
1. The proposed creative sign program is consistent with the objectives of the general plan;
 2. The proposed signage is consistent with the purposes of the creative sign program; and
 3. The proposed deviations from the signage standards of this title are consistent with the considerations and basis for deviations listed in this title.

(Ord. No. 423, § 2, 4-21-2009)

17.10.040-110 Uniform sign program.

- A. Purpose. The uniform sign program provides a process for the city's review of and decisions related to requests for signs for multi-tenant projects. The intent of the uniform sign program is to allow the integration of a project's signs with the design of the structures involved to achieve a unified architectural statement and to approve common sign

Preliminary DRAFT Title 17 - Zoning

regulations for multi-tenant projects, as well as to encourage design flexibility without circumventing the intent of this Code.

- B. Applicability. A uniform sign program shall be required for all new multi-tenant shopping centers, office parks, and other multi-tenant or mixed use developments of three or more separate tenants/uses that share either the same parcel or structure and use common access and parking facilities as specified in Section 17.42.040 (Permits and review procedures).

~~C. Approving authority and procedure. Review and approval of a uniform sign program is the responsibility of the planning commission. The city planner may make a recommendation on the Program to the commission, and the commission may approve, approve with conditions, or deny the program. Additionally, the planning commission shall be the approving authority for modifications and amendments to a uniform sign program.~~

- ~~C.D.~~ Standards and content. The uniform sign program shall include criteria for building-attached and freestanding signs for tenants, anchors, and the integrated development itself to establish consistency of sign type, location, logo and/or letter height, lines of copy, illumination, and construction details of signs for the project. All signs within the development shall be consistent with the uniform sign program adopted for the development. The message substitution policy of Chapter 17.42 shall be deemed incorporated in every uniform sign program, even if the uniform sign program documents do not explicitly so state. Maximum size, location, height, setback, and other development standards for signs in the uniform sign program shall be consistent with the standards of this title.

- ~~D.E.~~ Approval findings. A uniform sign program, or revisions thereto, may be approved, approved with conditions, or denied by the ~~designated approving authority~~decision-making authority based upon findings of fact that the proposed sign program (or revision thereto) is consistent with the standards for uniform sign programs as established in the city's zoning code.

(Ord. No. 423, § 2, 4-21-2009)

17.10.050-120 Temporary use permit.

- A. Purpose. Temporary use permits (TUP) provide a process for ministerial review and determinations to allow short-term activities that may not meet the normal development or use standards of the applicable zoning district, but may be acceptable because of their temporary nature. The temporary use permit applicant must demonstrate the application is consistent with Code requirements.
- B. Applicability. A temporary use permit allows the short-term activities listed in Chapter ~~17.66~~17.220 (Temporary uses).
- ~~C. Submittal requirements. Section 17.08.010 (Application submittal) identifies the requirement for submitted of any application to the city for permit or entitlement. In addition to this~~

Preliminary DRAFT Title 17 - Zoning

~~general requirement, the city shall require, at a minimum, that the following be submitted for a temporary use permit:~~

- ~~1. A completed city application for which the request is being made;~~
 - ~~2. Address of the property for which the request is being made;~~
 - ~~3. Detailed project description;~~
 - ~~4. A site plan showing the location of the proposed use in relation to surrounding properties and structures; and~~
 - ~~5. Such other relevant information as may be requested by the city planner or his or her designee in order to provide the approving authority with adequate information on which to base a decision.~~
- ~~D. Procedure. The city planner shall be the designated approving authority for temporary use permits.~~

C.E. Approval findings. The city planner shall make the following findings to approve or conditionally approve a temporary use permit application:

1. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.
2. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
3. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this zoning code.
4. The approval includes provisions to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used in compliance with the provisions of this zoning code. The ~~approving authority~~decision-making authority may require appropriate security before initiation of the use to ensure proper cleanup after the use is finished.

D.F. Conditions of approval. In approving a temporary use permit, the city planner may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the required findings.

(Ord. No. 423, § 2, 4-21-2009)

17.10.110-130 Development agreements.

- A. Purpose. This section establishes procedures and requirements for the review and approval of development agreements when applied for as part of a land use entitlement in compliance with the provisions of California Government Code Sections 65864 through 65869.5. The city council finds and declares the use of development agreements is beneficial to the public, in that:
 - 1. Development agreements increase the certainty in the approval of development projects thereby preventing the waste of resources, reducing the cost of development to the consumer, and encouraging investment in and commitment to comprehensive planning, all leading to the maximum efficient utilization of resources at the least economic cost to the public.
 - 2. Development agreements provide assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, thereby strengthening the public planning process, encouraging private participation in comprehensive planning, and reducing the economic costs of development.
 - 3. Development agreements enable the city to plan for and finance public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities, thereby removing a serious impediment to the development of new housing.
- B. Qualified applicant. Only a qualified applicant, a person who has legal or equitable interest in the real property which is the subject of the development agreement (or his or her authorized agent) may submit an application for a development agreement.
- C. Flexibility of development regulations. Unless preempted by state or federal law, any development agreement if adopted by the city may modify development rules, regulations, and policies governing permitted uses of land, and density, and governing design, improvements, construction standards and specification, and phasing applicable to development of the property involved in the agreement.
- Nothing contained in these regulations shall prevent the developer or the city from proceeding with normal tentative map or final map processes on any phase of a development which is the subject of a development agreement at any time during its term.
- D. Submittal requirement. Section 17.08.010 (Application submittal) identifies the requirement for submittal of any application to the city for permit or entitlement, in addition to this general requirement, the city shall require, at a minimum, that the following be submitted for a development agreement:
 - 1. A completed city application form indicating, among other things, the applicant's name, address, and telephone number;
 - 2. Address of the property for which the request is being made;

Preliminary DRAFT Title 17 - Zoning

3. Detailed project description;

4. Description of public benefits that will result from the agreement; and

54. Such other relevant information as may be requested by the city planner or his or her designee in order to provide the ~~approving authority~~decision-making authority with adequate information on which to base a decision.

~~E. Approving authority. The designated approving authority for development agreement is the city council. The planning commission shall hold a public hearing on the proposed development agreement and make a recommendation to the city council.~~

EF. Findings. A development agreement may only be granted when the city council makes all of the following findings specifying that the development agreement:

1. Is consistent with the objectives, policies, and general land uses specified in the general plan and any applicable specific plans;
2. Is compatible and in conformity with public convenience, general welfare, and good land use and zoning practice;
3. Will not be detrimental to health, safety, and general welfare of the city;
4. Will not adversely affect the orderly development of property or the preservation of property values; and

5. Provides sufficient benefit to the community to justify entering into the agreement.

EG. Approval of development agreement. A development agreement is a legislative act and shall be approved by the city council by ordinance. The mayor shall execute any development agreement approved by the city council.

GH. Amendment and cancellation of agreement. Either party may propose an amendment to or cancellation in whole or part of the development agreement, the procedure for which is the same as the procedure for entering into the agreement initially. Where, however, the city initiates the proposed amendment or cancellation, it must first notice the property owner of its intent at least 15 days in advance.

HI. Recordation. Within ten days after the city enters into the development agreement, or any amendment thereof, the city clerk shall cause the agreement or amendment to be recorded with the county recorder. Additionally, the city clerk shall be the official custodian of the development agreement file. Said file shall include an executed copy of the agreement and the originals of all exhibits, reports of periodic review, amendments, and/or cancellations to the development agreement.

IJ. Periodic review. The city manager shall review the development agreement every 12 months from the date the development agreement is entered into and provide a written report to the city council. The burden of proof is on the applicant to provide necessary information verifying compliance with the terms of the development agreement. The applicant shall also bear the cost of such review in accordance with the fee established by city council resolution. If the city manager finds that any aspect of the development project is not in

Preliminary DRAFT Title 17 - Zoning

strict compliance with the terms of the development agreement or may warrant consideration by the ~~approving authority~~decision-making authority(s), the city manager may schedule the matter before the appropriate ~~approving authority~~decision-making authority(s) for review.

(Ord. No. 423, § 2, 4-21-2009)

17.10.~~120-140~~ Planned development.

- A. Purpose and applicability. The purpose of the planned development district is to provide procedures for the consideration and regulation of areas suitable for proposed comprehensive development with detailed development plans and of those areas that require special planning to provide for appropriate planned development in harmony with their natural features and other environmental consideration. In the event there is an inconsistency or conflict between an adopted planned development and comparable provisions of this title, the planned development shall prevail. This section describes the process for adoption, amendments, and subsequent development permitted under a planned development. Chapter 17.26 (Special purpose districts) describes planned development districts and adopts it by reference.
- ~~B. Approving authority. The city council is the approving authority for the application/zoning of property to planned development districts and the establishment of planned development master plans. The city planner and planning commission provide recommendations and the city council approves, conditionally approves, or denies the planned development zoning and corresponding master plan in accordance with the requirements of this section.~~
- ~~B.C.~~ Initiation of planned development zoning. Proposals to establish a planned development or planned development district may be initiated by the city or by any person in the same manner as a zoning amendment as provided in this zoning code.
- ~~C.D.~~ Application contents. Section 17.08.010 (Application submittal) identifies the requirement for submittal of any application to the city for permit or entitlement. In addition to this general requirement, the city shall require, at a minimum, that the following be submitted for planned development:
 - ~~1. A completed city application form indicating, among other things, the applicant's name, address, and telephone number;~~
 - ~~2. Address of the property for which the request is being made;~~
 - ~~3. Detailed project description indicating the request for the zone change to planned development;~~
 - ~~1.4.~~ Either a request for a conditional use permit for all proposed development or a master plan for the proposed development;
 - ~~2.5.~~ The following required data:

Preliminary DRAFT Title 17 - Zoning

- a. Topographic map showing natural features of site and adjacent property, and location of proposed facilities and roads;
- b. Description of existing site, including vegetation, wildlife, natural features, and present services, access, and land use;
- c. Description of clearing, grading, excavating, filling, and other land alterations to be performed;
- d. Description of proposed uses and structures, landscaping, fencing, services, streets, utilities, and other facilities;
- e. Other information as required by the city planning department, city planner, or planning commission, including but not limited to detailed construction, improvement, utility, and drainage plans and other data as is deemed necessary to adequately consider the proposed development; and
- f. Such other relevant information as may be requested by the city planner or his or her designee in order to provide the ~~approving authority~~decision-making authority with adequate information on which to base a decision.

~~E. Public hearing. For each application for a planned development district, public hearings shall be held by the planning commission and city council.~~

DF. Required contents of a master plan. When a master plan is being established for the planned development, the master plan shall set forth in text, maps, and diagrams the following items, at the level of detail appropriate for the planned development submittal:

1. A list of permitted, conditionally permitted, and prohibited uses;
2. Performance and development requirements related to yards, lot area, intensity of development on each lot, parking, landscaping, and signs;
3. Other design standards appropriate for the specific site and development;
4. Legal description of property covered by the master plan; and
5. Reasons for establishment of a planned development master plan on the particular property.

EG. Additional contents of a master plan. Additional contents may be required as determined by the city planner including, but not limited to, the following:

1. Regulations relating to nonconforming lots, uses, structures, and signs;
2. Time, phasing, and sequence of development projects;
3. Infrastructure plan; and
4. Circulation plan.

GH. Findings. The ~~approving authority~~decision-making authority shall make the following findings to approve a planned development:

Preliminary DRAFT Title 17 - Zoning

1. The proposed uses are so designed as to result in an appropriate overall development consistent with the purposes of planned development zoning;
2. The site is physically suited for the proposed uses;
3. The proposed uses do not significantly detract from the natural and scenic values of the site;
4. Adequate services are available for the proposed uses, including but not limited to water supply, sewage disposal, roads, and utilities.

H. Conditions. The ~~approving authority~~decision-making authority may attach such conditions to the planned development district as are deemed necessary to insure compliance with the intent and purpose of planned development zoning, including but not limited to height, area, lot and setback requirements; design standards; access, road and revegetation/landscaping requirements; dedications and use restrictions.

I. Action/adoption. Adoption of the planned development by ordinance of the city council shall constitute final action and approval of the planned development. Authorization for construction in accordance with the planned development may only be granted after the effective date of the action.

J. Delineation of planned development areas. On the zoning map, a planned development district shall be delineated in a manner similar to that of any other zoning district except that each planned development zoned area shall also bear a number, text, or other symbol which distinguishes it from other planned development areas. See Section 17.26.030 (Planned development zoning districts).

K. Environmental review. It is anticipated, under the California Environmental Quality Act and implementing guidelines, that most planned development approvals will require preparation of either a mitigated negative declaration (MND) or an environmental impact report (EIR). Once adopted or certified, the MND or EIR for a master plan may be relied upon for further entitlements sought subsequent to adoption of the planned development master plan (e.g., site plan review). Unless otherwise exempt, an initial study shall be prepared for all subsequent entitlements to determine whether a supplement to the MND or EIR must be prepared. In the event that a supplement to the MND or EIR is determined not to be necessary, a negative declaration or mitigated negative declaration for the project shall be prepared.

L. Subsequent development in a planned development for which there is no master plan. When a master plan was not established as part of the establishment of a planned development zone (e.g., when a request for the zone change to planned development and for a use permit for all proposed developments was approved) and a use is proposed that was not covered in the previous approval, a conditional use permit shall be required for all subsequent development and uses (in addition to any other required entitlement, e.g., site plan review), or a master plan providing for a range of uses shall be prepared and considered. The master plan shall be prepared consistent with the provisions of Subsection F. (Required contents of a master plan). In approving subsequent development in a planned

Preliminary DRAFT Title 17 - Zoning

development for which there is no master plan, the ~~designated approving authority~~decision-making authority shall make the following findings:

1. That the proposed uses are so designed as to result in an appropriate overall development consistent with the purposes of planned development zoning as applied to the subject site;
2. That the site is physically suited for the proposed use(s); and
3. That adequate services are available for the proposed uses, including but not limited to water supply, sewage disposal, roads, and utilities.

~~MA.~~ Application for amendment to the planned development zone. The procedures for amending a planned development zone (including amendments to the master plan or establishing a master plan where one previously did not exist) shall be the same as for any amendment to the zoning code, as set forth in Section 17.10.150, including the necessary findings in Section 17.10.150 E. (Findings for zoning amendment (text or map)).

~~NO.~~ Application of planned development requirements. Where specific conditions of the planned development (including master plan) are more restrictive than the zoning code development standards, the conditions of the planned development shall apply. Where a standard is not addressed in the planned development, the zoning code shall apply.

(Ord. No. 423, § 2, 4-21-2009)

17.10.~~130-150~~ Specific plans.

A. Purpose. The purpose of a specific plan is to provide a vehicle for implementing the city's general plan on an area-specific basis. The specific plan is intended to serve as a regulatory document, consistent with the general plan. In the event there is an inconsistency or conflict between an adopted specific plan and comparable provisions of this title, the specific plan shall prevail. This section is consistent with California Government Code Section 65450, et. seq. This section describes the process for adopting, amending, and subsequent development under a specific plan. Chapter 17.26 (Special purpose districts) describes the individual specific plan districts and adopts them by reference.

B. Applicability. The city's general plan encourages preparation of specific plans and identifies certain areas of the city which require specific plans for development. Specific plan zoning may be considered for other areas of the city.

~~C. Approving authority. The designated approving authority for specific plans is the city council. The city planner and planning commission provide recommendations and the city council approves, conditionally approves, or denies the specific plan in accordance with the requirements of this title.~~

~~CD.~~ Submittal requirements. Section 17.08.010 (Application submittal) identifies the requirements for submittal of any application to the city for permit or entitlement. In addition to this general requirement, the city shall require, at a minimum, that the following be submitted for a specific plan:

Preliminary DRAFT Title 17 - Zoning

~~1. A completed city application form indicating, among other things, the applicant's name, address, and telephone number;~~

~~2. Address of the property for which the request is being made;~~

~~3. Detailed project description;~~

~~1.4.~~ A draft of the proposed specific plan document and relevant map(s) that includes all of the necessary components as listed in Subsection ~~D~~E. (Contents); and

~~5. Such other relevant information as may be requested by the city planner or his or her designee in order to provide the approving authority with adequate information on which to base a decision.~~

D~~E~~. Contents. In addition to the state minimum content requirements of California Government Code Section 65451, the following items outline the city's content requirements for an application:

1. Statement of the relationship of the specific plan to the general plan.
2. Policies for development and standards for regulating development within the plan area.
3. The proposed land uses for all areas covered by the plan.
4. The types and configurations of buildings to be included in all developments within the plan area.
5. The location of and types of streets.
6. Public facilities and infrastructure required to serve developments within the specific plan area.
7. A parking and circulation plan for off-street parking areas showing the location of parking lots, the approximate number of spaces, and the approximate location of entrances and exits.
8. Proposed conservation, open space and/or recreation areas, if any.
9. Any other programs, guidelines or standards appropriate for the area covered by the plan.

E~~F~~. Environmental review. It is anticipated, under the California Environmental Quality Act and Guidelines, that most specific plans will require preparation of an environmental impact report (EIR). Once certified, the EIR for a specific plan may be relied upon for further entitlements sought subsequent to adoption of the specific plan. Unless otherwise exempt, an initial study shall be prepared for all subsequent applications to determine whether a supplement to the EIR must be prepared. If a supplement to the EIR is determined not to be necessary, a negative declaration or mitigated negative declaration shall be prepared.

F~~G~~. Findings. Specific plans and any amendment thereto shall be approved/adopted only when the city council makes the following findings:

Preliminary DRAFT Title 17 - Zoning

1. The proposed specific plan is consistent with the general plan goals, policies, and implementation programs.
2. The land use and development regulations within the specific plan are comparable in breadth and depth to similar zoning regulations contained in this title.
3. The administration and permit processes within the specific plan are consistent with the administration and permit processes of the zoning code.

~~GH.~~ Adoption. Adoption of the specific plan by ordinance of the city council shall constitute final action and approval of the specific plan. Authorization for construction in accordance with the specific plan may only be granted after the effective date of the adoption.

~~H.~~ Delineation of specific plan areas. On the zoning map, a specific plan zoning district shall be delineated in a manner similar to that of any other zoning district except that each SP-zoned area shall also bear a number, text, or other symbol which distinguishes it from other specific plan areas. See Section 17.26.020 (Specific plan zoning districts).

~~I.~~ Application of specific plan development requirements. Where specific conditions of the specific plan are more restrictive than the zoning code development standards, the conditions of the specific plan shall apply. Where a standard is not addressed in the specific plan, the zoning code shall apply.

(Ord. No. 423, § 2, 4-21-2009)

17.10.140-160 **Prezoning.**

- A. Purpose. The purpose of prezoning is to establish the designation of land use by zoning district for unincorporated property adjoining the city, within the sphere of influence. This section is consistent with California Government Code Section 65859.
- B. Procedure. The procedure, review, and action for prezoning are the same as that established for a zoning code amendment pursuant to Section 17.10.150 (Zoning code amendment).

(Ord. No. 423, § 2, 4-21-2009)

17.10.1750 **Zoning code amendment.**

- A. Purpose. The purpose of a zoning amendment is to allow modification to any provisions of this title (including the adoption of new regulations or deletion of existing regulations) or to rezone or change the zoning designation on the zoning map for any parcel(s). This section is consistent with California Government Code Section 65853.

~~B. Approving authority. The designated approving authority for zoning amendments is the city council. The city planner and planning commission provide recommendations and the city council approves, conditionally approves, or denies the zoning amendment in accordance with the requirements of this title.~~

~~BC.~~ Initiation of amendment. A zoning amendment to this title may be initiated by motion of the planning commission or city council, by application by property owner(s) of parcel(s)

Preliminary DRAFT Title 17 - Zoning

to be affected by zoning amendment, or by recommendation of the city planner to clarify text, address changes mandated by state law, maintain general plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the city.

CD. Submittal requirements. Section 17.08.010 (Application submittal) identifies the requirement for submittal of any application to the city for permit or entitlement. In addition to this general requirement, the city shall require, at a minimum, that the following be submitted for a zoning code amendment when initiated by the property owner(s) of parcel(s) to be affected by the zoning amendment:

~~1. A completed city application form indicating, among other things, the applicant's name, address, and telephone number;~~

~~2. Address of the property for which the request is being made;~~

~~3. Detailed project description;~~

14. Maps showing the existing and proposed zoning designations for the subject property(s) when the proposed zoning amendment is for a map amendment;

25. The proposed text of the proposed zoning amendment when the proposed zoning amendment is for a text amendment; and

36. Such other relevant information as may be requested by the city planner or his or her designee in order to provide the ~~approving authority~~ decision-making authority with adequate information on which to base a decision.

DE. Findings for zoning amendment (text or map). Zoning amendments shall be granted only when the city council makes the following findings:

1. The proposed zoning amendment (text or map) is consistent with the general plan goals, policies, and implementation programs.

EF. Conditions/restrictions. When considering an application for a zoning amendment to rezone property, the city council has the authority to impose restrictions on property including use restriction.

EG. Action/adoption. Adoption of the zoning amendment by ordinance of the city council shall constitute final action and approval of the amendment. Authorization for construction or occupancy in accordance with the amendment may only be granted upon or after the effective date of the action.

(Ord. No. 423, § 2, 4-21-2009)

17.10.1860 General plan amendment.

A. Purpose. The purpose of a general plan amendment is to allow for modifications to the general plan text (e.g., goals, policies, or implementation programs) or to change the general plan land use designation on any parcel(s).

Preliminary DRAFT Title 17 - Zoning

- ~~B. Approving authority. The designated approving authority for general plan amendments is the city council. The city planner and planning commission provide recommendations and the city council approves, conditionally approves, or denies the general plan amendment in accordance with the requirements of this title.~~
- BE. Frequency of amendment. Pursuant to Government Code Section 65358, no mandatory element of the general plan may be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one change to the general plan.
- CE. Initiation of amendment. A general plan amendment may be initiated by motion of the planning commission or city council, by application by property owner(s) of parcel(s) to be affected by general plan amendment, or by recommendation of the city planner to clarify text, address changes mandated by state law, maintain internal general plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the city.
- DE. Submittal requirements. Section 17.08.010 (Application submittal) identifies the requirement for submittal of any application to the city for permit or entitlement. In addition to this general requirement, the city shall require, at a minimum, that the following be submitted for a general plan amendment when initiated by the property owner(s) of parcel(s) to be affected by the general plan amendment:
- ~~1. A completed city application form indicating, among other things, the applicant's name, address, and telephone number;~~
 - ~~2. Address of the property for which the request is being made;~~
 - ~~3. Detailed project description;~~
 14. Maps showing the existing and proposed general plan designations for the subject property(s) when the proposed general plan amendment is for a map amendment;
 25. The proposed text of the proposed general plan amendment when the proposed general plan amendment is for a text amendment; and
 36. Such other relevant information as may be requested by the city planner or his or her designee in order to provide the ~~approving authority~~decision-making authority with adequate information on which to base a decision.
- EF. Findings for general plan amendment (text or map). In the event that a general plan amendment is requested by a private property owner, the applicant shall demonstrate to the city council that there is a substantial benefit to be derived from such amendment.
- EG. Adoption. Adoption of the general plan amendment by the city council shall constitute final action and approval of the amendment. Authorization for construction or occupancy in accordance with the amendment may only be granted upon the effective date of the action.

(Ord. No. 423, § 2, 4-21-2009)

Chapter 17.12 INTERPRETATION

17.12.010 Purpose.

The purpose of this chapter is to specify the authority and procedures for clarification of ambiguity in the regulations of this title in order to ensure the consistent interpretation and application.

(Ord. No. 423, § 2, 4-21-2009)

17.12.020 Applicability and authority for interpretations.

If ambiguity arises concerning the meaning or applicability of the provisions of this title, it shall be the responsibility of the city planner to review pertinent facts, determine the intent of the provision, and to issue an administrative interpretation of said provision(s) as specified in this chapter:

- A. The classification of a particular use;
- B. The development standards applicable to a particular zoning district or use; or
- C. Zoning boundaries.

(Ord. No. 423, § 2, 4-21-2009)

17.12.030 Rules of interpretation.

- A. Terminology. When used in this title, the following rules apply to all provisions of this title:
 - 1. Language. The words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.
 - 2. Tense and number. The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.
 - 3. Conjunctions. "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to..."
- B. Zoning regulations. Any list of any item, including zones or uses, is exclusive. If a use or other item is not listed, it is not permitted.
- C. Number of days. Whenever the number of days is specified in this title, or in any permit, condition of approval, or notice issued or given as provided in this title, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or city holiday, time limits shall extend to the end of the next working day.
- D. Minimum requirements. When interpreting and applying the regulations of this title, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

Preliminary DRAFT Title 17 - Zoning

(Ord. No. 423, § 2, 4-21-2009)

17.12.040 Record of interpretation.

Whenever the city planner determines that an ambiguity in a zoning regulation exists or when an applicant requests an interpretation based on his or her judgment or understanding of the chapter, the city planner shall issue an official interpretation. Official interpretations shall be in writing and shall cite the provisions being interpreted together with an explanation of the meaning or applicability of the provision(s) in the particular or general circumstances that caused the need for interpretation. The city planner shall make an interpretation based on his or her judgment and understanding of the current code.

Any provision determined by the city planner to be ambiguous pursuant to this chapter shall be clarified by amendment as soon as is practical. The city planner shall maintain a complete record of all official interpretations available for public review, indexed by the chapter number of this title that is the subject of the interpretation, including all interpretations made by the planning commission and city council. The applicant or property owner initiating the request for such interpretation shall receive a notice of action, including the record of interpretation and information regarding the city's appeal procedures. All recorded interpretations shall also be provided to the planning commission, city manager, city attorney, and city council in writing.

(Ord. No. 423, § 2, 4-21-2009)

17.12.050 Appeals.

Interpretations by the city planner may be appealed to the planning commission as specified in Section 17.08.060 (Appeals). Following appeal, if the applicant disagrees with the commission's determination, the applicant may appeal to the city council.

(Ord. No. 423, § 2, 4-21-2009)

Chapter 17.14 ENFORCEMENT

17.14.010 Purpose and intent.

The purpose of these provisions is to identify enforcement authority and provisions for enforcement of this title.

(Ord. No. 423, § 2, 4-21-2009)

17.14.020 Enforcement authority.

Enforcement of this title shall be the responsibility of the city planner or his or her designee. The city planner shall investigate all matters of zoning code violations and, if a violation exists, the city shall take enforcement action pursuant to Chapter 1.10 (Administrative enforcement provisions).

(Ord. No. 423, § 2, 4-21-2009)

Preliminary DRAFT Title 17 - Zoning

17.14.030 Violation—Deemed nuisance.

Any building or structure, or any use of property contrary to or in violation of this title is unlawful and is deemed a public nuisance. All nuisance abatement and injunction proceedings shall be conducted in accordance with Chapter 1.10 (Administrative enforcement provisions), as well as relevant provisions of state law.

(Ord. No. 423, § 2, 4-21-2009)

Chapter 17.16 NONCONFORMING USES, BUILDINGS, STRUCTURES, AND LAND[2]

17.16.010 Purpose.

This section provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption, or amendment of this zoning code, but which would be prohibited, regulated, or restricted differently under the current terms of this zoning code or future amendments. It is the intent of this zoning code to allow for the long-term continuance of nonconformities in an orderly manner, and provide for their possible transition to a conforming condition.

(Ord. No. 455, § 4, 12-6-2011)

17.16.020 Regulations to apply.

The regulations set forth in Sections 17.16.020 through 17.16.140 shall apply to all nonconforming buildings and structures, or parts thereof, and uses existing at the effective date of this title.

(Ord. No. 455, § 4, 12-6-2011)

17.16.030 Building or structure.

- A. Continued Use of a Nonconforming Building or Structure. Any nonconforming building or structure may be continued and maintained, including necessary maintenance and repair.
- B. Legal Expansion of a Nonconforming Building or Structure. A nonconforming building or structure may be enlarged, extended, or otherwise added onto, or otherwise altered, provided such modifications do not extend the nonconforming aspects of the structure or result in any new nonconforming conditions for the subject property.

(Ord. No. 455, § 4, 12-6-2011)

17.16.040 Uses.

Any nonconforming use may be maintained and continued, provided there is no increase or enlargement of the area, space or volume occupied or devoted to such nonconforming use, except as otherwise provided in this title. An existing nonconforming use may be enlarged or expanded upon application for, and approval by the ~~designated approving authority~~decision-making authority, a conditional use permit.

Preliminary DRAFT Title 17 - Zoning

(Ord. No. 455, § 4, 12-6-2011)

17.16.050 Loss of nonconforming use status.

- A. Change to a Conforming Use. Any part of a building, structure, or land occupied by a nonconforming use that is changed to or replaced by a use conforming to the provisions of this title shall not thereafter be used or occupied by the prior nonconforming use.
- B. Abandonment or Discontinuance. Any part of a building, structure or land occupied by a nonconforming use, while use is abandoned, shall not again be used or occupied by such a nonconforming use. Any part of a building, structure or land occupied by such a nonconforming use, which use is discontinued for a period of more than 36 months, shall not again be used or occupied for a nonconforming use.

(Ord. No. 455, § 4, 12-6-2011)

17.16.060 Reserved.

17.16.070 Reserved.

17.16.080 Reserved.

17.16.090 Nonconforming parcels of land.

- A. Legal Building Site. A nonconforming parcel that does not comply with the applicable area or width requirements of this zoning ordinance shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the city planner by evidence furnished by the applicant:
 - 1. Approved Subdivision. The parcel was created by a recorded subdivision;
 - 2. Individual Parcel Legally Created by Deed. The parcel is under one ownership and of record, and was legally created by a recorded deed before the effective date of the Zoning amendment that made the parcel nonconforming;
 - 3. Variance or Lot Line Adjustment. The parcel was approved through the variance procedure or resulted from a lot line adjustment; or
 - 4. Partial Government Acquisition. The parcel was created in compliance with the provisions of this zoning ordinance, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent.
- B. Subdivision of a Nonconforming Parcel. No subdivision shall be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel.

(Ord. No. 455, § 4, 12-6-2011)

Preliminary DRAFT Title 17 - Zoning

17.16.100 Signs, billboards, etc.

The city's policy for nonconforming signs, billboards, and other such structures shall be as defined in Chapter 17.42 (Signs on Private Property).

(Ord. No. 455, § 4, 12-6-2011)

17.16.110 Nonconformance due to change of regulations.

The provisions of Sections 17.16.010 through 17.16.090 shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassifications of zones under this title or any subsequent change in the regulations of this title; provided, that where a period of years is specified in Sections 17.16.010 through 17.16.090 for the removal of nonconforming buildings, structures or uses, said period shall be computed from the date of such reclassification or change.

(Ord. No. 455, § 4, 12-6-2011)

17.16.120 Public utilities.

The provisions of this chapter shall not apply so as to prevent the modernization or replacement of public utility buildings, structures, equipment, and facilities where there is no change of use or increase in area of property so used.

(Ord. No. 455, § 4, 12-6-2011)

17.16.130 Building under construction.

Any building or structure for which a building permit has been issued prior to the effective date of this title may be completed and used in accordance with the plans, specifications, and permits on which said building permit was granted, if construction is commenced within 60 days after the issuance of said permit and diligently prosecuted to completion.

(Ord. No. 455, § 4, 12-6-2011)

17.16.140 Reconstruction of damaged and nonconforming buildings.

If a nonconforming building or structure is damaged by fire, explosion, or acts of God, subsequent to the effective date of this title, such building or structure may be reconstructed in a manner that does not increase or enlarge the area, space, or volume occupied or devoted to such nonconforming use, under the following terms: (1) all such reconstruction shall be performed under one building permit, (2) all such reconstruction shall be initiated within a period of three years from date of damage, and (3) all such reconstruction shall be diligently pursued to completion. Nothing in this section shall be construed to allow an unsafe structure or condition to exist on the site of such damage.

Preliminary DRAFT Title 17 - Zoning

- A. If the expense of such reconstruction is less than or equal to 60 percent of the assessed value of the building or structure at such time just prior to the damage occurring, the building or structure may be reconstructed upon issuance of a ministerial building permit.
- B. If the expense of such reconstruction is more than 60 percent of the assessed or appraised value of the building or structure at such time just prior to the damage occurring, whichever is appropriate, the building or structure may only be reconstructed upon issuance of a conditional use permit from the ~~designated approving authority~~decision-making authority.

(Ord. No. 493 , § 3, 7-18-17; Ord. No. 455 , § 4, 12-6-2011)

17.16.150 Re-establishment of nonconforming structures voluntarily removed.

In the event a property owner desires to re-establish a legal nonconforming structure after voluntary removal, the property may do so but only upon satisfying the following requirements:

- A. The property owner first applies for, and is issued, a building permit for the re-established structure and the structure is constructed in compliance with the city-adopted building code in effect at the time of permit issuance.
- B. The size, scale, and location of the structure are the same as the prior structure. The burden shall be on the property owner to provide information satisfactory to the city to document the setbacks, height, and other physical characteristics of the prior structure necessary to review and approve the building permit for the re-established structure.
- C. The structure is re-established within five years of being voluntarily removed.

(Ord. No. 455, § 4, 12-6-2011)

17.16.160 Nonconforming due to lack of use permit.

- A. Conformity of Uses Requiring Conditional Use Permits. A use lawfully existing without a conditional use permit that would be required by this title to have conditional use permit approval shall be deemed conforming only to the extent that it previously existed (e.g., maintain the same site area boundaries, hours of operation, etc.).
- B. Previous Conditional Use Permits in Effect. A use that was authorized by a conditional use permit but is not allowed by this title in its current location may continue, but only in compliance with the original conditional use permit.

(Ord. No. 455, § 4, 12-6-2011)

Footnotes:

--- (2) ---

Editor's note— Ord. No. 455 , § 4, adopted December 6, 2011, amended Chapter 17.16 in its entirety to read as herein set out. Former Chapter 17.16, §§ 17.16.010—

Preliminary DRAFT Title 17 - Zoning

17.16.170, pertained to nonconforming uses, and derived from Ord. No. 423, adopted April, 21, 2009.

ARTICLE II. ZONING DISTRICTS, ALLOWED USES, AND DEVELOPMENT STANDARDS

Chapter 17.20 ESTABLISHMENT OF ZONING DISTRICTS AND LAND USE CLASSIFICATION SYSTEM

17.20.010 Chapter purpose.

This chapter establishes the framework of zoning districts within the City of Lone and their relationships to the city's general plan land use categories. This chapter also establishes the zoning map as the official designation of zoning district boundaries.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.20.020 Zoning districts.

Zoning districts are established in order to classify, regulate, restrict and segregate the uses of land and buildings; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; and to regulate the density of population; for these purposes, classes of land use zones are established.

The City of Lone is divided into zoning districts that are generally grouped into three categories: A) base zoning districts, B) special purpose zoning districts, and C) overlay zoning districts. These districts implement the city's general plan land use categories as described in Table 17.20.020-1 (Zoning districts). Each zone is further defined and regulated in subsequent chapters of this article.

- A. Base Zoning Districts. The base zoning district is the primary zoning district that applies to a property. Every parcel throughout the city has a base zoning district that establishes the primary type and intensity of land use for the parcel and provides development regulations for that particular type and intensity of land use. Base districts are grouped into three categories as follows:
 - 1. Agricultural and residential zoning districts;
 - 2. Commercial and industrial zoning districts;
 - 3. Public/quasi public districts.
- B. Special Purpose Zoning Districts. The special purpose zoning district supplements the base zoning district to allow for more flexibility from the standard provisions of the underlying base zoning district. Special purpose zoning districts are grouped into two categories as follows:
 - 1. Specific plan zoning districts;
 - 2. Planned development zoning districts;

~~In the event of a conflict between the regulations of the base zoning district and the special purpose zoning district, the provisions of the special purpose zoning district shall apply.~~

Preliminary DRAFT Title 17 - Zoning

- C. Overlay Zoning Districts. An overlay zoning district supplements the base zoning district for one or more of the following purposes:
1. When special provisions are needed to protect unique site features or implement location-specific provisions; and/or
 2. To specify a particular standard or guideline for an area.
- D. In the event of a conflict between the regulations of the base zoning district and the special purpose zoning district, the provisions of the special purpose zoning district shall apply.
- E. When an overlay zoning district is silent on allowed use provisions, the allowed use provisions of the base zoning district shall prevail. In the event of a conflict between the regulations of the base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply.

Table 17.20.020-1: Zoning Districts

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented by Zoning District
Agricultural Zoning Districts		
A	Agricultural	General Agriculture
Residential Zoning Districts		
R-1a	One-family Dwelling	Low Density Residential
R-1b	One-family Dwelling	Low Density Residential
R-1c	One-family Dwelling	Rural Residential
R-2	Limited Multiple-family Dwelling	Low Density Residential Medium Density Residential Downtown Transition
R-3	Multiple-family Dwelling	Medium Density Residential
R-4	High Density Multiple-Family Dwelling	High Density Residential
MP	Mobile Home Park	Medium Density Residential
Commercial and Industrial Zoning Districts		
C-T	Commercial-Transition	Downtown Transition
C-1	Light Commercial	General Commercial
C-2	Central Business District Commercial	Central Business District
C-3	Heavy Commercial	General Commercial
BP	Business Professional	Office-Commercial
M-1	Limited Manufacturing and Industrial	Light Industrial
M-2	Heavy Industrial and Mining	Heavy Industrial Surface Mining
Public/Quasi Public Zoning Districts		
O-S	Open Space	Open Space

Preliminary DRAFT Title 17 - Zoning

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented by Zoning District
PCS	Parks and Community Service	Parks and Recreation
PF	Public Facilities	Public Service
Special Purpose Zoning Districts		
S-P	Specific Plan	All
P-D	Planned Development	All
Overlay Zoning Districts		
H	Historic Overlay	All

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.20.030 Conformance with zoning district regulations.

Except as provided in this title:

- A. No building shall be erected, and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than listed in this title, or amendments thereto, as permitted in the zones in which such land, building or premises is located.
- B. No building shall be erected nor any existing building be moved, reconstructed or structurally altered to exceed in height the limit established by this title, or amendments thereto, for the zone in which such building is located.
- C. No building shall be erected nor shall any existing building be moved, altered or enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the building-site requirements and the area and yard regulations established by this Title, or amendments thereto, for the zone in which such building is located.
- D. No yard or other open space provided about any building for the purpose of complying with the regulations of this title, or amendments thereto, shall be considered as providing a yard or open space for any other building or structure.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.20.040 Zoning map.

The city council hereby adopts the City of Lone Zoning Map (hereafter referred to as the "zoning map") as the official designation of zoning district boundaries on real property within the city. The zoning map shall be regulated as set forth:

- A. Incorporated by Reference. The zoning map is hereby incorporated into this zoning code by reference as though it were fully included.

Preliminary DRAFT Title 17 - Zoning

- B. Relationship to the General Plan and Other Plans. The zoning map shall implement and shall be consistent with the city's adopted general plan. The zoning map shall be specifically consistent with the general plan land use plan and the roadway sizing diagram, and any adopted specific plans or planned developments.
- C. Zoning District Symbol. Zoning districts shall be illustrated on the zoning map as follows:
 - 1. Each base zoning district shall be described on the zoning map by use of its identified zoning district symbol, as listed in Table 17.20.020-1 (Zoning Districts).
 - 2. Special purpose zoning districts shall be delineated with a name, number, symbol, or other delineation, as determined by the city planner, which distinguishes it from other special purpose zones, base zoning districts, or overlay zones. The assignment of the special purpose designation serves to provide a reference to the corresponding special purpose zoning document (e.g. specific plan, planned development) adopted by ordinance of the city council.
 - 3. Overlay zoning districts shall be designated by their representative symbol along with the base zoning district in a format determined by the city planner.
- D. Zoning Map Interpretation. If there is uncertainty about the location of any zoning district boundary shown on the zoning map, the precise location of the boundary shall be determined by the city planner as follows:
 - 1. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.
 - 2. In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.
 - 3. In case any uncertainty exists, the planning commission shall determine the location of boundaries.
 - 4. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street or alley.
 - 5. Where any private right-of-way or easement of any railroad, railway, canal, transportation or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned property.
 - 6. All property in the city not otherwise classified, and all property hereafter annexed and not zoned upon annexation, is classified as R-1a zone.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.20.050 Classification of land uses.

In order to simplify land use regulations, land uses listed in this article and throughout this title have been grouped into general categories on the basis of common function, product, or compatibility

Preliminary DRAFT Title 17 - Zoning

characteristics. These general allowed use categories are called "use classifications." Use classifications describe one or more uses having similar characteristics but do not list every use or activity that may appropriately be within the classification. Each land use is described in Chapter 17.82.310 (Allowed use definitions).

The following rules apply to use classifications:

- A. Special Use Regulations. Additional use regulations for special land uses are listed in [Article IV \(Standards for specific residential uses\)](#) and [Article V4 \(Standards for specific ~~land-non-residential~~ uses\)](#).
- B. Uses Not Listed. Land uses that are not listed in the zoning district tables are not allowed, except as otherwise provided for in this title.
- C. Illegal Uses. No use that is illegal under local, state, or federal law shall be allowed in any zoning district within the city.
- D. Special Purpose Zoning District. When a property is located within a special purpose zoning district, the allowed use provisions of that special purpose zoning district shall prevail. When a special purpose zoning district is silent on allowed use provisions, it defers the allowed use provisions to the base zoning district. Only where there is a conflict do the special purpose zoning district provisions prevail.
- E. Similar Uses. When a use is not specifically listed in this Code, it shall be understood that the use may be permitted if the city planner determines that the use is similar to other uses listed based on established criteria and required findings outlined in Section 17.20.070 (Similar use determination). It is further recognized that every conceivable use cannot be identified in this title and, anticipating that new uses will evolve over time, the city planner may make a similar use determination to compare a proposed use and measure it against those uses listed.
- F. Overlay Zoning District. When a property is located within an overlay zoning district that regulates the allowed use provisions of that subject property, the allowed use regulations of the overlay zoning district shall prevail. When an overlay zoning district is silent on allowed use provisions, it defers to the allowed use provisions of the base zoning district. Where there is a conflict between the base zoning district and the overlay zoning district, the regulations of the overlay zoning district shall prevail.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.20.060 Allowed land uses and permit requirements.

Zoning district allowed use tables throughout this Article (Tables 17.22.030-1, 17.24.030-1, and 17.25.030-1) identify allowed land use and permit requirements in each of the city's base zoning districts. Generally, a use is allowed by right, allowed through issuance of a conditional use permit, or not permitted. In addition to the permit requirements of this title, other permits may be required prior to establishment of the use (e.g., building permit). The permitting requirements identified in these tables are:

Preliminary DRAFT Title 17 - Zoning

- A. Permitted (P). A land use shown with a "P" indicates that the land use is permitted by right in the designated zoning district, subject to compliance with all applicable provisions of this zoning code (e.g., development standards, site plan review).
- B. Conditional (C). A land use shown with a "C" indicates that the land use is permitted in the designated zoning district upon issuance of a conditional use permit from the ~~designated approving authority~~decision-making authority, subject to compliance with all applicable provisions of this zoning code (e.g., development standards, site plan review).
- C. Not Permitted ("N"). A land use shown with an "N" in the table is not allowed in the applicable zoning district. Additionally, uses not shown in the table are not permitted.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.20.070 Similar use determination.

When a use is not specifically listed in this title, it shall be understood that the use may be permitted if the city planner determines that the use is similar to other uses listed. It is further recognized that every conceivable use cannot be identified in this title and, anticipating that new uses will evolve over time, this section establishes the city planner's authority to compare a proposed use and measure it against those uses listed in this title for determining similarity. In determining "similarity" the city planner shall make all of the following findings:

- A. The characteristics of, and activities associated with the proposed use, are equivalent to one or more of the listed uses, and will not involve a higher level of activity or population density than the uses listed in the district;
- B. The proposed use will be consistent with the purposes of the applicable zoning district; and
- C. The proposed use will be consistent with the general plan and any applicable specific plan.

Determinations shall be made in writing and shall contain the facts that support the determination. The department shall maintain all such determinations on record at the public counter for review by the general public. All recorded determinations shall be provided to the planning commission, city council, city manager, city attorney, and city clerk. The city planner's decision may be appealed as provided in Section 17.08.060 (Appeals). Interpretations shall be made consistent with the provisions outlined in Chapter 17.12 (Interpretation).

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

Chapter 17.22 AGRICULTURAL AND RESIDENTIAL DISTRICTS

17.22.010 Chapter purpose.

The purpose of this chapter is to establish agricultural and residential zoning districts in the city, along with allowed use and development standards applicable to those districts. These districts are consistent with and implement the city's general plan agricultural land use categories (agricultural transition and agricultural/mineral resources) and residential land use categories (residential low density and residential medium density) as shown in Table 17.20.020-1 (Zoning districts).

Preliminary DRAFT Title 17 - Zoning

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.22.020 Characteristics of agricultural and residential zoning districts.

The following descriptions of each agricultural and residential zoning district identify the characteristic uses, intensity of uses, and level of development intended for that district.

- A. Agricultural (A) Zoning District. This district is intended to preserve land for agricultural use and operations and to discourage the premature conversion of agricultural land to urban uses. The district allows for a range of agricultural and compatible uses on large tracks of land, such as raising and grazing of livestock, poultry, or other animals; growing and harvesting of trees, fruits, vegetables, flowers, grains, or other crops; storage, packing or processing of agricultural products produced on the property, without changing the nature of the products; sale on the property of products produced thereon, provided that such uses are carried on by residential use thereof, and are not a nuisance to the contiguous properties; and one-family dwellings and single guesthouses, with the renting of not more than one room.
- B. One-family Dwelling (R-1) Zoning Districts. These single-family zoning districts are established to provide sufficient space in appropriate locations for single-family residential development to meet the needs of the city's present and expected future population with due allowance for the need for a choice of sites. There are three individual one-family districts as listed below. The general character of each of the districts intended to help guide development within the district, consistent with and accompanying applicable descriptions in the general plan as established by Table 17.20.020-1 (Zoning districts).
 - 1. R-1a One-Family Zoning District: This district should be applied to areas that are primarily residential, consisting of one-family dwellings. This district also provides for public and quasi-public uses, such as schools, parks, churches, and nurseries.
 - 2. R-1b One-Family Zoning District: This district should be applied to areas that are semi-rural but primarily residential in nature and supportive of small-scale animal keeping. Residential dwelling types consist of single-family dwellings. This district also provides for public and quasi-public uses, such as schools, parks, churches, and nurseries.
 - 3. R-1c One-Family Zoning District: This district should be applied to areas that are primarily semi-rural in nature, consisting of single-family dwellings and supportive of small-scale animal keeping. This district also provides for public and quasi-public uses, such as schools, parks, churches, and nurseries.
- C. Multiple-family Dwelling (R) Zoning Districts. These districts are established to provide sufficient space in appropriate locations for multiple-family residential development to meet the needs of the city's present and expected future population with due allowance for the need for a choice of sites. There are three individual multiple-family districts as listed below. The general character of each of the districts is intended to help guide development within the district, consistent with and accompanying applicable descriptions in the general plan as established by Table 17.20.020-1 (Zoning districts).

Preliminary DRAFT Title 17 - Zoning

1. R-2 Limited Multiple Family Dwelling Zoning District: This district should be applied to areas intended for the development of higher density single-family homes (attached or detached) and medium density homes, such as condominiums, duplexes, tri-plexes, and four-plexes, in addition to small apartment complexes. This district also provides for public and quasi-public uses, such as schools, parks, churches, and nurseries.
 2. R-3 Multiple-family Dwelling Zoning District: This district should be applied to areas intended for the development of higher density single-family homes (attached or detached) and medium density homes, such as condominiums, duplexes, tri-plexes, and four-plexes, in addition to multiple-family housing, such as apartment complexes. This district also provides for public and quasi-public uses, such as schools, parks, churches, and nurseries.
 3. R-4 High Density Multiple Family Zoning District: This district should be applied to areas intended for the development of larger, higher density multiple-family housing complexes, including apartments and condominiums. This district also provides for public and quasi-public uses, such as schools, parks, churches, and nurseries.
- D. Mobile Home Park (MP) Zoning District. This district provides for the development of mobile home parks and/or the placement of mobile homes on individual lots within an approved subdivision of lots to accommodate mobile homes as the primary dwelling unit. The MP zone also allows for the development of associated support uses, such as community centers, parks, and common areas as part of both mobile home parks and mobile home subdivisions.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

Preliminary DRAFT Title 17 - Zoning

17.22.030 Allowed land uses and permit requirements.

Table 17.22.030-1 (Allowed uses and permit requirements for agricultural and residential zoning districts) below identifies allowed uses and corresponding permit requirements for the agricultural and residential zoning districts subject to compliance with provisions of this title. Descriptions/definitions of the land uses can be found in Article 5-VI (Glossary). Applicable regulations are identified in Table 17.22.030-1 to assist in identifying related regulations; however, this is not an exhaustive list of all applicable requirements and uses must comply with all application sections of the Zoning Code regardless of the identified related regulations.

Use regulations in the table are shown with representative symbol by use classification listing: "P" symbolizes uses allowed by right, "C" symbolizes uses that require approval of a conditional use permit, and "N" symbolizes uses that are not permitted.

Table 17.22.030-1: Allowed Uses and Permit Requirements for Agricultural and Residential Zoning Districts

Land Use/Zoning District	A	R-1a	R-1b	R-1c	R-2	R-3	R-4	MP	<u>Applicable Regulations</u>
<u>P = Permitted, Plan Check</u> <u>SP(a) = Permitted, Administrative Site Plan Review</u> <u>SP = Permitted, Administrative or Discretionary Site Plan Review as identified in Section 17.10.030</u> <u>C = Conditional Use Permit</u> <u>SM = Streamlined Ministerial Review</u> <u>N = Not Allowed</u>									
Residential Uses									
Adult Day Care Home	N	<u>PSP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	N	
Dwelling, Second Unit <u>Accessory Dwelling Unit</u>	<u>Chapter 17.112</u>								
<u>Agricultural Employee Housing</u>	<u>SP(a)</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Section 17.116.030; Chapter 17.114</u>
Caretaker Housing	<u>PN</u>	<u>PN</u>	<u>PN</u>	<u>NP</u>	<u>PN</u>	<u>PN</u>	<u>PN</u>	<u>PN</u>	
Dwelling, Multifamily	N	N	N	N	<u>SPP</u>	<u>SPP</u>	<u>SPP</u>	N	<u>Chapter 17.114</u>
Dwelling, Single Family	<u>PSP</u>	<u>PSP</u>	<u>PSP</u>	<u>PSP</u>	<u>PSP1</u>	<u>PSP1</u>	N	N	

Preliminary DRAFT Title 17 - Zoning

Land Use/Zoning District	A	R-1a	R-1b	R-1c	R-2	R-3	R-4	MP	<u>Applicable Regulations</u>
<u>P = Permitted, Plan Check</u> <u>SP(a) = Permitted, Administrative Site Plan Review</u> <u>SP = Permitted, Administrative or Discretionary Site Plan Review as identified in Section 17.10.030</u> <u>C = Conditional Use Permit</u> <u>SM = Streamlined Ministerial Review</u> <u>N = Not Allowed</u>									
Dwelling, Two-Family	N	N <u>SP</u>	SP <u>N</u>	SP <u>N</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	N	<u>Chapter 17.114, Chapter 17.118</u>
Dwelling, Three- and Four-Family	N	N	N	N	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	N	<u>Chapter 17.114</u>
Emergency Shelter	N	N	N	N	N	N	C	N	<u>Section 17.116.040; Chapter 17.114</u>
Employee Housing	SP <u>P</u>	SP <u>N</u>	SP <u>N</u>	SP <u>N</u>	SP <u>N</u>	SP <u>N</u>	SP <u>N</u>	SP <u>N</u>	<u>Section 17.16.020</u>
Family Day Care Home, Large	C	C	C	C	C	C	C	C	<u>Section 17.122.010</u>
Family Day Care Home, Small	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	<u>Section 17.122.010</u>
Group Residential	N	N	N	N	C	CP	P	N	<u>Chapter 17.114</u>
Guest House	P	P	P	P	P	N	N	N	
Home Occupations	P	P	P	P	P	P	P	P	<u>Chapter 17.110</u>
Live-Work Facility	N	N	N	N	C	C	C	N	<u>Chapter 17.114</u>
<u>Low Barrier Navigation Center</u>	N	N	N	N	SP	SP	SP	N	<u>Section 17.116.060, Chapter 17.114</u>
Manufactured Home, <u>Permanent</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	<u>Section 17.116.010</u>
<u>Manufactured Home, Non-Permanent</u>	I	I	I	I	I	I	I	P	
Mobile Home	N	N	N	N	N	N	N	P	
Mobile Home Park	N	N	N	N	N	N	N	P <u>SP</u>	
Residential Care Home	P <u>SP</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	SP <u>P</u>	

Preliminary DRAFT Title 17 - Zoning

Land Use/Zoning District	A	R-1a	R-1b	R-1c	R-2	R-3	R-4	MP	<u>Applicable Regulations</u>
<u>P = Permitted, Plan Check</u> <u>SP(a) = Permitted, Administrative Site Plan Review</u> <u>SP = Permitted, Administrative or Discretionary Site Plan Review as identified in Section 17.10.030</u> <u>C = Conditional Use Permit</u> <u>SM = Streamlined Ministerial Review</u> <u>N = Not Allowed</u>									
Single Room Occupancy (SRO) Facilities	N	N	N	N	N	C	C	N	
Supportive Housing	PSP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	<u>Section 17.116.050, Chapter 17.114</u>
Transitional Housing	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	<u>Chapter 17.114</u>
<u>Qualified Streamlined Housing</u>	<u>N</u>	<u>SM</u>	<u>SM</u>	<u>SM</u>	<u>SM</u>	<u>SM</u>	<u>SM</u>	<u>SM</u>	<u>Chapter 17.114</u>
Agriculture, Resource, and Open Space Uses									
Agricultural Tourism	PSP	N	N	N	N	N	N	N	
Animal Husbandry	P	N	N	C	N	N	N	N	<u>Title 6</u>
Animal Keeping—Domestic Pets	P	P	P	P	P	P	P	P	
Animal Keeping—Exotic Animals	P	P	P	P	P	P	P	P	
Animal Keeping—Livestock Animals	P 2, 3	P 2, 3	P 2, 3	P 2, 3	N	N	N	N	<u>Chapter 6.06 (Equine and Bovine Animals)</u>
Animal Keeping—Poultry/Rabbits, < 6 animals	P	P 4	P 4	P 4	N	N	N	N	
Animal Keeping—Poultry/Rabbits, 6—12 animals	P	C 4	C 4	C 4	N	N	N	N	
Animal Keeping—Poultry/Rabbits, > 12 animals	P	N	N	N	N	N	N	N	<u>Chapter 6.08 (Poultry and Rabbits)</u>
Crop Production	P	N	N	N	N	N	N	N	

Preliminary DRAFT Title 17 - Zoning

Land Use/Zoning District	A	R-1a	R-1b	R-1c	R-2	R-3	R-4	MP	<u>Applicable Regulations</u>
<u>P = Permitted, Plan Check</u> <u>SP(a) = Permitted, Administrative Site Plan Review</u> <u>SP = Permitted, Administrative or Discretionary Site Plan Review as identified in Section 17.10.030</u> <u>C = Conditional Use Permit</u> <u>SM = Streamlined Ministerial Review</u> <u>N = Not Allowed</u>									
Equestrian Facility, Commercial	<u>PSP</u>	N	N	N	N	N	N	N	<u>Chapter 6.06 (Equine and Bovine Animals)</u>
Equestrian Facility, Hobby	P	N	N	N	N	N	N	N	
Hog Farm, Commercial	<u>PSP</u> 5	N	N	N	N	N	N	N	
Kennels, Hobby	P	N	N	C	N	N	N	N	
<u>Animal Keeping (Non-agricultural)</u>									
<u>Animal Keeping—Domestic Pets</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Title 6</u>
<u>Animal Keeping—Exotic Animals</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Title 6</u>
<u>Animal Keeping—Poultry/Rabbits. < 6 animals</u>	<u>P</u>	<u>P 4</u>	<u>P 4</u>	<u>P 4</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Chapter 6.08 (Poultry and Rabbits)</u>
<u>Animal Keeping—Poultry/Rabbits, 6—12 animals</u>	<u>P</u>	<u>C 4</u>	<u>C 4</u>	<u>SP 4</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Chapter 6.08 (Poultry and Rabbits)</u>
<u>Kennels, Hobby</u>	<u>SP</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Chapter 6.04 (Dog Licensing and Control)</u>
<u>Equestrian Facility, Hobby</u>	<u>SP</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Chapter 6.06 (Equine and Bovine Animals)</u>
<u>Recreation, Education, and Public Assembly Uses</u>									
Cemeteries, Mausoleums	C	C	C	C	C	C	C	C	
Clubs, Lodges, and Private Meeting Halls	C	C	C	C	C	C	C	C	

Preliminary DRAFT Title 17 - Zoning

Land Use/Zoning District	A	R-1a	R-1b	R-1c	R-2	R-3	R-4	MP	<u>Applicable Regulations</u>
<u>P = Permitted, Plan Check</u> <u>SP(a) = Permitted, Administrative Site Plan Review</u> <u>SP = Permitted, Administrative or Discretionary Site Plan Review as identified in Section 17.10.030</u> <u>C = Conditional Use Permit</u> <u>SM = Streamlined Ministerial Review</u> <u>N = Not Allowed</u>									
Community Centers/Civic Uses	C	C	C	C	C	C	C	C	
Community Garden	P	P	P	P	P	P	P	P	
Indoor Fitness and Sports Facility	N	N	N	N	N	P	P	P	
Libraries and Museums	C	C	C	C	C	C	C	C	
Outdoor Commercial Recreation	C	C	C	C	C	C	C	C	
Parks and Public Plazas	C	P	P	P	P	P	P	P	
Public Safety Facility	C	C	C	C	C	C	C	C	
Recreational Vehicle Parks	N	N	N	N	N	N	N	C	
Religious Institutions	C	C	C	C	C	P	P	C	
Resource Protection and Restoration	C	C	C	C	C	C	C	C	
Resource-Related Recreation	C	N	N	N	N	N	N	N	
Schools, Charter	C	C	C	C	C	P	P	C	
Schools, Private and Special/Studios	C	C	C	C	C	<u>SP</u>	<u>SP</u>	C	
Schools, Public	P	P	P	P	P	P	P	P	
Utility, Transportation, and Communication Use Listings									
Airport	C	N	N	N	N	N	N	N	
Bus and Transit Shelters	P	P	P	P	P	P	P	P	
Heliports	C	C	C	C	C	C	C	C	

Preliminary DRAFT Title 17 - Zoning

Land Use/Zoning District	A	R-1a	R-1b	R-1c	R-2	R-3	R-4	MP	<u>Applicable Regulations</u>
<u>P = Permitted, Plan Check</u> <u>SP(a) = Permitted, Administrative Site Plan Review</u> <u>SP = Permitted, Administrative or Discretionary Site Plan Review as identified in Section 17.10.030</u> <u>C = Conditional Use Permit</u> <u>SM = Streamlined Ministerial Review</u> <u>N = Not Allowed</u>									
Park and Ride Facility	C	N	N	N	N	C	C	N	
Public Safety Facility	C	C	C	C	C	C	C	C	
Wireless Communication Facility	C	C	C	C	C	C	C	C	<u>Chapter 17.210</u>
Utility Facility and Infrastructure	P	P	P	P	P	P	P	P	
Retail, Service, and Office Uses									
Adult Day Care Facility	N	N	N	N	C	PSP	PSP	N	
Bed and Breakfast Inns	PSP	N	N	C	C	PSP	P	N	
Child Day Care Facility	C	C	C	C	C	P	P	C	
Kennels, Commercial	PSP	N	N	N	N	N	N	N	<u>Chapter 6.04 (Dog Licensing and Control)</u>
Medical Services, Extended Care	N	N	N	N	N	C	PSP	N	
Medical Services, Hospitals	N	N	N	N	C	C	C	C	
Residential Care Facility	N	N	N	N	C	C	PSP	N	

Notes:

1. Single family dwellings are permitted provided the lot size does not exceed 4,000 square feet.
2. Maximum of four animals and their offspring per acre; hogs limited to a total of five and their offspring.
3. Consistent with Chapter 6.06 (Equine and bovine animals), such animals may be maintained provided the exterior boundaries of the pen or stable are at least 100 feet from any school, church, public building, hotel, restaurant, hospital, or other building specially designed or used for the care of the sick or injured or of a residence of any person other than the residence occupied by the owner of the animal or animals. If the distance from the pen or stable is less than 100 feet, then a conditional use permit shall be required.

Preliminary DRAFT Title 17 - Zoning

~~4. All poultry and rabbits shall be kept consistent with the standards and limitation provided in Chapter 6.08 (Poultry and Rabbits).~~

~~45. Limit of 12 of any combination of such animals total. Pen must be setback a minimum of 50 feet of any dwelling or other building used for human habitation, 100 feet from the front lot line, and 100 feet from any public park, school, hospital, or similar institution.~~

(Ord. No. 456, § 3, 2-7-2012 ; Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.22.040 Development standards.

- A. The following development standards in Table 17.22.040-1 (Development standards for agricultural and residential zoning districts) are applicable to the agricultural and residential zoning districts. These standards, along with other development standards (e.g., fences and walls, parking, sign standards) in this title, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development.

Table 17.22.040-~~12~~: Development Standards for Agricultural and Residential Zoning Districts

Development Standard	A	R-1a	R-1b	R-1c	R-2	R-3	R-4	MP
Setbacks (minimum)								
Front	25 ft.	20 5 ft.	25 ft.	30-25 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Side	5 ft. ^{1, 2}	5 ft. ^{1, 2}	5 ft. ^{1, 2}	15 ft. ²	8 ft. ²	5 ft. ²	10 ft.	
Side—Street Side of Corner Lots	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.	8 ft.	n/a
Side—Second Story Portions of Main Structures	13 ft.	13 ft.	13 ft.	13 ft.	13 ft. ³	⁴	15 ft.	n/a
Rear	25 ft. or 25% of the depth of the lot, whichever is less	20 5 ft. or 25% of the depth of the lot, whichever is less	25 ft. or 25% of the depth of the lot, whichever is less	30-25 ft.	20 ft. or 20% of the depth of the lot, which-ever is less	15 ft.	20 ft.	10 ft.
Lot Size (minimum)								
Minimum Lot Size	10 acres	45 ,000 sf ⁵	46 ,000 sf ⁵	20,000 sf ⁵	No minimum Mor	<u>More than one unit per</u>	<u>More than one unit per</u>	5-3 acres

Preliminary DRAFT Title 17 - Zoning

					e than one unit per parcel : 4,000 sf <u>One unit per parcel (condominium, townhome, etc.): 2,600 sf</u>	parcel: 4,000 sf No minimum <u>One unit per parcel (condominium, townhome, etc.): 2,600 sf</u>	parcel: 6,000 sf No minimum <u>One unit per parcel (condominium, townhome, etc.): 1,570 sf</u>	
Density								
Minimum Density	n/a	2.1 du/acre	2.1 du/acre	0.1 du/acre	3.1 du/acre	7.1 du/acre	15.1 du/acre	7.1 du/acre
Maximum Density	1 du/parcel	7.0 du/acre	7.0 du/acre	2.0 du/acre	15.0 du/acre	15.0 du/acre	25.0 du/acre	15.0 du/acre
Distance Between Buildings								
Between Buildings for Dwelling Purposes	6 ft.	6 ft.	6 ft.	6 ft.	10 ft.	10 ft.	10 ft.	n/a
Between Accessory Buildings	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.	6 4 ft.	6 4 ft.	n/a
Height								
Height (maximum)	35 ft./2.5 stories	35 ft./2.5 stories	35 ft./2.5 stories	35 ft./2.5 stories	35 ft./2.5 stories	45 ft./3 stories	45 ft./3 stories	n/a

Notes:

1. The combined side yard setbacks shall be not less than 12 feet.
2. Within required side yards, at least one side shall provide four feet of unobstructed surface so as to allow unobstructed access from front yard to rear yard.
3. Where an R-2 district shares a property line with an R-1 district, second story portions of main structures shall be located no less than 20 feet from such shared property lines.
4. For development projects involving more than six dwelling units and that exceeding either 20 feet in height or are two stories or greater shall be setback from side and rear property lines no less than 50 feet.
5. In the R-1 zones, where a lot has an area of 12,000 square feet or more and with adequate provisions for ingress and egress, a Conditional Use Permit may be granted for the construction of additional one-family dwellings and allowable accessory buildings. However, the minimum site area shall be 6,000 square feet of lot area per each one-family dwelling.

Preliminary DRAFT Title 17 - Zoning

17.22.040 Development standards.

AB. Recreation, Landscaping, Maintenance, and Roads and Parking Requirements for the MP District.

1. Recreation Space. The minimum recreation space shall be ten percent of the site.
2. Landscaping and Maintenance. All areas not used for access, parking, circulation, recreation or services shall be completely and permanently landscaped, and the entire site shall be maintained in a neat, clean, and sanitary condition.
3. Roads and Parking. All circulation roads shall be at least 25 feet from curb to curb and shall be increased in width by ten feet for curb parking space on each side of the street on which such curb parking is permitted, consistent with Chapter 12.08 of this code (Street construction standards) and amendments thereto. All roads and parking spaces shall be permanently paved. Two parking spaces or the equivalent thereof shall be provided for each mobile home site.
4. Modification of Requirements. The Approving Authority may modify requirements of this Chapter for an existing substandard park proposed to be enlarged or extended, provided that the modifications are limited to the extent that the overall improvements in the design or standards of such existing park will result.

~~C. Open Space Requirements for Multi-Family Residential.~~

- ~~1. Multi-family, attached dwelling units that are all or partially located at ground level shall have not less than 80 square feet of private open space.~~
- ~~2. At least 20 percent of the total lot area of multi-family residential projects shall be provided as improved, private or semi-private useable open space and each multi-family residential project shall provide at least 600 square feet of improved useable open space per dwelling unit.~~
- ~~3. Not less than 30 percent of the total lot area of multiple-family residential projects shall be provided as improved, landscaped open space.~~

~~D. Screening and Vegetation for R-3 District Projects. Projects within the R-3 district shall include vegetative screening at the project perimeter to ensure the privacy of existing and future homeowners. The city shall determine the location and extent of vegetative screening required based on site conditions and surrounding existing and planned land uses. Where required, such vegetative screening shall be maintained in a healthy and vigorous condition.~~

B. Compatibility.

1. Where a residential use is required to be compatible with adjacent single family uses, a use shall be considered to be compatible if the use meets the following standards:
 - a. The front yard setback is within fifty (50) percent of the minimum required setback of the adjacent parcel with an existing single family use and such setback is maintained for a minimum of forty (40) feet of lot width.

Preliminary DRAFT Title 17 - Zoning

- b. The side yard setback adjacent the existing single family use is a minimum of seven (7) feet.
 - c. The height of the structure does not exceed 20 feet along side or rear lot lines, or portions thereof, that are adjacent to an existing single family dwelling. The maximum height increases based on a setback plane that extends from the 20-foot height along the lot lines at 45 degree angle until the zone's maximum height is reached. A structure may not extend beyond a setback plane, except for:
 - i. A roof overhang or eave, up to two feet beyond the setback plane;
 - ii. A chimney, vent, antenna, energy conservation or production equipment or feature not designed for occupancy; and
 - iii. Dormers, with a total horizontal length of not more than 15 feet on each side of the building, measured along the intersection with the setback plane.
- 2. Where a residential use is required to be compatible with an adjacent non-residential use, a use shall be considered to be compatible if the use meets the following standards:
 - a. Adjacent to an agricultural use.
 - i. If adjacent agricultural operations requiring spraying of crops, setbacks are increased to 100 feet from the property line of the adjacent agricultural operation.
 - ii. If adjacent operations include animal keeping, animal husbandry, or an equestrian center, setbacks are increased to 100 feet from any accessory buildings for keeping animals and from any animal enclosures on the adjacent agricultural operation.
 - b. Adjacent to an existing commercial or industrial use.
 - i. Outdoor activity areas shall be setback a minimum of twenty (20) feet from loading docks, mechanical equipment, and areas with vehicle loading or waiting zones and outdoor activity areas shall be oriented away from such commercial and industrial activities.
 - ii. Ingress and egress locations for the residential use are oriented to not conflict with access to the existing commercial or industrial use.
- 3. For the purposes of this paragraph, adjacent means any parcel that borders an adjoining parcel. Parcels that are separated by roadways are not adjacent.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

Chapter 17.24 COMMERCIAL AND INDUSTRIAL DISTRICTS

17.24.010 Chapter purpose.

The purpose of this chapter is to establish commercial and industrial zoning districts in the city, along with allowed use and development standards applicable to those districts. These districts are consistent with and implement the city's general plan commercial land use categories (central business district, neighborhood commercial, neighborhood commercial and highway commercial, general commercial) and industrial land use categories (light industrial, heavy industrial, surface mining) as shown in Table 17.20.020-1 (Zoning districts).

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.24.020 Characteristics of commercial and industrial districts.

The following descriptions of each commercial and industrial zoning district identify the characteristic uses, intensity of uses, and level of development intended for that district.

- A. Commercial (C) Zoning Districts. These districts are intended to designate property for commercial and office development. While primarily consisting of commercial retail uses, these districts also accommodate a variety of public and institutional uses. The general character of each of the districts intended to help guide development within the district, consistent with and accompanying applicable descriptions in the general plan as established by Table 17.20.020-1 (Zoning districts).
 1. C-T Commercial-Transition Zoning District: This district is applied to areas intended as a transitional land use category from existing residential uses to more intensive commercial uses. The designation respects the existing residential nature of the area but recognizes that market demands and land owner desires will drive conversion of the property to commercial office and/or retail. As such, existing residential uses are allowed to continue in perpetuity; existing homes may be remodeled, expanded, and/or replaced; and new homes on vacant lots may be built. Further, properties may be developed or redeveloped into commercial uses either through the conversion of residential structures to commercial operation or wholesale redevelopment of parcels with new commercial structures. The mixing of commercial and residential uses, either vertically or horizontally, on the same parcel is also permissible. Desirable commercial uses include office and retail that respects the existing residential character of the area, such as small medical offices (e.g., dental, chiropractic), small office professional uses, limited personal services (e.g., barber shop, nail salon), and limited retail uses (e.g., smaller tenant spaces). When residential uses are developed, the allowed density range is between 3.1 and 15.0 units per acre.
 2. C-1 Light Commercial Zoning District: This district is applied to areas that consist primarily of light commercial uses and small office development. It additionally provides for public uses, clubs, institutions, and other similar uses.
 3. C-2 Central Business District Zoning District: This district is applied to the central business district area as defined in the general plan. It consists primarily of a mix of

Preliminary DRAFT Title 17 - Zoning

pedestrian-friendly commercial and office development, public uses, clubs, institutions, and other similar uses. It also provides for multi-family residential uses.

4. C-3 Heavy Commercial Zoning District: This district is applied to areas that consist primarily of commercial uses. Uses in this district tend to be larger-scale commercial businesses and tourist-oriented services. Typical uses include large retail stores, entertainment, indoor recreational facilities, lodging, warehousing, wholesale trade, gas stations, and automobile sales and service. Office uses may also be allowed, but are not the predominant use.
- B. Business Professional (BP) Zoning District. This district is characterized predominantly by office professional uses with minor, supporting commercial uses. This designation allows for a variety of office uses, including medical, legal, financial, and other professional and administrative offices. Other permitted uses may include small, accessory-level commercial uses that support principal office uses such as day care facilities, small eateries, and coffee shops.
- C. Manufacturing and Industrial (M) Zoning Districts.
 1. M-1 Limited Manufacturing Zoning District: This district is intended for low to medium-intensity industrial uses that involve the manufacturing, fabrication, assembly, or processing of primarily finished materials, which occur entirely within an enclosed building. These activities, along with supportive and complementary uses, such as storage, shipping, retail, wholesale, or sales operations, are allowed in this district. Uses in this district should pose limited environmental impact in terms of noise, odors, traffic, hazardous materials, and other health and safety risks. In addition, the development standards are designed to promote attractive development that is compatible with surrounding development. Sites designated for M-1 uses should be located on medium to large sites along highways, thoroughfares, arterials, or collectors adjacent to other office, industrial, or commercial uses. Residential uses of any kind are prohibited in this district with the exception of a caretaker residence. Development should be auto-accommodating with sufficient and clearly defined parking and loading areas.
 2. M-2 Heavy Industrial and Mining Zoning District: This district is intended to accommodate a broad range of manufacturing and industrial uses that may occur inside or outside of a building or structure. Permitted activity may vary, ranging from medium to higher-intensity uses that involve the manufacture, fabrication, assembly, or processing of raw and/or finished materials, including lumber, surface mining, and mineral extraction. Sites designated for heavy industrial uses should not be located near residential development. Furthermore, residential uses of any kind are prohibited in this district with the exception of a caretaker residence. Development design should limit noise, odors, traffic, hazardous materials, and other health and safety risks on adjacent non-industrial uses, as well as ensure safe, functional, and environmentally-sound development. Development should be auto-accommodating with sufficient and clearly defined parking and loading areas.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

Preliminary DRAFT Title 17 - Zoning

17.24.030 Allowed land uses and permit requirements.

Table 17.24.030-1 (Development standards for commercial and industrial zoning districts) below identifies allowed uses and corresponding permit requirements for the commercial and industrial zoning districts subject to compliance with provisions of this title. Descriptions/definitions of the land uses can be found in Article 5-VI (Glossary). Applicable regulations are identified in Table 17.22.030-1 to assist in identifying related regulations; however, this is not an exhaustive list of all applicable requirements and uses must comply with all application sections of the Zoning Code regardless of the identified related regulations.

Use regulations in the table are shown with representative symbol by use classification listing: "P" symbolizes uses allowed by right, "C" symbolizes uses that require approval of a conditional use permit, and "N" symbolizes uses that are not permitted.

Table 17.24.030-1: Allowed Uses and Permit Requirements for Commercial and Industrial Zoning Districts

Land Use/Zoning District	C-T	C-1	C-2	C-3	B-P	M-1	M-2	Applicable Regulations
<u>P = Permitted, Plan Check</u> <u>SP(a) = Permitted, Administrative Site Plan Review</u> <u>SP = Permitted, Administrative or Discretionary Site Plan Review as identified in Section 17.10.030</u> <u>C = Conditional Use Permit</u> <u>SM = Streamlined Ministerial Review</u> <u>N = Not Allowed</u>								
Residential Uses								
Adult Day Care Home	<u>PSP</u>	<u>NP</u>	N	N	N	N	N	
<u>Agricultural Employee Housing</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Caretaker Housing	P	P	P	N	N	P	P	
Dwelling, Multifamily	<u>PSP</u>	N	<u>SPP</u> ¹	N	N	N	N	<u>Chapter 17.114</u>
<u>Dwelling, Second Unit</u> <u>Accessory Dwelling Unit</u>	<u>See Chapter 17.112 P</u> <u>N</u>							
Dwelling, Single Family	<u>PSP</u>	N	N	N	N	N	N	
Dwelling, Two-Family	<u>PSP</u>	N	<u>SPP</u> ¹	N	N	N	N	<u>Chapter 17.114,</u> <u>Chapter 17.118</u>

Preliminary DRAFT Title 17 - Zoning

Dwelling, Three- and Four- Family	<u>SPP</u>	N	<u>SPP</u> ¹	N	N	N	N	<u>Chapter 17.114</u>
Emergency Shelter	N	N	N	N	N	<u>PSP</u>	<u>PSP</u>	<u>Section 17.116.040;</u> <u>Chapter 17.114</u>
<u>Employee Housing</u>	<u>SP</u>	<u>N</u>	<u>SP</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>SP</u>	<u>Section 17.16.020</u>
Family Day Care Home, Large	C	N	N	N	N	N	N	<u>Chapter 6.06 (Equine</u> <u>and Bovine Animals)</u>
Family Day Care Home, Small	<u>PSP</u>	<u>NP</u>	<u>PSP</u>	N	N	N	N	<u>Chapter 6.06 (Equine</u> <u>and Bovine Animals)</u>
Group Residential	<u>PSP</u>	N	<u>N</u> <u>SPP</u>	N	N	N	N	<u>Chapter 17.114</u>
Home Occupations	P	N	P	N	N	N	N	<u>Chapter 17.110</u>
Live-Work Facility	<u>PSP</u>	<u>EN</u>	<u>PSP</u> ¹	N	N	N	N	<u>Chapter 17.114</u>
<u>Low Barrier Navigation Center</u>	<u>SP(a)</u>	<u>N</u>	<u>SP(a)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Section 17.116.060,</u> <u>Chapter 17.114</u>
<u>Manufactured Home, Permanent</u>	<u>SP</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Section 17.116.010</u>
Manufactured Home, <u>Non-Permanent</u>	N	N	N	N	N	N	N	
Residential Care Home	<u>PSP</u>	N	<u>SPP</u>	N	N	N	N	
Single Room Occupancy (SRO) <u>Facilities</u>	C	N	<u>PSP</u>	N	N	N	N	
Supportive Housing	<u>PSP(a)</u>	N	<u>PSP(a)</u>	N	N	N	N	<u>Section 17.116.050,</u> <u>Chapter 17.114</u>
Transitional Housing	<u>PSP</u>	N	<u>PSP</u>	N	N	N	N	<u>Chapter 17.114</u>
<u>Qualified Streamlined Housing</u>	<u>SM</u>	<u>N</u>	<u>SM</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Chapter 17.114</u>
Agriculture, Resource, and Open Space Uses								
<u>Animal Keeping—Domestic Pets</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Animal Keeping—Exotic Animals</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	
<u>Agricultural Tourism</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Animal Husbandry</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Title 6</u>

Preliminary DRAFT Title 17 - Zoning

Animal Keeping—Livestock Animals	N	N	N	N	N	N	N	Chapter 6.06 (Equine and Bovine Animals)
Animal Keeping —Poultry/Rabbits >12 animals	N	N	N	N	N	N	N	Chapter 6.08 (Poultry and Rabbits)
Crop Production	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Equestrian Facility, Commercial	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	Chapter 6.06 (Equine and Bovine Animals)
Hog Farm, Commercial	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Animal Keeping (Non-Agricultural)								
Animal Keeping—Domestic Pets	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	Title 6
Animal Keeping—Exotic Animals	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>N</u>	Title 6
Animal Keeping— Poultry/Rabbits 12 or less animals	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	Chapter 6.08 (Poultry and Rabbits)
Kennels, Hobby	<u>N</u>	<u>C</u>	<u>N</u>	<u>C</u>	<u>SP</u>	<u>SP</u>	<u>N</u>	Chapter 6.04 (Dog Licensing and Control)
Equestrian Facility, Hobby	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	Chapter 6.06 (Equine and Bovine Animals)
Recreation, Education, and Public Assembly Uses								
Cemeteries, Mausoleums	N	N	N	N	N	N	N	
Clubs, Lodges, and Private Meeting Halls	C	<u>PSP</u>	<u>SP</u>	C	N	C	N	
Community Centers/Civic Uses	C	C	C	N	N	N	N	
Indoor Amusement/Entertainment Facility	P 2	P	P	P	N	N	N	
Indoor Fitness and Sports Facility	<u>SP</u> ²	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u> ³	<u>SP</u> ³	
Libraries and Museums	C	<u>SP</u>	C	N	N	N	N	
Outdoor Commercial Recreation	C	C	N	P	N	<u>SP</u> ³	<u>SP</u> ³	
Parks and Public Plazas	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	N	N	

Preliminary DRAFT Title 17 - Zoning

Public Safety Facility	C	C	<u>SP</u>	C	C	C	C	
Recreational Vehicle Parks	N	N	N	C	N	C	N	
Religious Institutions	<u>SP</u>	<u>SP</u>	C	C	C	C	N	
Resource Protection and Restoration	C	C	C	C	C	C	C	
Resource-Related Recreation	N	N	N	N	N	N	N	
Schools, Charter	<u>SP</u>	C	C	N	C	N	N	
Schools, Private and Special/Studios	<u>SP</u>	<u>SP</u> ⁴	<u>SP</u> ⁴	<u>SP</u>	<u>SP</u>	C	N	
Schools, Public	P	P	P	P	P	P	P	
Theaters and Auditoriums	C	<u>SP</u>	<u>SP</u>	<u>SP</u>	C	C	N	
Utility, Transportation, and Communication Use Listings								
Airport	N	N	N	N	N	C	C	
Broadcasting and Recording Studios	C	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	N	
Bus and Transit Shelters	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	
Freight Yard/Truck Terminal	N	N	N	N	N	C ⁵	<u>SP</u>	
Fuel Storage and Distribution	N	N	N	N	N	C ⁵	<u>SP</u>	
Heliports	N	N	N	N	N	C	<u>SP</u>	
Park and Ride Facility	N	<u>SP</u>	N	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	
Parking Facility	N	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	
Public Safety Facility	C	C	C	C	C	C	C	
Transit Facilities	N	N	N	N	N	C ⁵	<u>SP</u>	
Transit Stations and Terminals	N	<u>SP</u>	C	<u>SP</u>	<u>SP</u>	N	N	
Utility Facility and Infrastructure	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	
Wireless Communication Facility	C	C	C	C	C	C	C	
Retail, Service, and Office Uses								
Adult Day Care Facility	<u>PSP</u>	<u>SPP</u>	N	<u>SPP</u>	<u>SPP</u>	N	N	

Preliminary DRAFT Title 17 - Zoning

Adult Oriented Businesses	N	N	N	N	N	N	C	
Alcoholic Beverage Sales	SPP	SPP	SPP	SPP	SPP	SPP	SPP	
Ambulance Service	N	C	N	C	N	N	N	
Animal Sales and Grooming	SPP	SPP	SPP	SPP	N	N	N	
Banks and Financial Services	SPP	SPP	SPP	SPP	SPP	N	N	
Bars and Nightclubs	N	SPP	SPP	SPP	N	N	N	
Bed and Breakfast Inns	SPP	N	SPP	N	N	N	N	
Building Materials Stores and Yards	N	N	N	SPP	N	SPP	N	
Business Support Services	SPP ^{2, 6}	SP	SP ^{2, 6}	PSP	SPP	SPP	N	
Child Day Care Facility	SP	SP	SP	PSP	PSP	C	N	
Convenience Stores	SP	SP	SP	SP	SP	N	N	
Drive-in and Drive-through Sales and Service	N	N	N	SP	N	N	N	
Equipment Sales and Rental	N	SP	N	SP	N	SP	N	
Grocery Stores/Supermarket	N	SP	SP	SP	N	N	N	
Home Improvement/ Hardware Store	N	SP	SP ⁷	SP	N	SP	N	
Hotels and Motels	N	SP	SP	SP	SP	N	N	
Kennels, Commercial	N	C	N	SP	N	C	N	
Maintenance and Repair, Small Equipment	SP ^{2, 6}	SP ²	SP ²	SP ²	SP	SP	N	
Medical Services, Extended Care	C	N	N	N	N	N	N	
Medical Services, General	SP ⁶	SP ⁶	SP ⁶	SP	SP	N	N	
Medical Services, Hospitals	N	C	C	SP	SP	N	N	
Mortuaries and Funeral Homes	C	SP	SP	SP	N	N	N	
Offices, Accessory	SP	SP	SP	SP	SP	SP	SP	

Preliminary DRAFT Title 17 - Zoning

Offices, Business and Professional	<u>SP</u> ²	<u>SP</u> ⁶	<u>SP</u>	<u>SP</u>	<u>SP</u>	N	N	
Personal Services	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	N	N	
Residential Care Facility	<u>SP</u>	C	N	N	N	N	N	
Restaurants	<u>SP</u> ²	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u> ²	<u>SP</u>	<u>SP</u>	
Retail, Accessory	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	
Retail, General	<u>SP</u> ⁶	<u>SP</u>	<u>SP</u>	<u>SP</u>	N	N	N	
Smoke Shops	N	C	C ²	C	N	N	N	
Tattoo Parlors	N	C	C	C	N	N	N	
Thrift and Consignment Stores and Pawn Shops	N	C ⁶	C ⁶	<u>SP</u>	N	N	N	
Veterinary Facility	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	N	N	
Automobile and Vehicle Uses								
Auto Vehicle Dismantling	N	N	N	N	N	C	<u>SP</u>	
Auto and Vehicle Sales and Rental	N	N	N	P	N	C	N	
Auto and Vehicle Sales, Wholesale	N	N	N	N	N	C	<u>SP</u>	
Auto and Vehicle Storage	N	N	N	N	N	C ⁵	<u>SP</u>	
Auto Parts Sales	N	<u>SP</u>	<u>SP</u>	<u>SP</u>	N	N	N	
Car Washing and Detailing	N	C	C	<u>SP</u>	N	<u>SP</u>	N	
Service Stations	N	C	C	<u>SP</u>	N	<u>SP</u>	N	
Vehicle Services, Major	N	C	N	<u>SP</u>	N	<u>SP</u>	N	
Vehicle Services, Minor	C	C	C	<u>SP</u>	N	<u>SP</u>	N	
Industrial, Manufacturing, and Processing Uses								
Agricultural Products Processing	N	N	N	N	N	C	<u>SP</u>	
Manufacturing, Major	N	N	N	N	N	N	<u>SP</u>	
Manufacturing, Minor	C	N	N	N	N	C ⁵	<u>SP</u>	

Preliminary DRAFT Title 17 - Zoning

Manufacturing, Small Scale	<u>SP</u>	N	N	N	<u>SP</u>	<u>SP</u>	<u>SP</u>	
Printing and Publishing	N	N	N	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	
Recycling Facility, Collection	N	<u>SP</u>	<u>SP</u>	<u>SP</u>	N	<u>SP</u>	<u>SP</u>	
Recycling Facility, Processing	N	N	N	N	N	C ⁵	<u>SP</u>	
Recycling Facility, Scrap and Dismantling	N	N	N	N	N	C ⁵	<u>SP</u>	
Research and Development	N	N	N	N	N <u>SP</u>	<u>SP</u>	<u>SP</u>	
Storage, Personal Storage Facility	N	N	N	C	C	<u>SP</u> ⁵	<u>SP</u>	
Storage, Warehouse	N	N	N	N	N	<u>SP</u> ⁵	<u>SP</u>	
Storage, Yards	N	N	N	N	N	<u>SP</u>	<u>SP</u>	
Wholesaling and Distribution	N	N	N	N	N	C ⁵	<u>SP</u>	

Notes:

1. Only allowed as mixed use development as residential in conjunction with and above ground-floor retail, service, or office uses.
2. Not to exceed 5,000 square feet.
3. Allowed only as an ancillary use, not to exceed ten percent of the ~~main building~~primary structure footprint.
4. Only specialty studios and schools (e.g., ballet, yoga, art studios) not exceeding 5,000 square feet are allowed. All other public and private educational institutions, including elementary schools, business schools, secretarial and vocational schools, colleges, and conference centers, are prohibited.
5. Allowed provided the ~~designated Approving Authority~~decision-making authority can find that adequate screening and landscaping is provided to sufficiently mitigate any possible adverse impacts, including, but not limited to, noise, odor, dust, or other objectionable influences.
6. Maximum tenant space 10,000 square feet.
7. Maximum tenant space 15,000 square feet.

(Ord. No. 475 , § 4, 12-15-2015; Ord. No. 435, § 4, 7-20-2010; Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

Preliminary DRAFT Title 17 - Zoning

17.24.040 Development standards.

The following development standards in Table 17.24.040-~~21~~ (Development Standards for Commercial and Industrial Zoning Districts) are applicable to the commercial and industrial zoning districts. These standards, along with other development standards (e.g., fences and walls, parking, sign standards) in this title, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development. Properties within the C-2 and C-3 zones and also within the historic overlay zone shall comply with the development standards provided in the downtown master plan.

Table 17.24.040-~~12~~: Development Standards for Commercial and Industrial Zoning Districts

Development Standard	C-T	C-1	C-2 ³	C-3 ³	BP	M-1	M-2
Floor Area Ratio							
Minimum Floor Area Ratio	n/a	0.25	0.5	0.25	0.35	0.25	0.10
Maximum Floor Area Ratio	1.5	1.0	3.5	1.0	1.5	0.75	0.75
Allowed Residential Density							
Minimum	3.1 du/ac	-	7.1 du/ac	-	-	-	-
Maximum	25.0 du/ac	-	25.0 du/ac	-	-	-	-
Setbacks (minimum) ¹							
Front and Street Side	15 ft.	10 ft.	0 ft.	20 ft.	20 ft.	25 ft.	
Side	5 ft.	0 ft.	0 ft.	0 ft.	0 ft. ^{1,4}	0 ft. ^{1,4,2}	0 ft. ^{2,4}
Rear	15-0 ft.	0 ft. ^{1,2}	0 ft. ^{1,2}	25-0 ft. ^{1,2}	0 ft. ^{1,2}	0 ft. ^{1,2}	0 ft. ^{1,2}
Lot size (minimum)							
Minimum Lot Size	Residential: 5,000 s.f. No Minimum Commercial: No minimum	No Minimum	Residential: 5,000 s.f. Commercial: No minimum	No Minimum	No Minimum	No Minimum	No Minimum

Preliminary DRAFT Title 17 - Zoning

Distance between Buildings							
Distance Between Buildings on the Same Lot	0 ft.						
Height (maximum)							
Height (maximum)	45 ft./ 3 stories	50 ft./4 stories	50 ft./4 stories	50 ft./4 stories	50 ft./4 stories	75 ft./6 stories	75 ft./6 stories

Notes:

1. As determined through site plan review, the city may require additional setbacks to ensure the general health, safety, and welfare of the community.
2. When the rear property line ~~of commercial property~~ abuts a residential Zoning District, there shall be a 25-~~foot~~ rear yard setback required. When there is an alley at the rear of such a lot, such a rear yard may be measured from the centerline of said alley.
3. Properties within the C-2 and C-3 zones and also within the historic overlay zone shall comply with the development standards provided in the downtown master plan.
4. When the side property line abuts a residential Zoning District, there shall be a 7-foot side yard required.

(Ord. No. 460, § 3(Exh. A), 12-18-2012 ; Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

Chapter 17.25 PUBLIC/QUASI PUBLIC DISTRICTS

Sections:

17.25.010 Chapter purpose.

The purpose of this chapter is to establish a public/quasi public zoning district in the city, along with allowed use and development standards applicable to this district. These districts are consistent with and implement the city's general plan open space category (open space), public uses category (public service), and recreation category (recreational) as shown in Table 17.20.020-1 (Zoning districts).

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.25.020 Characteristics of public/quasi public districts.

The following description of the open space zoning district identifies the characteristic uses, intensity of uses, and level of development intended for that district.

- A. Open Space (O-S) Zoning District. This district is applied to properties found most properly to be preserved in a natural state and/or to provide open space buffer areas in which uses

Preliminary DRAFT Title 17 - Zoning

are restricted to recreational, conservation or light agricultural types, and including accessory and public service areas.

- B. Parks and Community Services (PCS) Zoning District. This district is intended to provide locations for parks, open space, natural resource areas, and other related compatible public services/uses. Both active and passive recreational activities are permitted.
- C. Public Facilities (PF) Zoning District. This district is intended to provide a zoning district in the city for the establishment of public safety facilities (e.g., police stations, fire stations, hospitals), public schools (schools, colleges, and universities), and other public service facilities (e.g., sewer treatment plants, water treatment plants, utility substations). The intent of this district is to identify appropriate locations for these uses without impacting, disrupting, or otherwise removing other lands for residential or other uses. This district specifically implements the public service land use category of the general plan.

17.25.030 Allowed land uses and permit requirements.

Table 17.25.030-1 (Allowed uses and requirements for public/quasi public zoning districts) below identifies allowed uses and corresponding permit requirements for the public/quasi public zoning district subject to compliance with provisions of this title. Descriptions/definitions of the land uses can be found in Article [5-VI](#) (Glossary).

Use regulations in the table are shown with representative symbol by use classification listing: "P" symbolizes uses allowed by right, "C" symbolizes uses that require approval of a conditional use permit, and "N" symbolizes uses that are not permitted.

Table 17.25.030-1: Allowed Uses and Requirements for Public/Quasi Public Zoning Districts

Land Use/Zoning District	O-S	PCS	PF	Applicable Regulations
Residential Uses				
Agricultural Employee Housing	<u>SP</u>	<u>SP</u>	<u>N</u>	Section 17.116.030; Chapter 17.114
Caretaker Housing	C	C	C	
Agriculture, Resource, and Open Space Uses				
Animal Keeping—Livestock Animals	<u>SP</u> ¹	N	N	Chapter 6.06 (Equine and Bovine Animals)
Equestrian Facility, Commercial	N	<u>SP</u>	N	Chapter 6.06 (Equine and Bovine Animals)
Equestrian Facility, Hobby	N	P	N	
Animal Keeping (Non-agricultural)				
Equestrian Facility, Hobby	<u>N</u>	<u>SP</u>	<u>N</u>	Chapter 6.06 (Equine and Bovine Animals)

Preliminary DRAFT Title 17 - Zoning

Recreation, Education, and Public Assembly Uses				
Cemeteries, Mausoleums	N	C	<u>SP</u>	
Clubs, Lodges, and Private Meeting Halls	N	<u>SP</u>	<u>SP</u>	
Community Centers/Civic Uses	C	<u>SP</u>	<u>SP</u>	
Community Garden	<u>SP</u>	<u>SP</u>	<u>SP</u>	
Golf Courses/Clubhouse	<u>SP</u>	<u>SP</u>	N	
Indoor Amusement/Entertainment Facility	N	<u>SP</u>	<u>SP</u>	
Indoor Fitness and Sports Facility	N	<u>SP</u>	<u>SP</u>	
Libraries and Museums	C	C	<u>SP</u>	
Outdoor Commercial Recreation	N	<u>SP</u>	<u>SP</u>	
Parks and Public Plazas	N	<u>SP</u>	<u>SP</u>	
Public Safety Facility	N	C	<u>SP</u>	
Recreational Vehicle Parks	C	C	N	
Religious Institutions	N	N	P	
Resource Protection and Restoration	<u>SP</u>	C	N	
Resource-Related Recreation	<u>SP</u>	<u>SP</u>	N	
Schools, Charter	N	N	<u>SP</u>	
Schools, Private and Special/Studios	N	N	<u>SP</u>	
Schools, Public	P	P	P	
Utility, Transportation, and Communication Use Listings				
Airport	N	N	<u>SP</u>	
Bus and Transit Shelters	<u>SP</u>	<u>SP</u>	<u>SP</u>	
Fuel Storage and Distribution	N	N	<u>SP</u>	
Heliports	N	<u>SP</u>	<u>SP</u>	

Preliminary DRAFT Title 17 - Zoning

Park and Ride Facility	N	<u>SP</u>	<u>SP</u>	
Parking Facility	N	<u>SP</u> ²	<u>SP</u>	
Public Safety Facility	N	N	<u>SP</u>	
Transit Facilities	N	N	<u>SP</u>	
Transit Stations and Terminals	N	N	<u>SP</u>	
Wireless Communication Facility	C	C	C	
Utility Facility and Infrastructure	<u>SP</u>	<u>SP</u>	<u>SP</u>	
Retail, Service, and Office Uses				
Alcoholic Beverage Sales	N	<u>SP</u>	<u>SP</u>	
Ambulance Service	N	N	<u>SP</u>	
Medical Services, Hospitals	N	N	<u>SP</u>	
Offices, Accessory	N	<u>SP</u>	<u>SP</u>	
Restaurants	N	<u>SP</u> ²	<u>SP</u>	
Retail, Accessory	<u>SP</u>	<u>SP</u>	<u>SP</u>	
Medical Services, Hospitals	N	N	<u>SP</u>	

Notes:

1. Such animals may be maintained provided the exterior boundaries of the pen or stable are at least 100 feet from any school, church, public building, hotel, restaurant, hospital, or other building specially designed or used for the care of the sick or injured or of a residence of any person other than the residence occupied by the owner of the animal or animals. If the distance from the pen or stable is less than 100 feet, then a Conditional Use Permit shall be required.
2. Allowed provided it is ancillary to the primary use on site.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.25.040 Development standards.

The following development standards in Table 17.25.040-~~12~~ (Development standards for public/quasi public districts are applicable to the open space district. These standards, along with other development standards (e.g., fences and walls, parking, sign standards) in this title, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development.

Preliminary DRAFT Title 17 - Zoning

Table 17.25.040-~~12~~: Development Standards for Public/Quasi Public Zoning Districts

Development Standard	O-S	PCS	PF
Setbacks (minimum):			
Front	25 feet	25-15 feet	25-10 feet
Street-side	25 feet	25-15 feet	25-15 feet
Interior and Rear	10 feet	10 feet	10 feet
Height (maximum)	40 feet	40-50 feet	40-50 feet

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

Chapter 17.26 SPECIAL PURPOSE DISTRICTS

17.26.010 Chapter purpose.

The purpose of this chapter is to identify and provide reference to all special purpose districts within the city. Special purpose districts provide unique development regulations to subject property than may otherwise be granted through the application of any base zoning district provided by this title. These districts are consistent with and implement the city's general plan special planning land use designation as shown in Table 17.20.020-1 (Zoning districts). There are two special purpose zones in the city as follows:

- A. Specific plan zoning districts.
- B. Planned development zoning districts.

(Ord. No. 423, § 2, 4-21-2009)

17.26.020 Specific plan zoning districts.

- A. Purpose of the specific plan zoning district. The purpose of the specific plan zoning district is to designate unique planning areas within the city for which the city council has adopted or requires adoption of a separate planning document (a specific plan) consistent with the general plan and state law. The contents, requirements, and adoption and amendment procedures for specific plans are listed in section 17.10.130 (specific plans).
- B. Designation. Specific plan zoning districts shall be delineated on the zoning map in a manner similar to that of any other zoning district except that each specific plan-zoned area shall also bear a name, number, symbol, or other delineation, as determined by the city planner, which distinguishes ~~it~~^{it} from other specific plan zones, base zoning districts, or overlay zones. The assignment of the specific plan zone designation serves to provide a reference to the corresponding specific plan zoning document adopted by ordinance of the city

Preliminary DRAFT Title 17 - Zoning

council. Applicable zoning regulations and standards applicable to the land area shall be provided in the specific plan document, and shall be adopted by reference in this title.

- C. Allowed uses. Allowed uses within the specific plan area are those listed uses in the adopted specific plan document. A specific plan may reference the allowed use provisions of a concurrent base zoning district contained in this title; however, in the event that there are conflicts between the provisions of the specific plan and this title, the specific plan shall prevail.
- D. Development standards. Development standards within the specific plan area are those standards listed in the adopted specific plan. A specific plan may reference the development standards of this title, in which case the standards of this title shall apply. Where a specific plan is silent regarding a city-wide standard (e.g., sign regulations), the city standard shall apply. Where a specific plan establishes unique standards that are in conflict with the standards of this title, the specific plan standards shall prevail.

(Ord. No. 423, § 2, 4-21-2009)

17.26.030 Planned development zoning districts.

- A. Purpose of the planned development district. The purpose of the P-D district is to provide procedures for the consideration and regulation of areas suitable for proposed comprehensive development with detailed development plans and of those areas that require special planning to provide for appropriate planned development in harmony with their natural features and other environmental consideration. The contents, requirements, and adoption and amendment procedures for planned developments are listed in section 17.10.120 (Planned development).
- B. Designation. Planned development zoning districts shall be delineated on the zoning map in a manner similar to that of any other zoning district except that each planned development-zoned area shall also bear a name, number, symbol, or other delineation, as determined by the city planner, which distinguishes it from other planned developments, base zoning districts, or overlay zones. The assignment of the planned development zone designation serves to provide a reference to the corresponding planned development zoning document adopted by ordinance of the city council. Applicable zoning regulations and standards applicable to the land area shall be provided in the planned development document, and shall be adopted by reference in this title.
- C. Planned development areas adopted by reference. The following planned development areas have been adopted as part of this title by reference and are so designated on the zoning map of the city:
 - 1. Lone Memorial District;
 - 2. Amador Water Agency: lone Water Treatment Plant;
 - 3. Mule Creek State Prison, CDF Fire Training Facility, and Preston Youth Correctional Facility);

Preliminary DRAFT Title 17 - Zoning

4. Jose's Place (adopted 1987);
 5. Castle Oaks (adopted 1989, revised 2003, revised 2005); and
 6. Wildflower (adopted 2005).
- D. Allowed uses. Allowed uses within a planned development area are those listed uses in the adopted master plan document or as conditionally approved as part of the rezoning to planned development. A planned development master plan may reference the allowed use provisions of a concurrent base zoning district contained in this title; however, in the event that there are conflicts between the provisions of the master plan and this title, the master plan shall prevail.
1. When a master plan was not established as part of the establishment of a P-D zone (e.g., when a request for the zone change to P-D and for a use permit for all proposed developments was approved) and a use is proposed that was not covered in the previous approval, a conditional use permit shall be required for all subsequent development and uses or a master plan providing for a range of uses shall be prepared and considered. The master plan shall be prepared consistent with the provisions of Section 17.10.120 (Planned development).
- E. Development standards. Development standards within the planned development area are those standards listed in the adopted planned development master plan. A planned development may reference the development standards of this title, in which case the standards of this title shall apply. Where a planned development is silent regarding a city-wide standard (e.g., sign regulations), the city standard shall apply. Where a planned development establishes unique standards that are in conflict with the standards of this title, the planned development standards shall prevail. When a planned development does not establish development standards, the standards for the equivalent base zoning district shall apply as determined and formally interpreted by the city planner.

(Ord. No. 423, § 2, 4-21-2009)

Chapter 17.28 OVERLAY DISTRICTS

Sections:

17.28.010 Chapter purpose.

The overlay zoning districts established in this chapter are designed to supplement the use regulations and/or development standards of the applicable underlying base zoning district by recognizing distinctive areas of the city that have special and unique social, architectural, or environmental characteristics that require special considerations not otherwise adequately provided by the underlying base zone applicable to the property. The application of these overlay zoning districts emphasizes the need for special attention in planning projects in the area governed by the overlay.

Preliminary DRAFT Title 17 - Zoning

The provisions of this chapter shall apply to all parcels of land located within the designated boundaries of an overlay district as illustrated on maps contained in this chapter and on the city zoning map. On the zoning map, overlay zoning districts shall be designated by their representative symbol along with the base zoning district in a format determined by the city planner. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. This district is consistent with and implements the city's general plan special planning land use designation as shown in Table 17.20.020-1 (Zoning districts).

(Ord. No. 423, § 2, 4-21-2009)

17.28.020 Historic overlay (H) district.

- A. Purpose and Intent. The purpose of the historic overlay (H) zoning district is to establish an area in the city specifically for the protection, enhancement, and preservation of the historic downtown. The historic overlay (H) zoning district is intended to be a special place with unique historical and aesthetic interest and value. It will enhance the cultural and economic standing of the city by preserving its unique architectural heritage. This overlay district supplements the provisions of the underlying base zoning district(s) for the special purposes identified herein. Where there is conflict between this overlay district and the underlying base district, the overlay district regulations prevail.
- B. Applicability.
 - 1. The historic overlay (H) zoning district standards are applicable to those properties zoned with the historic overlay (H) zoning district. Such properties generally fall within lone's downtown, on the portion of Main Street situated between the intersection of lone Street on the east and Sacramento Street on the west. The historic overlay (H) Zoning District provides design standards and guidelines, but does not establish allowed uses that are distinct from the base zoning district; therefore, when a property is located in the historic overlay (H) zoning district, the allowed use regulations of the base zoning district shall prevail. The historic overlay district (H) builds on the base zoning district setback and height regulations, and it only establishes provisions for design and signage. In some cases, these design provisions may contradict and as such shall prevail over the development standards of the base zoning district. The historic overlay (H) zoning district is primarily targeted at development and design standards and guidelines. When there is a conflict between the base zoning district and the overlay zoning district, or when the historic overlay (H) zoning district provides development standards the base zoning district is silent on, the regulations of the historic overlay (H) zoning district shall prevail.
 - 2. Architectural Design Review Required. All development and redevelopment of property within the historic overlay (H) zoning district requires architectural design review as provided in Section 17.10.100 (Architectural design review for historic overlay). Architectural design review occurs at one of two levels: Administrative architectural design review or comprehensive architectural design review. The distinctions between

Preliminary DRAFT Title 17 - Zoning

these levels of review are as defined in Section 17.10.100 (Architectural design review for historic overlay).

3. Exemption for Residential Development. The design provisions of the historic overlay (H) zoning district, including the requirement for architectural design review, are applicable to all types of development in the historic overlay (H) zoning district. However, those buildings used exclusively and solely for residential uses (e.g., single family residential) are hereby exempted from the requirement of architectural design review. Buildings that provide for the mixing of residential and non-residential uses in a single structure (e.g., mixed use) do not qualify for this exemption.
- C. Development Standards. Development within the historic overlay (H) zoning district shall comply with the development standards contained in the downtown master plan as adopted by resolution of the city council.

(Ord. No. 460, § 3(Exh. A), 12-18-2012 ; Ord. No. 423, § 2, 4-21-2009)

17.28.030 Downtown residential overlay district.

- A. Purpose and Intent. The purpose of the downtown residential overlay (DR) zoning district is to recognize and validate existing residential structures that were constructed prior to adoption of current zoning regulations and development standards. This overlay district supplements the provisions of the underlying base zoning district(s) for the special purposes identified herein. Where there is conflict between this overlay district and the underlying base district, the overlay district regulations prevail.
- B. Applicability.
 1. Location. The downtown residential overlay (DR) zoning district standards are applicable to those properties zoned with the downtown residential overlay (DR) zoning district. Such properties are generally south of Sutter Creek, east of Mill Street, north of Washington Street, and west of El Dorado Street, including those properties north of West Market Street and East Market Street (generally abutting the historic downtown overlay zoning district) and excluding those properties zoned central business district (C-2) and heavy commercial (C-3).
 2. Existing Residential Structures. This section applies to existing residential structures with a base zoning of R-1a, R-1b, or CT, as defined in Section 17.28.030(C)(1).
 3. Existing Vacant Properties. This section applies to existing vacant properties with a base zoning of R-1a or R-1b.
 4. Uses. When a property is located in the downtown residential overlay (DR) zoning district, it is subject to the allowed use regulations of the base zoning district.
- C. Definitions.
 1. Existing Residential Structures. For purposes of this section, existing residential structure means an existing primary residential structure, secondary residential structure, or accessory structure within the downtown residential overlay (DR) zoning

Preliminary DRAFT Title 17 - Zoning

district that were in existence or for which a valid building permit had been obtained as of the effective date of this section and were not known to have been constructed or modified in conflict with the city's zoning, building, or other requirements.

2. **Repair and Maintenance.** For purposes of this section, repair and maintenance includes all typical maintenance and repair as may be required, including both interior and exterior maintenance, repair, renovation and/or improvement, which do not materially alter the exterior structure or increase the size of the structure or its appurtenances.
3. **Reconstruction.** For purposes of this section, reconstruction means the substantial rebuilding of a structure which was damaged or destroyed through an unanticipated event.
4. **Expansion.** For purposes of this section, expansion means an increase in the square footage of an existing residential structure or an increase in or the addition of appurtenances such as porches and decks.

D. Repair and Maintenance, Reconstruction, Expansion, and New Construction.

1. **Repair and Maintenance.** For the purposes of this section, repair and maintenance of an existing residential structure does not trigger the need to comply with parking requirements, setbacks and required separations between structures as defined in Section 17.22.040 of the Lone Municipal Code.
2. **Reconstruction.** For the purposes of this section, in the event of damage to or destruction of an existing residential structure, reconstruction within the previously existing footprint does not trigger the requirement to comply with parking requirements, setbacks, or required separation between structures as defined in Section 17.22.040 of the Lone Municipal Code.
3. **Expansion.** For the purposes of this section, expansion of an existing residential structure is allowed, subject to the development standards set forth in Table 17.28.030-1, below, and subsection E, parking, below.

Table 17.28.030-1: Development Standards for the Downtown Residential Overlay (DR) Zoning District

Development Standard	Downtown Residential Overlay (DR) Zoning District		
	R-1a and R-1b Zoning Districts	Single-Family Dwellings Within the C-T Zone	All Other Development in the C-T Zone
Setbacks (minimum) ^{1, 2}			See development standards of the C-T Zone
Front and street side	The average of the existing setbacks on the same block		
Interior side	3 feet one side, 3 feet second side		

Preliminary DRAFT Title 17 - Zoning

Rear	3 feet	
Minimum lot size ³	4,000 square feet	
Allowed residential density ⁴		
Minimum	2.1 du/ac	
Maximum	7.0 du/ac	
Height (maximum) ⁵	45 feet/3 stories	

Notes:

1. Minimum setbacks and construction standards for fire-rated walls shall apply as prescribed in the city-adopted building code and other applicable regulations.
2. No structure shall be located within the clear vision triangle as defined by this title.
3. Minimum lot size requirement is for the creation of new lots only. All existing lots as of the date of adoption of this section shall be deemed legal lots and may be used and developed consistent with the development standards of this title.
4. Allowed residential densities shall be consistent with the underlying general plan land use designations for the property; however, consistent with the underlying base zoning district, each legal lot within the downtown residential overlay (DR) zoning district shall be permitted one single-family residence, regardless of existing parcel size.
5. The height of any accessory structure shall not exceed the height of the primary structure.

E. Parking. The following parking standards shall apply to the downtown residential overlay (DR) zoning district:

1. New single-family dwellings shall provide at least one uncovered, covered, or enclosed off-street parking space (e.g., driveway or garage), for each 1,000 square feet of primary structure, or fraction thereof;
2. All other uses shall provide off-street parking as required under Chapter 17.40 (Parking).
3. Existing dwelling units without off-street parking shall be deemed conforming with downtown residential overlay (DR) zoning district parking standards.

(Ord. No. 477 , § 1, 4-19-2016)

~~Chapter 17.29 — SPECIAL PROVISIONS APPLYING TO MISCELLANEOUS USES[3]~~

Note: Chapter 17.29 is moved to Chapter 17.230

ARTICLE III. SITE PLANNING STANDARDS

Chapter 17.30 BUILDING HEIGHT MEASUREMENT AND PROJECTIONS

Sections:

17.30.010 Purpose.

The purpose of this chapter is to provide the rules for determining and calculating height of structures within the city. Additionally, it includes exceptions to the height requirements of the underlying zoning district based on use type and features. The intent of these regulations is to provide for compatibility of building height when adjacent lots have different maximum height limits or there are different grade levels between a development site and its adjacent roadway.

(Ord. No. 423, § 2, 4-21-2009)

17.30.020 Definitions.

Terms unique to this chapter are listed in chapter ~~17.80~~17.300 (Glossary of terms).

(Ord. No. 423, § 2, 4-21-2009)

17.30.030 Height regulations.

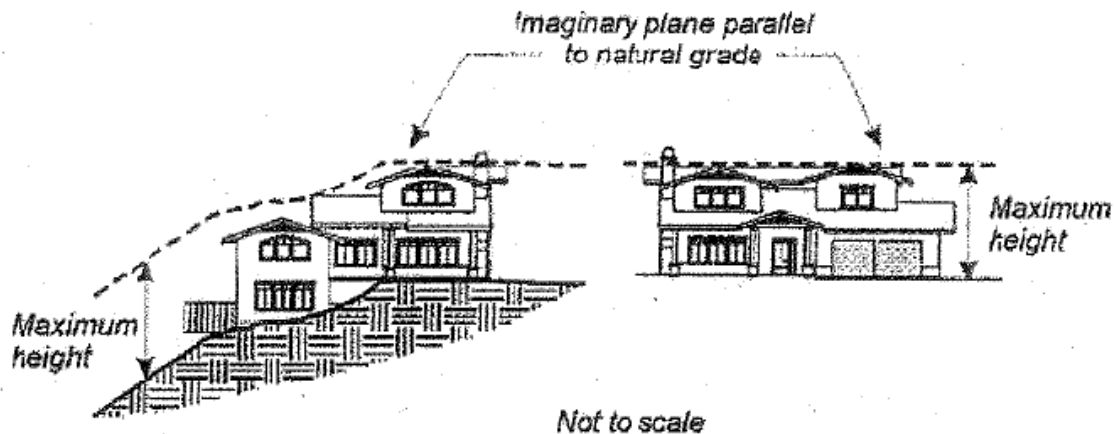
Except as otherwise provided by this chapter or any other provisions of this title, all structures shall be limited to the maximum height identified in the underlying (or applicable overlay) zoning district as identified in Article II (Zoning districts, allowed uses, and development standards), to the maximum height allowed for accessory structures as identified in Chapter 17.38 (Accessory structures), or to the maximum height allowed for wireless communication facilities as identified in Chapter ~~17.64~~17.210 (Wireless communication facilities). The height provisions for buildings or structures shall be interpreted so that both the limitation as to the number of stories and the limitation of the height in feet shall both apply when both standards are listed.

(Ord. No. 423, § 2, 4-21-2009)

17.30.040 Height measurement.

The height of a structure shall be measured as the vertical distance from the finish grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade. See Figure 17.30.040-1 (Measurement of Height).

Figure 17.30.040-1: Measurement of Height



(Ord. No. 423, § 2, 4-21-2009)

17.30.050 Height exceptions.

Exceptions to the height regulations are as follows:

- A. General height exception. No penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment; towers, steeples, roof signs, or other structures shall exceed the height limit provided in this title, except wireless communication facilities as provided for in Chapter ~~17.64~~17.210 (Wireless communication facilities). Radio and television masts, flagpoles, chimneys, and smoke stacks may exceed not more than 30 feet above the height limit provided in this title, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances.

(Ord. No. 423, § 2, 4-21-2009)

Chapter 17.32 YARD MEASUREMENT AND PROJECTIONS

Sections:

17.32.010 Purpose.

The purpose of this Chapter is to establish rules and regulations for setback measurement, yard areas, and encroachments. These provisions, in conjunction with other applicable provisions of this Title, are intended to ensure open areas around primary structures, maintain clear visibility for traffic safety and pedestrian access, buffer between property and land uses, and establish natural and visual light and air space privacy, landscaping, and recreation.

(Ord. No. 455, § 5, 12-6-2011 ; Ord. No. 423, § 2, 4-21-2009)

Preliminary DRAFT Title 17 - Zoning

17.32.020 Definitions.

Terms unique to this chapter are listed in Chapter ~~17.80~~17.300 (Glossary of Terms).

(Ord. No. 455, § 5, 12-6-2011 ; Ord. No. 423, § 2, 4-21-2009)

17.32.030 Yard and setback regulations.

- A. Required Yard Area. Except as otherwise specified in this title, required yard areas shall be kept free of buildings and structures.
- B. Vertical Clearance. Except as otherwise provided in this title, every part of a required yard shall be open from its lowest point to the sky unobstructed. Building overhangs, bay windows, and other such elements may intrude as permitted.
- C. Lots Abutting Two or More Streets. In the case of a lot abutting two or more streets, the ~~main building~~primary structure and accessory buildings shall be erected so as not to encroach upon the required yards ~~adjacent to~~of any of the streets.
- D. Double Frontage Lots. On double frontage lots, ~~either line separating each lot from a public thoroughfare may be designated by the owner as the~~both property lines separating the lot from a street are considered front lot lines. ~~In such cases the minimum rear yard shall be the average of the yards on the next adjoining lots. If such next adjoining lots are undeveloped, the minimum yard shall conform to the front yard setback for the zone in which the property is located. Where a through lot has a depth of 125 feet or more, said lot may be treated as two lots, with the rear line of each approximately equidistant from the front lot lines, provided all the yard requirements are met.~~
 - 1. Interior double frontage lot. On an interior double frontage lot, the minimum front yard setback for each front yard shall be the average of the front yard depths of the adjacent lots on each side, if such lots are developed. If one or both of the adjacent lots are undeveloped, the required front yard setback is 20 feet.
 - 2. Corner double frontage lot. On a corner double frontage lot, the primary structure may be oriented toward any of the property lines. However, the distance between the front of the primary structure and the property line shall be not less than 20 feet.
 - 3. Lot depth of 125 feet or more. Where a double frontage lot has a depth of 125 feet or more, the lot may be developed with two primary structures, with the front yard setbacks determined as provided above (D.1., D.2.) and a 20-foot minimum separation between the primary structures. Such separation shall be maintained as a rear yard for each primary structure of not less than 10 feet, measured from the furthest portion of the rear elevation of each primary structure.
- E. Lot Area, Depth, Width, and Setback Reduction. At the time of plan check for the first primary structure to be constructed on a lot, w~~h~~ere a lot area or a lot width, depth, or setback has been reduced for an existing legally created lot by not more than 15 percent as a result of acquisition or dedication for a highway, road, drain, or other public purpose,

Preliminary DRAFT Title 17 - Zoning

as a result of dedication pursuant to a condition of approval, the lot area or yard so reduced may be included in determining compliance with lot area or yard requirements in the same manner as if the acquisition or dedication has not taken place.

- F. Setback Measurement. The setback of all buildings and structures shall be determined by the exterior boundaries of the streets and highways and their proposed widening and extensions as indicated on the circulation plan roadway system and sizing map of the city's general plan. The width of any street or highway that does not appear in the circulation plan shall be determined from the standards for street widths and improvements set forth in the city's improvement standards.

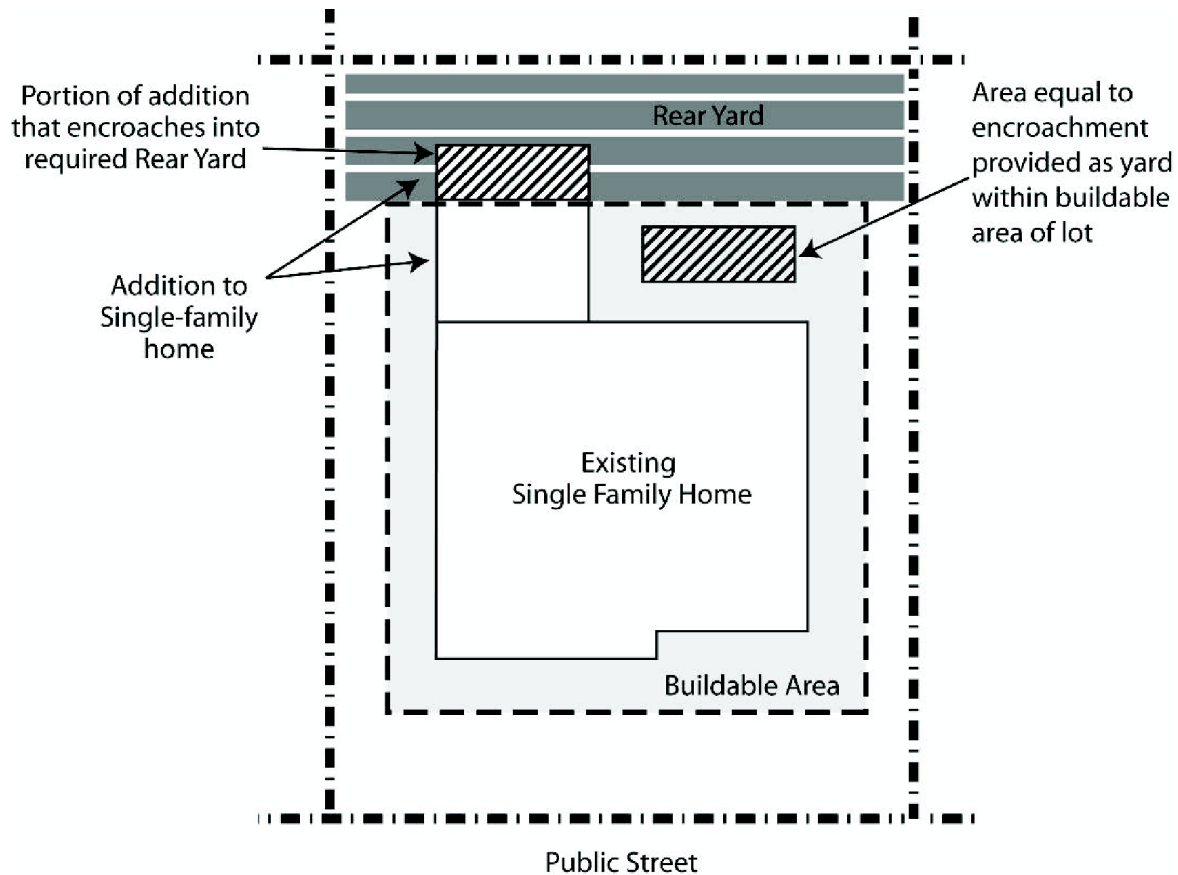
(Ord. No. 455, § 5, 12-6-2011 ; Ord. No. 423, § 2, 4-21-2009)

17.32.040 Allowed encroachments/projections into required yards.

Where yards are required in this title, they shall be not less in depth or width than the minimum dimensions specified for any part, and they shall be at every point open and unobstructed from the ground upward, except as follows:

- A. Cornices, canopies, eaves, chimneys, or other similar architectural features not providing additional floor space within the building may extend from the structure not more than two feet into a required front, side, or rear yard ~~not to exceed two feet and shall not be less than two feet from any property line.~~
- B. Open, unenclosed, uncovered porches, platforms or landing places which do not extend above the level of the first floor of the building, may extend ~~into any front, side, or rear yard~~ from the structure not more than six feet into a required front, side, or rear yard and shall not be less than two feet from any property line; provided, however, that an open work railing not more than 30 inches in height may be installed or constructed on any such porch, platform, or landing place.
- C. Detached accessory buildings may occupy side and rear yards as provided in Chapter 17.38 (Accessory Structures).
- D. Window bays, including roof overhangs, having a minimum surface area of 50 percent glass, may encroach two feet into the required yard area when the finished floor of the window bay is at least 15 inches above the finished floor of the room.
- E. For single-family residential development, a portion of the ~~main building~~ primary structure may project into the required rear yard area, provided that an equal area of the buildable portion of the lot (this area can be anywhere on the lot) is provided as a yard or court. See Figure 17.32.040-1 (Single-Family Encroachment)

Figure 17.32.040-1: Single-Family Encroachment



(Ord. No. 455, § 5, 12-6-2011 ; Ord. No. 423, § 2, 4-21-2009)

Chapter 17.34 PROPERTY AND UTILITY IMPROVEMENT

17.34.010 Purpose.

The purpose of this chapter is to establish rules and regulations that govern the installation of curbs, gutters, and sidewalks and the undergrounding of all utilities in the city. These provisions, in conjunction with other applicable provisions of this title, are intended to establish standards of development in all new industrial, commercial, residential subdivisions and infill projects.

(Ord. No. 423, § 2, 4-21-2009)

17.34.020 Curbs, gutters, and sidewalks.

Installation of curbs, gutters, and sidewalks shall be required for all new development projects, including new industrial, commercial, residential subdivisions and residential infill projects, subject to the following provisions:

- A. The requirement for sidewalks for an infill project may be waived by the planning commission during the project review process if the planning commission determines,

Preliminary DRAFT Title 17 - Zoning

based on discussions with the city engineer and the city planner, that continuous sidewalks within the area in which the infill project is located are not feasible and/or necessary. Where no other planning commission review of the project is required, sidewalk installation requirements may be waived through a variance procedure as described under Section 17.10.070 (Variance).

- B. The requirement for curb and gutter improvements for an infill project may be waived by the planning commission during the project review process if the planning commission determines, based on discussion with the city engineer, that such improvements are not and will not be necessary within the project vicinity. Where no other planning commission review of the project is required, curb and gutter installation requirements may be waived through a variance procedure as described under Section 17.10.070 (Variance).
- C. Specific streets where the city will not require curb, gutter and/or sidewalk improvements may be designated through action of the city council, based on discussion with the city engineer and city planner and recommendation of the planning commission.

(Ord. No. 423, § 2, 4-21-2009)

17.34.030 Underground utilities.

The following provisions govern the undergrounding of public utilities:

- A. New developments. In new development areas (e.g., greenfield) of the city, all on-site utilities including, but not limited to, electrical (69kV or less), telephone, cable television, and similar distribution lines shall be installed underground. The city council may grant exceptions for new residential projects as part of the proposed development application. See Chapter 16.24 (Improvements).

(Ord. No. 423, § 2, 4-21-2009)

Chapter 17.36 FENCES AND WALLS

Sections:

17.36.010 Purpose.

This chapter provides regulations for the installation, construction, and placement of fences on private property. For the purposes of this zoning code, the term "fence" includes fences or walls. It is the intent of this chapter to regulate the height and location of fences to provide light, air, and privacy without obstructing views, to establish buffers between different land uses, and to safeguard against visual obstructions at the intersections of streets and/or driveways.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

Preliminary DRAFT Title 17 - Zoning

17.36.020 Permit requirements and exceptions.

Unless otherwise listed as exempt below, site plan review approval shall be required for fences and walls. The following fences and walls are exempt from site plan review approval, or land use or development permit approval.

- A. Retaining Walls. Retaining walls less than 36 inches in height, provided that they are designed and constructed with an appearance similar to the buildings and other structures on the site, with compatible colors, finishes, and materials.
- B. Residential Fences. Fences located on residential property constructed in compliance with the provisions of this chapter.
- C. Required Fences. The provisions of this chapter shall not apply to a fence or wall required by any law or regulation of the city (including temporary construction site fencing), state, or any agency thereof (including the board of education).

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.36.030 Location and height restrictions.

- A. Maximum Allowed Heights. Fences and walls in the agricultural and residential zoning districts and for residential uses in the commercial transition zoning district shall not exceed the maximum heights in the corresponding required yard area as shown Table 17.36.030-1 (Maximum height of fences and walls in required yard area) and Figure 17.36.030-1 (Front and street side setback areas).

Table 17.36.030-1: Maximum Height of Fences and Walls in Required Yard Area

Location of Fence/Wall	Location or Minimum Setback of Fence	Maximum Height ^{1, 2}
Required Front Yard Area	Determined by Zoning District	4 feet
Required Rear and Interior Side Yard Area (Along Rear and Interior Property Lines)	0 feet	6 feet
Required Street Side Yard Area	5 feet ^{3, 6}	6 feet
At intersections of streets, alleys, and driveways within the Clear Vision Triangle	4	30 inches
All other areas of lot	5	

Notes:

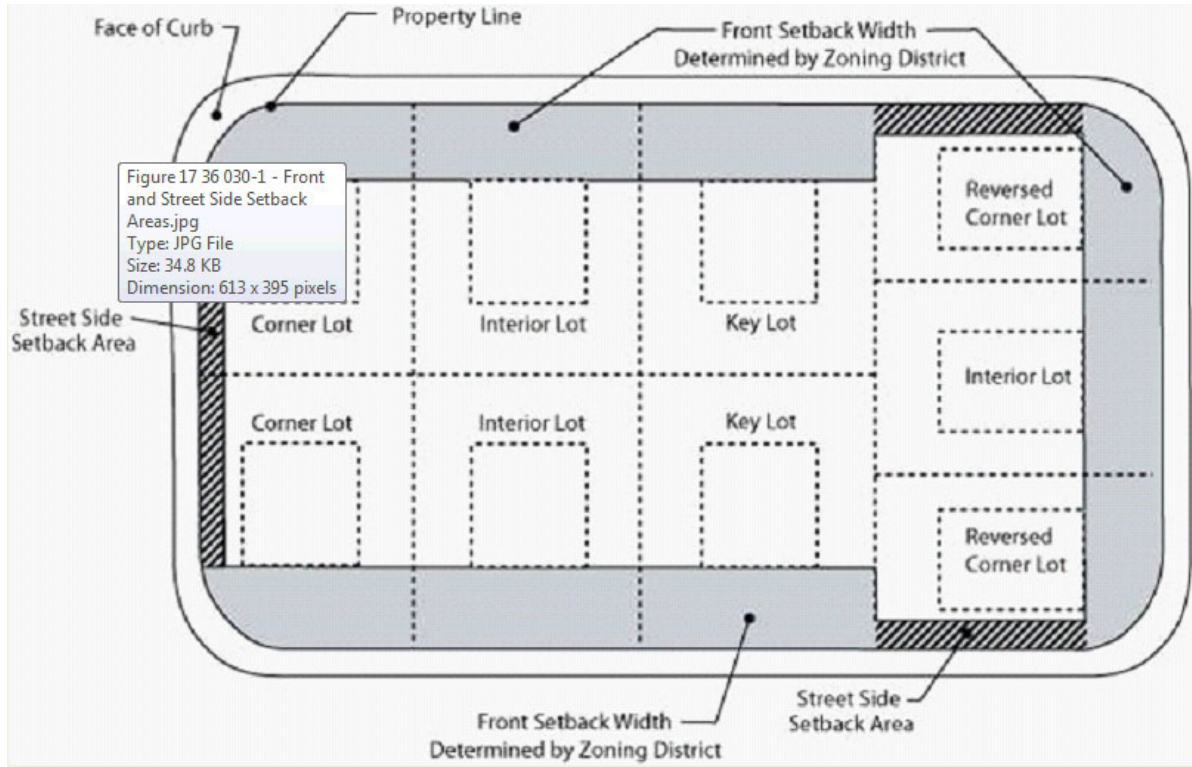
1. As part of site plan review or other discretionary entitlement, the ~~designated approving authority~~ decision-making authority may grant additional height to enclose or screen specific areas or uses or for fences and walls designed for noise attenuation.

2. The agricultural zoning district may have fences within the required front yard area to a maximum height of six feet, provided the fencing is open-view type.

Preliminary DRAFT Title 17 - Zoning

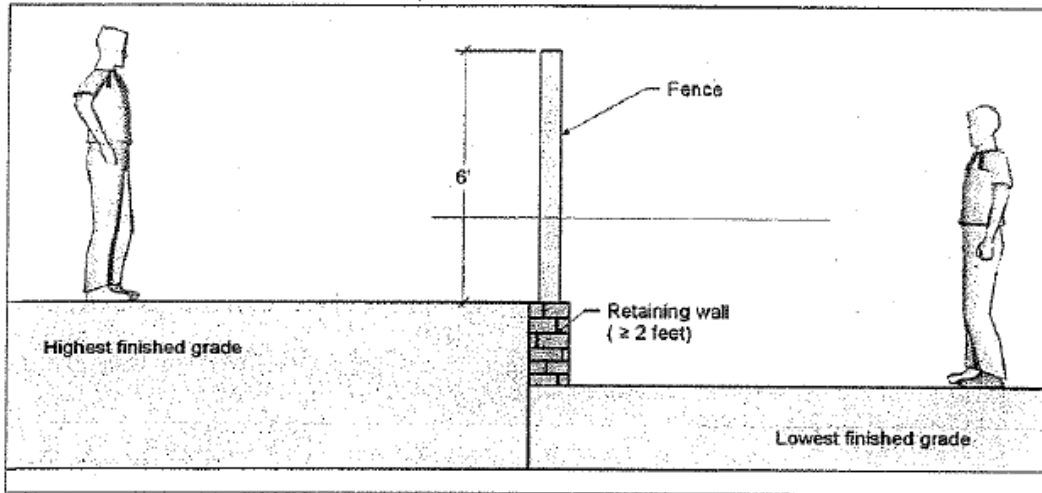
3. Setback area for street side yard is measured from back of sidewalk to the fence. In the event that no sidewalk has been constructed, the setback area shall be measured from five (5) feet from the edge of right-of-way to the fence.
4. See definition of clear vision triangle in Section ~~17.80~~17.300.020 (General definitions).
5. For all other areas of the lot, see applicable standards of Chapter 17.38 (Accessory structures).
6. Where, because of the orientation of the lots, a property line fence separates a front yard on one lot from a rear yard on an adjacent lot (i.e., a "key lot" situation), the maximum fence height shall be six feet. (See Figure 17.36.030-1 Front and Side Street Setback Areas.)

Figure 17.36.030-1 Front and Side Street Setback Areas



- B. Height Measurement. Fence height shall be measured from the finished grade at the base of the fence to the uppermost part of the fence, except when there is a difference in the ground level between two adjoining parcels of two feet or more, the fence height shall be measured on the side with the highest finish grade. See Figure 17.36.030-2 (Measurement of fence height on parcels with different elevations).

Figure 17.36.030-2: Measurement of fence height on parcels with different elevations



C. Location. Fence location on any lot shall be in conformance with these standards, unless a more restrictive standard has been adopted as a development standard for the subdivision in which the lot is located.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.36.040 Fence and wall design standards.

- A. Open View Fencing. Where fencing is proposed along public frontages of non-residential and multifamily projects, such fencing shall be open view unless otherwise required to be solid for noise attenuation. Open view fencing shall also be required when located adjacent to open space areas. However, open view fencing for side yards of corner lots abutting open space areas may be designed with privacy fencing.
- B. Fencing Materials. Fences and walls shall be constructed of attractive, long-lasting materials (e.g., masonry, wood, tubular steel, or stone).
- C. Prohibited Fencing Materials. Unless approved as a condition of approval or in conjunction with another entitlement, walls or fences of sheet or corrugated iron, sheet steel, concertina wire or sheer aluminum, are prohibited. Barbed wire fencing shall not be constructed or placed on top of a fence except where properly used for agricultural, open space, or industrial uses.
- D. Graffiti-Resistant Surface. Graffiti-resistant aesthetic surface treatment, where deemed appropriate to the location, shall be required for all masonry walls.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.36.050 Special fence and wall requirements.

- A. Screening of Outdoor Storage. Outdoor storage within commercial and industrial zoning districts (including all dumpsters, commercial items, commercial construction or industrial

Preliminary DRAFT Title 17 - Zoning

related materials and equipment within commercial zones) shall be fenced or screened from view in a manner that is attractive and complementary to the principal use and/or structure that it serves. Such screening shall utilize enclosures including, but not limited to, fences, walls, landscaping, or earthen berms, so that no outdoor storage is visible from any public right-of-way, parks, public trails, and adjacent properties.

- B. Special Fencing for Company Vehicles in Industrial Zones. In industrial zones, company vehicles less than one ton do not require screening and may be parked behind the required landscape area with or without security fencing, as set forth in this article. Company vehicles exceeding one ton that are permitted on the public highways and used in the daily operation of the company may be parked within the buildable portion of the lot without screen fencing. All company vehicles that exceed one ton and are either not permitted on the public highways or not used in the daily operation of the company shall be fenced or screened from view in a manner that is attractive and complementary to the structure it serves. The method of screening or fencing shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style.
- C. Special Fencing for Agricultural Land Uses. All fences which enclose livestock shall be constructed of an adequate height and shall be designed so as to control and contain such livestock at all times.
- D. Fencing for Pools, Spas, and Similar Features. Swimming pools, spas, and other similar water features shall be fenced in compliance with city-adopted building code requirements.
- E. Special Screening for Commercial and Industrial Uses Adjacent to Residential and Agricultural Zones. Commercial and industrial uses shall be screened from adjacent residential and agricultural zones or when necessary as determined by the ~~designated approving authority~~decision-making authority as follows below, provided that screening between mixed-uses that consist of residential and non-residential uses need not be screened from adjacent commercial uses, unless otherwise required by the ~~designated approving authority~~decision-making authority. The city encourages the integration and connection of compatible uses and to that end, this requirement is not intended to preclude the development of pedestrian/bicycle access points between commercial and residential zones.
 - 1. The screening wall shall be a solid masonry wall with a minimum height of six feet and shall also consist of plant materials (e.g., vines or other living plant cover on the wall).
 - 2. A landscaping strip with a minimum width of five feet shall be installed adjacent to a screening wall on the commercial or industrial side.
 - 3. The ~~designated approving authority~~decision-making authority may waive or approve a substitute for the requirements above if it is determinedd that:
 - a. The relationship of the proposed uses makes screening unnecessary or undesirable;
 - b. The intent of this section is successfully met by alternative screening methods; and/or
 - c. Physical characteristics and/or constraints on the site make required screening infeasible or unnecessary.

Preliminary DRAFT Title 17 - Zoning

- F. Screening of Commercial Loading Docks and Refuse Areas. Loading docks and refuse storage areas shall be screened from public view, adjoining public streets and rights-of-way and residentially zoned areas. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style. Exceptions may be permitted through site plan review for sites with unique characteristics (e.g., shallow lot depth, adjacency to single family residential).
- G. Temporary Fences. Nothing in this chapter shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the building code and other applicable provisions of the City Municipal Code.
- H. Maintenance. Fences and walls shall be continuously maintained in an orderly and good condition, at no more than their maximum allowed height.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

Chapter 17.38 ACCESSORY STRUCTURES

Sections:

17.38.010 Purpose.

The purpose of this chapter is to identify and regulate detached accessory structures to ensure that such structures do not create a public safety issue or public nuisance and do not create an adverse aesthetic from street right-of-ways or adjacent/neighboring properties. The intent of these regulations is to complement the requirements and standards of the city's adopted building code and fire code.

(Ord. No. 455, § 6, 12-6-2011 ; Ord. No. 423, § 2, 4-21-2009)

17.38.020 Definitions.

Terms unique to this Chapter are listed in Chapter ~~17.80~~17.300 (Glossary of Terms).

(Ord. No. 455, § 6, 12-6-2011 ; Ord. No. 423, § 2, 4-21-2009)

17.38.030 Permit requirements and exceptions.

Generally, no special planning permit or entitlement shall be required for accessory structures that are consistent with the standards herein, except that zoning clearance/plan check shall be conducted in the event that a building permit is required. Even if a building permit is not required a planning permit or entitlement may be. Certain structures may require site plan review, variance, or other permits or entitlements as specified in Chapter 17.10 (Permit and Entitlements).

(Ord. No. 455, § 6, 12-6-2011 ; Ord. No. 423, § 2, 4-21-2009)

Preliminary DRAFT Title 17 - Zoning

17.38.040 Development standards.

- A. General Development Standards for All Accessory Structures. The development standards in this section shall only apply to accessory structures. Primary structures, and any other feature attached to the primary structure (e.g. patio cover), are subject to the setback, height, and other requirements for the zoning district in which they are located.
1. Setback Measurement. Minimum setback distances for accessory structures from property lines and between all structures shall be measured to any portion of the structure(s), inclusive of overhangs, projections, railings, etc..
 2. Construction Phasing. Accessory structures may be constructed only in conjunction with or after construction of the primary building(s) on the site. However, in agricultural and residential zoning districts, accessory structures may be constructed prior to the primary residential dwelling.
 3. Maximum Coverage. The total size of all accessory structure(s) on a lot may not exceed 30 percent of the actual rear yard area.
- B. Development Standards by Type of Accessory Structure. Table 17.38.040-1 (development standards for accessory structures) establishes development standards based on the type of accessory structure as defined in Chapter ~~17.80~~17.300 (Glossary of Terms).

Table 17.38.040-1 Development Standards for Accessory Structures

Accessory Structure	Minimum Setback Distance From Property Line			Minimum Distance Between Structures	Maximum Height
	Front	Street Side	Interior (including rear)		
Accessory Buildings					
≤ 120 s.f. and < 8 ft. tall	60% or 90 ft., whichever is less ²	10 ft. ³	3 ft.	No minimum ⁵	8 ft.
≤ 120 s.f. and ≥ 8 ft. tall	60% or 90 ft., whichever is less ²	10 ft. ³	5 ft.	No minimum ⁵	16 ft.
> 120 s.f. and fully enclosed	60% or 90 ft., whichever is less ²	10 ft. ³	5 ft.	No minimum ⁵	35 ft./2 stories
> 120 s.f. and w/limited/no enclosure	60% or 90 ft., whichever is less ²	10 ft. ³	5 ft.	No minimum ⁵	35 ft./2 stories
Landscape Features	No minimum	10 ft.	3 ft.	No minimum ⁵	16 ft.

Preliminary DRAFT Title 17 - Zoning

Pools/spas	Same as for Primary Structure	5 ft. ⁴	5 ft. ⁴	5 ft.	16 ft.
Deck/Patio	No minimum	No minimum	No minimum	No minimum ⁵	No minimum
Play Equipment	Same as for Primary Structure	10 ft.	3 ft.	No minimum ⁵	16 ft.

Notes:

1. Detached garages may be attached to a ~~main building~~primary structure and may encroach into the required rear yard for the ~~main building~~primary structure by not more than 15 feet if:

- It is less than 600 square feet in area;
- It shares a common wall of not less than five feet in length with the ~~main building~~primary structure or is not located not more than six feet from the ~~main building~~primary structure; and
- It is connected to the ~~main building~~primary structure by a roof of not less than five feet in width.

2. An accessory structure may be located within the front 60 percent of the lot if it is screened from view by a fence or landscaping and is located a minimum of ten feet behind said screening.

3. On reverse corner lots, the street side yard setback shall be the same as the front yard setback for the adjacent key lot.

4. Measurement from water's edge. Related equipment shall be setback a minimum of three feet from all side and rear property lines.

5. See the city-adopted building code for separation requirements.

(Ord. No. 463, § 3, 6-16-2013 ; Ord. No. 455, § 6, 12-6-2011 ; Ord. No. 423, § 2, 4-21-2009)

Chapter 17.40 PARKING

17.40.010 Purpose.

This chapter establishes regulations, which provide for safe, attractive, and convenient off-street parking and loading and to ensure that parking areas are compatible with surrounding land uses.

(Ord. No. 423, § 2, 4-21-2009)

17.40.020 Applicability.

No structure shall be constructed, enlarged or increased in capacity, or the use changed or increased in intensity, unless off-street parking spaces for automobiles are permanently provided and maintained for the benefit of residents, employees, customers and visitors, within or outside of buildings or in a combination of both, in accordance with the requirements listed in this chapter.

Off-street parking and loading provisions of this chapter shall apply as follows:

- A. New development. For all buildings or structures erected and all uses of land established after the effective date of this title, parking for vehicles and bicycles, and loading facilities shall be provided as required by this chapter.

Preliminary DRAFT Title 17 - Zoning

- B. Change in use. When the use of any building, structure, or premises is changed, resulting in an increase of more than ten percent in the required number of off-street parking spaces, additional off-street parking shall be provided consistent with Section 17.40.050 (Number of parking spaces required).
- C. Change of occupancy. Where a new business license is required, additional parking spaces shall be provided if the new occupancy would result in an increase of more than ten percent in the required number of off-street parking spaces.
- D. Modification to existing structures. Whenever an existing building or structure is modified such that it creates an increase of more than ten percent in the number of off-street parking spaces required, additional off-street parking spaces shall be provided in accordance with the requirements of this chapter.

(Ord. No. 423, § 2, 4-21-2009)

17.40.030 Permit requirements.

New parking lots and modifications or expansions to existing parking lots require the following permits:

- A. Building permit. New parking lot design and modifications to existing parking lots in conjunction with a substantial change in use to an existing structure shall be reviewed in conjunction with the building permit and any other land use or development permit required for the project.
- B. Plan check. Modification or improvements to an existing parking lot that impact the parking space layout, configuration, number of stalls, landscape planters, etc. Shall require plan check certification, as outlined in Section 17.10.020 (Plan check), to authorize the change as consistent with the zoning code.
- C. Exempt activities. Parking lot improvements listed below shall be considered minor in nature if they do not alter the number or configuration of parking stalls. Such improvements shall be exempt from plan check.
 - 1. Repair of any defects in the surface of the parking area, including repairs of holes and cracks;
 - 2. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces;
 - 3. Repair or replacement in the same location of damaged planters and curbs; and
 - 4. Work in landscape areas, including sprinkler line repair, replacement of landscape materials, or refurbishment.

(Ord. No. 423, § 2, 4-21-2009)

Preliminary DRAFT Title 17 - Zoning

17.40.040 General parking requirements.

The layout of parking spaces, loading berths and parking aisles shall comply with all the following requirements:

- A. The required parking spaces, loading berths and parking aisles may not be located on any street right-of-way.
- B. Each parking space shall have a minimum size of nine feet by 18 feet when outdoors and shall be free of obstructions such as columns or walls. Each parking space shall be ten feet by 20 feet when indoors or where columns or walls are located within the parking area. Each loading berth shall be a minimum size of 12 feet by 30 feet whether indoors or outdoors.
- C. Parking aisles shall have a minimum width of 12 feet when spaces are parallel to the aisle or up to an angle of 40 degrees, 17 feet when spaces are at an angle of between 40 degrees and 70 degrees, and 23 feet when spaces are at an angle between 70 degrees and 90 degrees.
- D. Parking spaces and aisles shall have a maximum grade of seven percent.
- E. Each parking space and aisle shall have a minimum eight-foot vertical clearance. Each loading berth and access thereto shall have a minimum 15-foot vertical clearance.
- F. Each parking space and loading berth shall have vehicular access to the street, without passing over other parking spaces.
- G. Neither a required side yard abutting a street, nor a front yard, shall be used for off-street parking, except that for single-family residential uses, parking spaces beyond the minimum requirement (the two garage spaces) may be allowed within required interior side yards.
- H. Residential Uses. Residential uses shall provide parking in compliance with Table 17.40.050-1 (Parking Requirements by Land Use).
 - 1. Conversion of a garage for a single-family residence shall be prohibited unless an equivalent space is provided in compliance with the requirements of Table 17.40.050-1 (Parking Requirements by Land Use).
 - 2. A single-family use that does not conform to the provision of this article shall be brought into compliance at the time additions or alterations are made that cumulatively increase the existing floor area by more than 25 percent, unless waived under Section 17.40.050(D) (Parking Reduction).

(Ord. No. 455, § 7, 12-6-2011 ; Ord. No. 423, § 2, 4-21-2009)

17.40.050 Number of parking spaces required.

- A. The following number of parking spaces shall be required to serve the uses or buildings listed, as established in Table 17.40.050-1 (Parking Requirements by Land Use). Multiple uses must provide the sum of the requirements for each individual use. In addition, the following provisions shall apply:

Preliminary DRAFT Title 17 - Zoning

1. "Square feet" means "gross square feet" and refers to building area unless otherwise specified.
 2. For the purpose of calculating residential parking requirements, dens, studies, or other similar rooms that may be used as bedrooms shall be considered bedrooms.
 3. Where the number of seats is listed to determine required parking, seats shall be construed to be fixed seats. Where fixed seats provided are either benches or bleachers, such seats shall be construed to be not more than 18 linear inches for pews and 24 inches for dining, but in no case shall seating be less than determined as required by the building code.
- B. When the calculation of the required number of off-street parking spaces results in a fraction of a space, the total number of spaces shall be rounded to the nearest whole number (< 0.49 round down, > 0.50 round up).

Table 17.40.050-1: Parking Requirements by Land Use

Land Use Type	Required Parking Spaces
Residential Uses	
Boarding and Rooming Houses	1/living or seating unit
Dwelling, Single-Family and Two-Family	2 garage spaces/dwelling unit
Dwelling, Multiple-Family	
Studio, one and two bedroom units	2 spaces/dwelling unit
Three + bedroom units	2 spaces/dwelling unit
Senior units, studio, one and two bedroom units	1 space/dwelling unit
Senior units, three+ bedroom units	2 spaces/dwelling unit
Mobile Home Park	2 parking spaces/home site
Recreation, Education, and Public Assembly Uses	
Assembly Uses with Fixed Seats	1 space/4 seats of maximum seating capacity
Assembly Uses without Fixed Seats	1 space/50 s.f. of gross floor area used for dancing or assembly
Retail, Service, and Office Uses	
Retail Sales	1 space/300 s.f. of gross floor area or 1 space/300 s.f. of facility
Eating and Drinking Establishments	
Offices, Business and Professional	
Hotels and Lodging Places	1 space/unit plus 1 manager space
Medical Services, Hospitals and Sanitariums	1 space/1,000 s.f.

Preliminary DRAFT Title 17 - Zoning

Automotive and Vehicle Uses	
Auto Sales and Rental	1 space/300 s.f. of gross floor area or 1 space/300 s.f. of facility
Auto Services	
Car Washing	
Industrial, Manufacturing, and Processing Uses	
Warehousing, Wholesaling, Research and other Industrial	1 space/500 s.f. gross floor area

- C. Uses Not Listed. Other uses not specifically listed in this section shall furnish parking as required by the planning commission in determining the off-street parking requirements. The planning commission shall be guided by the requirements in this section generally, and shall determine the minimum number of spaces required to avoid interference with public use of streets and alleys.
- D. Parking Reduction. Parking spaces provided to meet the requirements of this chapter shall not be reduced in size or number, modified, or eliminated without review by the planning commission under site plan review, as established in Section 17.10.090 (Site plan review).

(Ord. No. 455, § 8, 12-6-2011 ; Ord. No. 423, § 2, 4-21-2009)

17.40.060 Parking requirements for the disabled.

- A. Number of Spaces, Design Standards. Parking spaces for the disabled shall be provided in compliance with the building code and state and federal law.
- B. Reservation of Spaces Required. The number of disabled accessible parking spaces required by this chapter shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use.
- C. Upgrading of Markings Required. If amendments to state or federal law change standards for the marking, striping, and signing of disabled access parking spaces, disabled accessible spaces shall be upgraded in the time and manner required by state law.

(Ord. No. 423, § 2, 4-21-2009)

17.40.070 Compact car requirements.

The following provisions apply to parking provided for all uses or buildings except one-family and two-family dwellings:

- A. Up to 20 percent of the required number of parking spaces may be sized for compact cars.
- B. Compact car parking spaces shall be at least eight feet in width and 16 feet in length, and shall be clearly marked, "COMPACT CARS ONLY," "COMPACT," or "C"
- C. Compact car space shall be distributed throughout the parking lot.

Preliminary DRAFT Title 17 - Zoning

- D. Where a section of the parking lot is restricted to compact parking with an angle of 90 degrees, the aisle width may be reduced from the standard 23 feet to 21 feet. Such compact sections should be located so as to minimize the distance from the section to the appropriate building or activity.

(Ord. No. 423, § 2, 4-21-2009)

17.40.080 Parking and driveway design and development standards.

- A. Surface Parking Area. All surface parking areas shall have the following improvements:
1. Each parking space and aisle, except those accessory (i.e., beyond the minimum requirement) to one-family and two-family dwellings, shall be graded, drained and surfaced so as to prevent dust, mud, or standing water, and shall be identified by pavement markings bumper guards, entrance and exit signing, and directional signs, to the satisfaction of the city engineer.
 2. Lighting, giving a ground level illumination of one to five foot-candles, shall be provided in a parking area during the time it is accessible to the public after daylight. Lighting shall be shielded to prevent glare on contiguous residential properties.
 3. Where such parking area abuts a street, it shall be separated by an ornamental fence, wall or compact Eugenia or other evergreen hedge having a height of not less than two feet and maintained at a height of not more than four feet. Such fence, wall, or hedge shall be maintained in good condition.
 4. When the required off-street parking space for nonresidential uses is to be provided on a separate lot from the use or building, the lot shall be no further than 500 feet from the front entrance of the use or building. The parcel is to be under the same ownership as the use or building, or is leased to the effect that the owner or owners of the lot will continue to maintain such parking spaces so long as the use or building is maintained. Proof of such lease arrangement shall be demonstrated to the satisfaction of the planning commission.
 5. In addition to parking spaces, a minimum of one loading berth shall be required, for all commercial and industrial buildings in excess of 5,000 square feet or fraction thereof, plus one additional berth for every additional 20,000 square feet of floor area. Loading berths shall conform to the following standards:
 - a. Dimensions. Each required loading berth shall be not less than ten feet wide, 35 feet long, and with 14 feet of clear height. Loading zones shall be separate from other required parking and maneuvering areas.
 - b. Location. Where feasible, loading zones and docks shall be located to the rear of properties. No truck entrance door, loading zone and/or dock serving commercial vehicles shall be permitted to face a residential area within 500 feet.

Preliminary DRAFT Title 17 - Zoning

6. Screening. All loading zones and truck parking areas shall be screened from view by a minimum of a six-foot high hedge, vine-covered fence or wall plus landscaping as required by Chapter 17.36 (Fences and Walls).
- B. Driveway Location Standards. Development projects located at intersections shall be accessed as follows:
 1. Driveways to access parcels located at the intersection of two streets shall be gained through driveways from the lesser street. Determination of which street is lesser shall be made based on total paving width, amount of traffic, adjacent traffic controls and likely destinations along each street in question.
 2. Driveways serving parcels located at the intersection of two streets shall be situated at the maximum practical distance from the intersection.
 3. Where a proposed driveway is located at least 75 feet from the nearest cross street, the provisions of subsections (B)(1) and (B)(2) may be waived.
- C. Driveway size and composition. All residential driveways shall be a minimum of 20 feet in length and width and shall be constructed with an impervious surface (i.e., concrete, asphalt, or similar material) and shall be constructed to appropriate standards as determined by the city. Driveways for secondary dwelling units may be a minimum of ten feet in width, subject to approval by the city fire chief. All driveways shall be connected to a street by an asphalt surface extending from the subject parcel's front property line to the paved road surface.
- D. Roads and parking for mobile home parks. All internal circulation aisles shall be at least 25 feet from curb to curb and shall be increased in width by ten feet for parking spaces on each side of the street on which such curb parking is permitted, consistent with Chapter 12.08 (Street Construction Standards). All roads and parking spaces shall be permanently paved.

(Ord. No. 455, § 9, 12-6-2011 ; Ord. No. 423, § 2, 4-21-2009)

Chapter 17.42 SIGNS ON PRIVATE PROPERTY

17.42.010 Purpose.

This chapter establishes regulations for signs within the city for the purposes of safeguarding and protecting the public health, safety, and welfare through appropriate prohibitions. The city recognizes that signs and other graphics are an essential element of a community's visual appearance and provide a means to identify and promote businesses and are an important element in creating safer public streets and highways. Consequently, the purpose of this chapter is to provide sign regulations that are consistent with the goals and objectives of the city's general plan and the community's visual and aesthetic goals. In addition, these regulations are intended to:

- A. Promote an economically stable and visually attractive community and insure that the special character and image the city is striving for can be attained;

Preliminary DRAFT Title 17 - Zoning

- B. Promote signs and graphics that are attractive, pleasing and harmonized with the physical character of the environment and surrounding properties, while serving the advertising needs of the business community;
- C. Promote traffic safety and the smooth and efficient flow of pedestrians and vehicles to their destinations; and
- D. Direct persons to various activities and enterprises, in order to provide for maximum public convenience.

(Ord. No. 423, § 2, 4-21-2009)

17.42.020 Policies for sign regulations.

- A. Regulatory interpretations. The provisions of this chapter shall not be interpreted to nullify any easements, covenants or other private agreements which provide for more restrictive sign regulations than are required by this chapter.
- B. Enforcement. The city planner is authorized and directed to enforce and administer the provisions of this chapter. Whenever the application of this chapter is uncertain due to ambiguity of its provisions, the issue shall be referred to the city planner for an interpretation and such interpretation shall be made by the city planner within ten business days. Any decision made by the city planner may be appealed to the planning commission in accordance with Subsection 17.42.040 E. (Appeals).
- C. Message neutrality. It is the city's policy and intent to regulate both commercial and non-commercial signs in a viewpoint-neutral or content-neutral manner. The message of the sign shall not be reviewed except to the minimum extent necessary to identify the type of sign.
- D. Message substitution. Subject to the property owner's consent, a non-commercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is authorized pursuant to this Code, without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message, provided that the sign structure or mounting device is authorized pursuant to this Code, without consideration of message content. This provision does not create a right to increase the total amount of signage on a parcel, lot, or land; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; and does not allow for the substitution of an off-site commercial message in the place of an on-site commercial or non-commercial message.
- E. On-site/off-site distinction. Within this chapter, the distinction between on-site and off-site signs applies only to commercial messages.

Preliminary DRAFT Title 17 - Zoning

- F. General prohibition. Permanent signs not expressly permitted by this chapter are prohibited.

(Ord. No. 423, § 2, 4-21-2009)

17.42.030 Definitions.

Terms unique to this chapter are listed in Chapter ~~17.80~~17.300 (Glossary of terms).

(Ord. No. 423, § 2, 4-21-2009)

17.42.040 Permits and review procedures.

- A. Permit required.

1. Sign permit required. A sign permit shall be required for all permanent signs (building attached or freestanding) prior to erection, relocation, alteration, or replacement of a sign, unless otherwise exempted by this chapter. The process for application, review, and decision regarding a sign permit shall be as established in Section 17.10.030 (Sign permit). A sign permit shall not be required for general maintenance of existing signs or the replacement of the sign face (including message) when the area of the sign is not being changed and a building permit is not required (e.g., the replacement of a sign face on a can sign). A sign permit is also not required for the establishment of temporary signs; however, such signs shall be consistent with the development standards and time duration limits established in this chapter.
2. Creative sign program. A creative sign program provides for property owners and businesses to propose and the city to consider special deviations from the regulations for on-site permanent signs provided in this chapter under certain circumstances. The intent of this process is to (1) encourage signs of unique design that exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and (2) provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the city, while mitigating the impacts of large or unusually designed signs. The process for application, review, and decision of the creative sign program shall be as established in Section 17.10.035 (Creative sign program).
3. Uniform sign program required. To ensure compliance with the regulations of this chapter and except as otherwise exempted, a uniform sign program shall be required for all new non-residential developments of three or more separate tenant spaces that (1) share either the same parcel or structure; and (2) use common access and parking facilities within the city. The process for application, review, and decision regarding a uniform sign program shall be as established in Section 17.10.040 (Uniform sign program).

- B. Method of application. An application for a sign permit, creative sign program, or uniform sign program shall be made on the form(s) prescribed by the city planning department. The application shall be accompanied by any fees as specified by city council resolution.

Preliminary DRAFT Title 17 - Zoning

The required contents of the application shall be as specified in Section 17.10.030 (Sign permit), Section 17.10.035 (Creative sign program), or Section 17.10.040 (Uniform sign program) for each type of permit.

- C. Decision and application review procedures. At each level of review or appeal, the decision shall be rendered, in writing, within the time limits set forth herein. The time period begins running when the application is deemed complete, or the notice of appeal has been filed, whichever applies.
 - 1. Generally.
 - a. Notwithstanding any of the time limits contained in this section, the city planner and planning commission shall endeavor to render decisions in a timely manner.
 - b. Notwithstanding the time limits contained in this section, the city planning department and the applicant may mutually agree to an extension of the time limits. Such extension shall be in writing and shall be for no more than 90 days.
 - 2. Sign permit and creative sign program.
 - a. Upon receipt of a completed sign permit or creative sign program application by the city planning department, the city planner shall review the contents of and approve, deny, deem incomplete, or refer the application to the planning commission within ten calendar days.
 - b. If, within ten calendar days of receiving the application, the city planner determines that the application does not include the necessary information needed to review the proposal for consistency with this chapter, the city planner shall deem the application incomplete. If the application is incomplete, the applicant shall be notified in writing. The notification shall specify what information is missing and may also include information on the areas in which the submitted plans are not in compliance with city standards.
 - c. Should the city planner fail to take action on a sign permit or creative sign program application within the prescribed time limits established by this section, such sign permit or creative sign program application shall be deemed automatically appealed to the planning commission to the extent it complies with the area and location requirements for signs imposed by this chapter.
 - 3. Uniform sign program. The application processing procedures for uniform sign programs shall be as described in Chapter 17.08 (Application processing procedures). The city planner shall determine whether a uniform sign program application is complete within 30 calendar days of application submittal and shall make the determination in writing to the applicant. Once the application is deemed complete, the city planner shall schedule the program for hearing with the planning commission. The planning commission hearing shall occur no later than 90 days from the date of that the uniform sign program application is deemed complete.

Preliminary DRAFT Title 17 - Zoning

- D. Variances. Applications for a variance from the terms of this title shall be reviewed by the planning commission according to the variance procedures set forth in Section 17.10.070 (Variance).
- E. Appeals.
 - 1. Appeals of decisions of the city planner or planning commission may be appealed as specified in Section 17.08.060 (Appeals).
 - 2. A final determination of the city council may be appealed to a court of competent jurisdiction in accordance with applicable provisions of state law.

(Ord. No. 423, § 2, 4-21-2009)

17.42.050 Exempt signs.

The following sign types are expressly exempted from the permit requirements of this chapter and title but still must satisfy any and all other applicable city permit requirements when necessary (e.g., building, electrical, plumbing, grading, encroachment, etc.). Any exception to the limitations for exempt signs listed herein shall require either a creative sign program pursuant to Section 17.10.035 (Creative sign program) or a variance pursuant to Section 17.10.070 (Variance). However, consideration of the variance request shall not evaluate the message or graphic design of a sign.

- A. Exempt signs without limitations. The following signs are exempt from sign permit and city review requirements:
 - 1. All devices which are excluded from the definition of a "sign" as set forth in this Code.
 - 2. Official traffic signs or other municipal governmental signs, legal notices, advertisements prescribed by law and placed by governmental entities, and signs indicating the location of buried utility lines or any notice posted by a governmental officer in the scope of his duties. The city has a compelling interest in allowing such signs in order to comply with state and local laws and to promote public safety.
 - 3. Direction, warning or information signs or structures required or authorized by law, or by federal, state, county, or city authority, including, but not limited to, traffic control signs (e.g., stop, yield), highway route number signs, and construction zone signs. The city has a compelling interest in allowing such signs in order to comply with state and local laws and to promote public safety.
 - 4. Existing ghost signs. Restoration of ghost signs is encouraged and shall not affect the exempt status of the sign, nor shall it count towards the maximum allowed area of any new on-site signage.
 - 5. Utility company signs identifying cables, conduits, danger, and so forth. The city has a compelling interest in permitting such signs in order to comply with state and local laws and to promote public safety.
 - 6. Street address signs consistent with the city-adopted building code or relevant provisions of the City Municipal Code. Notwithstanding anything in this section, street

Preliminary DRAFT Title 17 - Zoning

address signs may be illuminated and may contain reflective paint or material. The city has a compelling interest in permitting such signs to promote the identification of property to guide emergency response personnel.

7. Historical and/or memorial tablets and identification plaques installed by or on behalf of a recognized governmental historical agency. The city has a compelling interest in permitting such signs to promote interest in historical structures and events and to promote public safety and identification.
 8. Time and temperature signs containing no advertising copy. The city has a compelling interest in permitting such signs to promote awareness of local conditions for individuals with medical problems and to promote public safety.
 9. Signs and advertising for the California State Lottery as authorized by California Government Code, Section 8880 et seq. The city has a compelling interest in permitting such signs in order to comply with state law.
 10. Gas pricing signs, as required by state law, which identify the brand, types, octane rating, etc. of gasoline for sale within the city. The city has a compelling interest in permitting such signs in order to comply with state law.
 11. Change of copy that does not alter the size, location, or illumination of a sign. The city has a compelling interest to permit such minor changes to make sign maintenance a less onerous burden on property owners and to promote public safety.
 12. Signs prohibiting trespassing or hunting. The city has a compelling interest to allow property owners to post these signs for the protection of life and private property and to promote public safety.
- B. Exempt signs with limitations. The following signs are exempt from sign permits and as such do not require city review. However, they shall be consistent with the size, height, duration, and/or maximum number limitations listed:
1. Flags that are not included in the definition of a temporary promotional sign that display a non-commercial message, attached to poles, including, but not limited to, flags of the United States, the state and other countries and states, counties and municipalities, not to exceed three flags/poles on properties containing less than one acre of land, and not to exceed six flags/poles on properties containing more than one acre of land. Poles shall not exceed 30 feet in height and flags shall not exceed 42 square feet in surface area. Such flags shall be maintained in good condition and free of tattering or tearing.
 2. Permanent window signs (e.g., hanging on the interior of the window or stenciled on the inside or outside of the window) not exceeding four square feet per street frontage shall be permitted. Such signs should be encouraged to promote business identification, hours of operation and address information. Such signs may not be illuminated.
 3. Community interest group signs (e.g., fraternal, benevolent, social services, religious organizations) displaying a non-commercial message, such as time and place/location

Preliminary DRAFT Title 17 - Zoning

of meetings, provided said signs are combined onto a common sign structure, the overall area of which does not exceed 100 square feet, and the area devoted to any one organization does not exceed 20 square feet. Such signs may be located off-site from where the activity takes place; however, no more than four locations for such signs will be allowed within the city. Such signs must be set back a minimum of 25 feet from the public right-of-way in non-residential districts and set back a minimum of ten feet from the public right-of-way in non-residential districts, and must be located a minimum of 75 feet from any other freestanding sign.

4. Construction signs not to exceed one sign per street frontage and a maximum of 20 square feet in area or a maximum of 36 square feet if combined with a future tenant sign. Construction signs may not be illuminated. Such signs shall be removed at the earliest of the following events: final building inspection approval, issuance of a valid certificate of occupancy, or opening for business to the public.
5. Future tenant signs. One future tenant identification sign (e.g., banner) per property/establishment shall be permitted and shall not exceed ten square feet in area or a maximum of 36 square feet if combined with a construction sign. A future tenant identification sign listing the name of future tenants, responsible agent or realtor, and identification of the specific complex are encouraged. When a future tenant sign is independent of a construction sign, the future tenant sign is permitted until such time as a certificate of occupancy is issued for the building(s). The maximum height of future tenant signs shall be five feet and the sign may not be illuminated. Additionally, windows of future tenant spaces may be papered over to screen construction. Such window papering signage on said property is permitted and shall not count towards the sign area limitation.
6. Garage, yard, estate, and other home-based sale signs advertising the one day sale of items from a garage, yard, estate, or other home-based sale. One day sale signs are not permitted for home occupations. The city has a compelling interest to allow these signs for the benefit of residents and local groups. A maximum of four signs, each a maximum of six square feet, may be allowed. Such signs shall not be affixed to any utility pole or street sign pole.
7. Real estate signs are allowed on private property if set back five feet from the public right-of-way and out of any required clear visibility triangle, with the following limitations:
 - a. For residential property, one sign with a maximum sign area of six square feet (each side). Additionally, a maximum of three attached rider signs are permitted on each real estate sign. On weekends and holidays, signs needed to direct traffic from major collector and arterial streets to the subject property are allowed as follows: one sign may be placed for each change in direction to a maximum of five signs, each with a maximum sign area of six square feet.

Preliminary DRAFT Title 17 - Zoning

- b. For commercial property, one on-site sign per street frontage with a maximum sign area of 32 square feet for parcels with less than one acre and 48 square feet for parcels large than one acre with an eight-foot height limit.
 - c. Removal. All real estate signs must be removed not later than five days after the close of the transaction proposed by the sign.
- 8. On-site directional signs. Exit, entrance, or other on-site traffic directional signs are permitted. When located within a required front yard or street side yard area (as defined in Chapter 17.32 (Yard measurement and projections)), the maximum height of any directional sign shall be 30 inches and the maximum size shall be four square feet. No advertising or message other than for traffic direction shall be displayed.
 - 9. Nameplate signs for residential uses, provided that there is no more than one unlit sign per property, up to a maximum of one-half square foot in area, which is attached to and parallel with the front wall of the building and only contains the name and title or occupation of the occupant.
 - 10. Nameplate signs for commercial uses, identifying (and copy limited to) the address of the building, property, or tenant to a maximum of one square foot per sign. Nameplates for commercial uses may only be lit by either an indirect light source (e.g. porch light), low-wattage spotlight without glare to the adjoining property, or internal light source with opaque (non-transparent) background.
 - 11. Signs on residential property, not exceeding ten square feet in area, other than nameplates and street addresses, and of a non-commercial nature, are allowed provided that they are setback at least five feet from the public right-of-way and do not project over the roofline of any structure.
 - 12. Murals, on walls other than the main entrance to a building, installed and maintained to an area not exceeding a maximum of 100 percent of the exterior wall area of the first two stories upon the wall or facade where the mural sign is located.
 - 13. Menu/order board signs. A maximum of one menu/order board sign shall be permitted for each drive-in or drive-through establishment, provided that the sign does not exceed a maximum of 40 square feet in sign area and that the sign be limited in height to eight feet. The menu/order board sign does not count toward the total allowed signage for the establishment as described in Table 17.42.090-1 (Allowed permanent on-site sign standards). Additional signs, area, and/or height may be permitted through issuance of a creative sign program, provided that the location of the sign(s) does not interfere with on-site vehicle circulation or traffic in the public right-of-way (e.g., line of sight).

(Ord. No. 423, § 2, 4-21-2009)

17.42.060 Prohibited signs.

It shall be unlawful to erect, and no permit shall be issued for, any of the following signs:

Preliminary DRAFT Title 17 - Zoning

- A. Any sign not specifically in accordance with the provisions of this chapter;
- B. Signs painted or mounted on roofs or placed above the roof line (except for mansard roofs);
- C. Animated signs or flashing signs, with the exception of time and temperature signs and electronic reader signs;
- D. Pennants, banners, balloons or other paraphernalia composed of paper, cloth or other flexible material, except as otherwise permitted under Section 17.42.100 (Allowed temporary on-site sign standards);
- E. Signs which rotate, move, reflect, blink or incorporate elements that do so, except time and temperature signs and electronic reader signs;
- F. Signs placed on the public right-of-way or affixed to an element or structure on the public right-of-way, or located on a publicly owned tree, fence, or utility pole or otherwise posted on public property, except where required by a governmental agency or permitted as part of kiosk sign program, or as provided in Chapter 17.44 (Signs on city property);
- G. Inflatable balloon signs, including, but not limited to individual balloons, balloon strings, and other inflatable objects made of a flexible material and inflated so as to be lighter than air;
- H. "Can signs," except logos;
- I. "Pole signs" and other freestanding signs constructed with a single supporting pole that is not covered with architectural cladding or other covers so as to appear as a solid base or structure;
- J. Electronic message signs in the historic (H) district;
- K. Signs affixed to vehicles where the primary purpose of the vehicle is advertising. This does not apply to signs maintained on vehicles when such advertising is incidental to the primary purpose for which the vehicle is being used (e.g., delivery service) or is required by state or federal law (e.g., contractor's license number) as exempted in the definition of a sign. Signs included in this definition include, but are not limited to, cars parked showing garage sale signs or vehicles that drive around the city with the express intent of communicating a message displayed on the vehicle (e.g., "rolling billboards").
- L. Signs attached to light standards unless part of a uniform sign program or street banner program.

(Ord. No. 423, § 2, 4-21-2009)

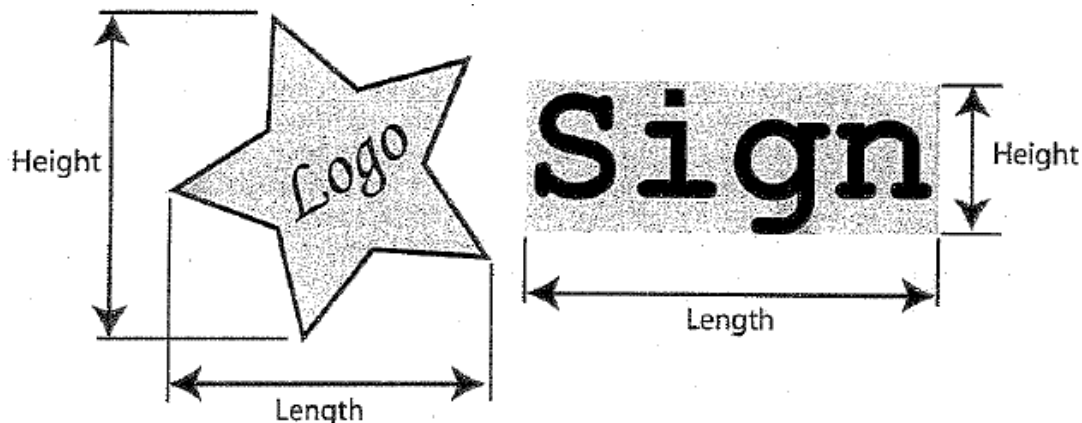
17.42.070 General development, maintenance, and removal provisions.

- A. Construction of signs. Every sign and all parts, portions and materials thereof shall be manufactured, assembled, and erected in compliance with all applicable state, federal, and city laws and regulations, including the locally adopted building code. All signs shall comply with the following criteria:

Preliminary DRAFT Title 17 - Zoning

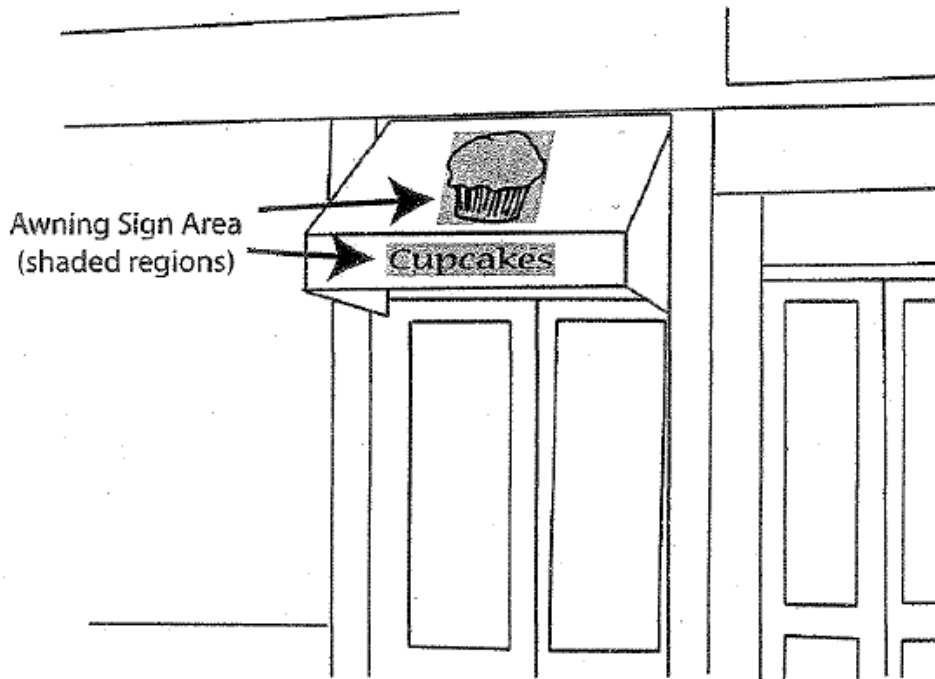
1. All transformers, equipment, programmers, and other related items shall be screened and/or painted to match the building or shall be concealed within the sign.
 2. All permanent signs shall be constructed of quality, low-maintenance materials such as metal, concrete, natural stone, glass, and acrylics. Techniques shall be incorporated during construction to reduce fading and damage caused by exposure to sunlight or degradation due to other elements.
 3. All freestanding signs that incorporate lighting shall have underground utility service.
 4. All temporary signs and banners shall be made of a material designed to maintain an attractive appearance for as long as the sign is displayed.
- B. Maintenance of signs. Every sign and all parts, portions and materials thereof shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy, or other non-maintained or damaged portions of a sign shall be repaired or replaced within 30 days following notification by the city. Noncompliance with such a request will constitute a nuisance condition and zoning violation and will be enforced as such.
- C. Determination and measurement of sign area.
1. General area calculation. Generally, the area of a sign shall be measured as the overall length of the sign times the overall height of each segment of copy or logo exclusive of background. When the sign is composed of individual letters applied to the building without a distinctive background (e.g., channel letters), the area of the sign shall be measured as 75 percent of the area of the sign copy (height of the letters times the length of each line of letters, e.g., length \times height \times 75 percent). This practice of taking 75 percent of the area shall be known as the void rule. See Figure 17.42.070-1 (Sign area).

Figure 17.42.070-1: Sign Area



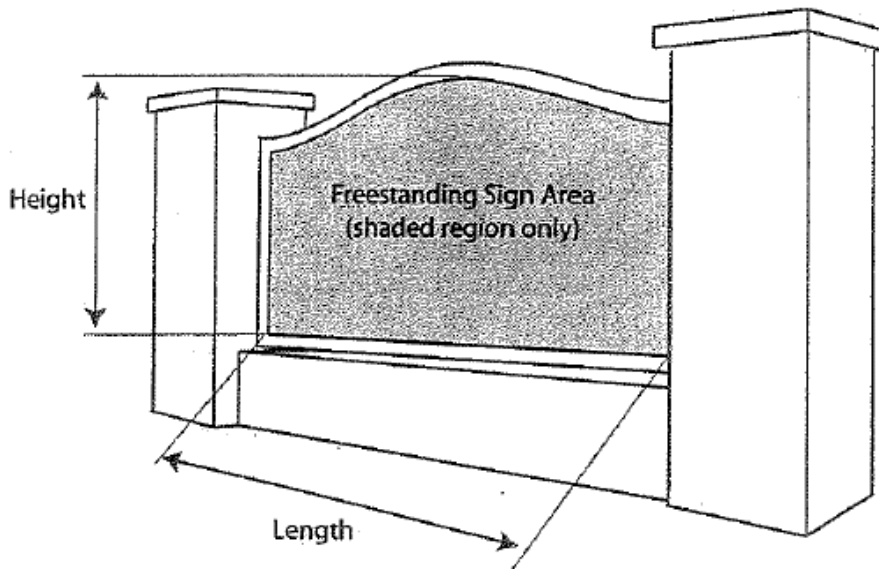
2. Awning or canopy signs. Sign copy which is applied to an awning or canopy shall be computed at 100 percent of the area within a single rectangle enveloping the sign copy. See Figure 17.42.070-2 (Awning or canopy sign area).

Figure 17.42.070-2: Awning or Canopy Sign Area



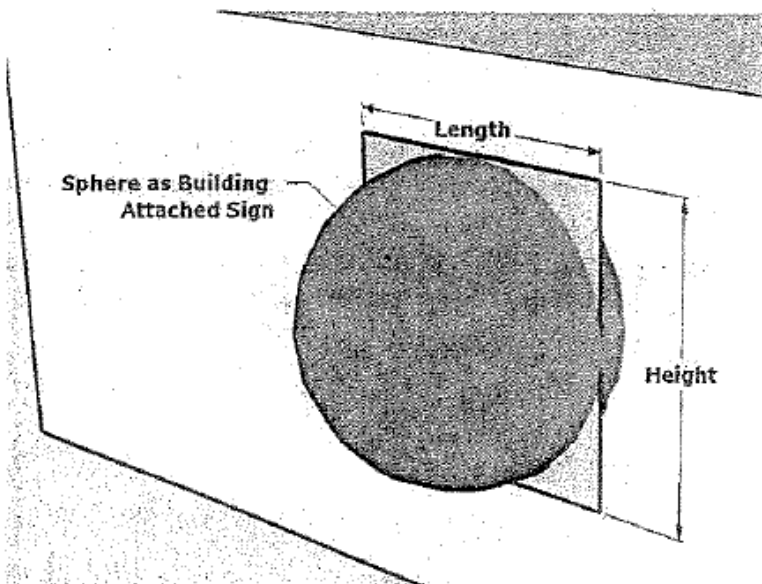
3. Freestanding signs. Freestanding signs are to be computed as total height by the total length of the sign for one side for double-faced signs, excluding framework of separate single wood post or masonry column and single wood or masonry beam. The base of a monument sign is not part of the sign when comprised of wood, stucco, or masonry. See Figure 17.42.070-3 (Freestanding sign area).
 - a. Freestanding signs that are spread with two faces (e.g., marquee sign) shall be computed as the greater of the area of one side or the projected area of two sides.
 - b. Freestanding signs that are spread with three faces shall be computed as the greater of the area of one side or the projected area of two sides or three sides.
 - c. Freestanding signs that are four-sided shall be computed as the greater of the area of two sides or the projected area of two sides.

Figure 17.42.070-3: Freestanding Sign Area



4. Three-dimensional objects. Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured at their maximum projection upon a vertical plane, as viewed from a position in the public right-of-way which produces the largest visual projection. See Figure 17.42.070-4 (Area of three-dimensional objects).

Figure 17.42.070-4: Area of three-dimensional objects



- D. Measurement of sign height. Sign height shall be measured from the upper most part of the sign used in determining the area of the sign to the lowest elevation at the base of the sign.
- E. Setback and spacing of freestanding signs.

Preliminary DRAFT Title 17 - Zoning

1. The minimum setback distance for freestanding signs shall be measured from the back of the public right-of-way or side of a driveway, unless an encroachment permit is granted. All freestanding signs shall be located outside of the public right-of-way and any required clear visibility vision triangle.
 2. The minimum spacing distance between permanent freestanding signs, excluding on-site directory signs, should be 50 feet. The ~~designated approving authority~~decision-making authority will review a proposed sign location on a case-by-case basis to ensure the sign is located outside the required clear visibility vision triangle and does not otherwise inhibit motorist safety.
- F. Sign removal or replacement. When a sign is removed or replaced, all brackets, poles, and other structural elements that support the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure. This provision does not apply to routine maintenance.

(Ord. No. 423, § 2, 4-21-2009)

17.42.080 Design standards.

The following criteria shall be utilized for permanent advertising displays and signs, and shall not be construed to govern the design of temporary signs:

- A. General design standards.
1. Architectural style. Each sign shall be designed to be compatible with and relate to the architectural style of the ~~main building~~primary structure or buildings upon the site where such sign is located. Each sign shall also be compatible with the style and character of the existing improvements upon the lots adjacent to the site. Signs located on commercial sites but in a predominately residential area shall be unobtrusive and designed to be compatible with such residential area.
 2. Relationship to buildings. Signs located upon a lot with one ~~main building~~primary structure or several buildings shall be designed to incorporate at least one of the predominant visual elements of such building or buildings, such as the type of construction materials, color, or other design detail.
 3. Color. The color(s) of a sign should be harmonious and complementary to the colors of the building on or near which it is to be located. Fewer colors will generally produce the most attractive sign.
 4. Letter style. The letter style to be used on a sign should be compatible with the architectural style of the building on or near which it is to be located. For example, simple block letters are generally most compatible with Spanish style buildings. For those buildings that have been recently constructed and have no particular architectural style, simpler letter styles are desirable.
 5. Sign materials. The goal of sign design is to maintain moderate, attractive, and compatible styling so as not to conflict or distract from the architectural character of

Preliminary DRAFT Title 17 - Zoning

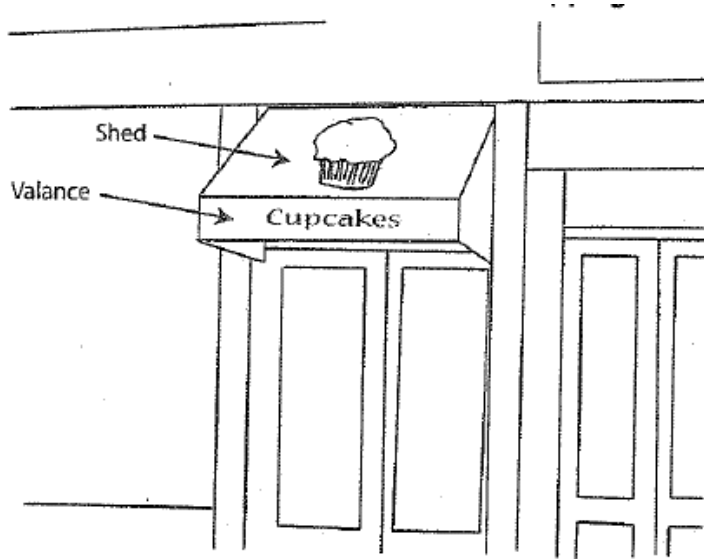
the area. The choice of materials shall be left to the discretion of the applicant, subject to the provisions of this chapter and the approval of the city.

6. Relationship to other signs. Where there is more than one sign on a site or building, all permanent signs displaying a commercial message shall have designs that similarly treat or incorporate the following design elements to the extent feasible:
 - a. Letter size and style of copy;
 - b. Shape of total sign and related components;
 - c. Type of construction materials;
 - d. Sign/letter color and style of copy;
 - e. Method used for supporting sign (e.g., wall or ground base); and
 - f. Location.
 7. Sign illumination. The artificial illumination of signs, either from an internal or external source, shall be designed to minimize negative impacts on surrounding rights-of-way and properties. The following standards shall apply to all illuminated signs:
 - a. External light sources shall be directed and shielded to limit direct illumination of an object other than the sign;
 - b. The light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impacts on residential properties in direct line of sight to the sign;
 - c. Unless otherwise permitted by another provision of this chapter, signs shall not have blinking, flashing, or fluttering lights, or other illumination devices that have a changing light intensity, brightness, or color;
 - d. Colored lights shall not be used at a location or in a manner so as to be confused or constructed as traffic control devices;
 - e. Reflective type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the build or lamp is exposed to a public right-of-way or adjacent property; and
 - f. Light sources shall utilize energy efficient fixtures to the greatest extent possible and shall comply with Title 24 of the California Code of Regulations (California Building Standards Code).
 8. The maximum coverage of copy allowed on a sign shall be 80 percent of the sign face.
- B. Design standards for special sign types.
1. Awning and canopy signs. Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied, as follows:
 - a. Lettering shall be allowed on awning valances only and shall not exceed 18 inches in height. Logos, symbols, and graphics that do not include text may be allowed

Preliminary DRAFT Title 17 - Zoning

on the shed (slope) portion of an awning and shall not exceed four square feet in area for each awning. See Figure 17.42.080-1 (Awning and canopy sign).

Figure 17.42.080-1: Awning and Canopy Sign

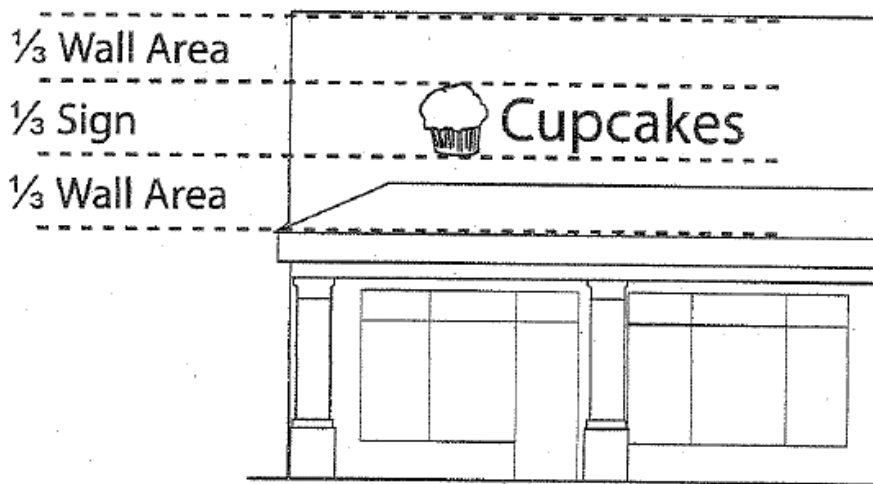


- b. Lettering shall be located within the middle 70 percent of the valance area.
 - c. Only permanent signs that are an integral part of the awning or architectural projection shall be allowed. Temporary signs shall not be placed on awnings.
 - d. Awning signs shall only be allowed for first and second story occupancies.
 - e. Awnings shall not be lighted from under the awning (back-lit) so that the awning appears internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.
 - f. Awnings shall be regularly cleaned and kept free of dust and visible defects.
 - g. The style of the awning/canopy shall complement the architectural style of the building to which it is attached. Awnings should generally have a simple horizontal valance if located over rectangular or square window/door openings. Domed or barrel shaped awnings are appropriate for buildings with arched window/door openings.
2. Blade/bracket signs.
- a. Location. Blade or bracket signs shall be placed only on ground floor facades, except for businesses located above the ground level with direct exterior pedestrian access.
 - b. Height. The lowest point of a blade or bracket sign shall be a minimum of eight feet above grade.
 - c. Projection. The sign may project a maximum of four feet from the building.

Preliminary DRAFT Title 17 - Zoning

- d. Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.
- e. Encroachment. Blade or bracket signs may not encroach into the public right-of-way or be located above it, or into city-owned property except with an encroachment permit.
- 3. Wall signs.
 - a. Wall signs shall be compatible with the predominant visual architectural elements of the building facade.
 - b. Wall signs shall be placed to establish facade rhythm, scale, and proportion where such elements are weak. In many existing buildings that have a monolithic or plain facade, signs can establish or continue appropriate design rhythm, scale, and proportion.
 - c. Wall signs shall utilize a consistent proportion of signage to building scale, such as 1/3 text to 2/3 wall area or 1/4 text to 3/4 wall area. See Figure 17.42.080-2 (Text scale).

Figure 17.42.080-2: Text Scale

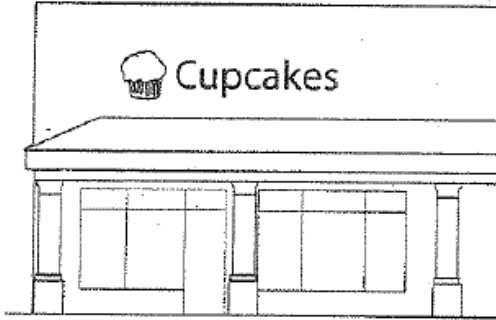


- d. Wall sign raceways shall be concealed from public view (e.g., within the building wall or painted to match the exterior color of the building where the sign is located) or otherwise integrated with the design of the sign and building so as to not detract from the architectural character of the building.
- e. Direct and indirect lighting methods are allowed for wall signs provided that they are not harsh or unnecessarily bright. Light shall either be directed down or in such a way that it does not cause light trespass or glare onto adjoining properties or public rights-of-way.
- f. Can signs are prohibited. Channel letters, reverse channel letters, and push pin letters are preferred. Letters may not utilize gold-colored (or a shade of gold) trim cap.

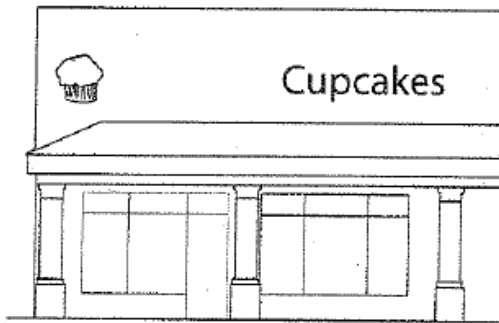
Preliminary DRAFT Title 17 - Zoning

- g. If a tenant's signage on one facade is comprised of multiple elements (e.g. logo and text), the elements shall be located and scaled with relationship to each other. See Figure 17.42.080-3 (Multiple element signs).

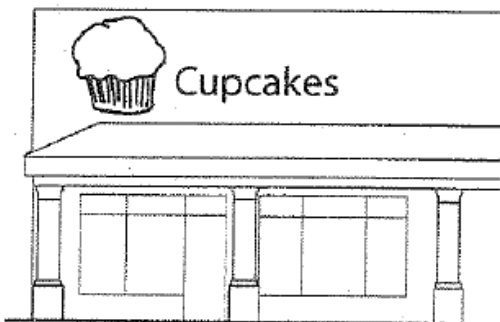
Figure 17.42.080-3: Multiple Element Signs



Encouraged: Logo relates to lettering as part of the overall design.



Discouraged: Logo is unrelated to lettering based on spacing of components.



Discouraged: The logo and lettering are of disproportionate scales.

4. Freestanding signs.

- a. Monument and pylon signs are preferred because they can be more fully integrated into the overall development design. As described in Section 17.42.060 (Prohibited signs), pole signs are prohibited. Pylon signs shall be constructed with architectural cladding or similar material covering the supporting framework so they are architecturally integrated with the rest of the sign.

Preliminary DRAFT Title 17 - Zoning

- b. In an effort to promote full architectural integration of signs, voids between the sign face and the sign structure are prohibited. Either the sign face shall utilize the full width of the sign structure or coverings that are architecturally consistent with the rest of the sign shall be used to fill any voids.
 - c. Materials and design for freestanding signs shall be complementary to the materials and design of the buildings for the related development. For example, if the facade of the building is made of brick or brick veneer, a complementary freestanding sign would also include brick.
 - d. Landscaping shall be provided at the base of the sign equal to the area of the sign. Landscaping shall be complementary to and designed in concert with the landscaping for the overall site. The design of the landscaping shall be such that natural growth will not obscure the sign from the public right-of-way.
 - e. The minimum letter height on a freestanding sign shall be 12 inches. The intent is to limit the clutter of text on the sign and increase readability for the public, thereby providing for public safety.
 - f. The maximum letter height on a freestanding sign shall be 36 inches. The intent is to limit the negative visual impact of large text size.
- 5. Marquee or changeable copy sign. These types of signs shall be considered to be the same as any other type of sign and shall be regulated based on their location, i.e. if located on a wall, they shall be deemed wall signs.
 - 6. Electronic message signs. Electronic message signs as part of an on-site sign may be permitted through a creative sign program or uniform sign program, provided that the message is an on-site message, except for public information messages, and shall be programmed so that the message does not change more than once every four seconds (scrolling messages are prohibited).

(Ord. No. 423, § 2, 4-21-2009)

17.42.090 Allowed permanent on-site sign standards.

Table 17.42.090-1 (Allowed permanent on-site sign standards) lists the development standards for all permanent on-site signs based on use type and zoning district, as well as allowed sign type. As identified in Section 17.42.040 (Permits and review procedures), a sign permit is required before any of the sign types listed herein are installed, erected, or otherwise established. Only those signs that may be permitted are listed. Regulations for temporary promotional on-site signs are listed in Table 17.42.100-1 (Allowed temporary promotional on-site sign standards). Regulations for off-site signs are listed in Section 17.42.110 (Allowed off-site signage). The following general rules/standards apply to permanent signs regulated in this section:

- A. Minimal illumination. Where illumination of a sign is allowed under this title, such illumination may be achieved by any method that minimizes glare onto neighboring or abutting property, such as from behind the sign (e.g., light source behind the face of the sign, such as with the opaque, non-transparent face of channel letters; silhouette halo

Preliminary DRAFT Title 17 - Zoning

illumination behind letters) or by a low-level spotlight. In the case of electronic message signs, it is recognized that this standard is not applicable and, in such instances, the illumination level shall be regulated such that the intensity of the illumination is appropriate based upon the level of lighting of the surrounding environment (e.g., illumination by the sun or moon during day, dusk, night time, and dawn) through the use of such means as light meters and programmed illumination regulation or LEDs that are designed to limit the spread of light.

- B. Sign area allowance. Allowable sign area is either a set square footage per establishment or is based on a ratio of sign area to primary building frontage. Sign area is calculated as described in Subsection 17.42.070 C. (Determination and measurement of sign area). Where a ratio is described, it applies up to the listed maximum.
- C. Collective sign area. The total sign area allowed herein for each sign type may be distributed among the maximum number of signs permitted for that sign type. For example, the total allowed area for wall signs for a particular establishment may be distributed amongst the maximum number of wall signs allowed for that same establishment.

Table 17.42.090-1: Allowed Permanent On-Site Sign Standards

Sign Type		Maximum Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW ¹	Illumination Allowed	Other Standards / Notes
Permanent Subdivision Identification Signs							
Freestanding Sign	Monument or on fence/wall not in ROW	2/entrance	24 sf	6 ft	5 ft	Yes	
	Monument w/in ROW	1/entrance	24 sf	6 ft	(2)	Yes	
Multiple-family Residential Signs							
Freestanding sign, project identification		1/entrance	25 sf	8 ft	5 ft	Yes	
Nonresidential Signs—In General							
Freestanding Signs	Monument sign	1/frontage	25 sf	8 ft	5 ft	Yes	
	Pylon sign ³	1/frontage	100 sf	35 ft	15 ft	Yes	

Preliminary DRAFT Title 17 - Zoning

Building Attached Signs, Establishment s ≥5k sf	Wall sign	No Maximum	2.5:1, max 200 sf	Roofline		Yes	
	Window sign ⁴			-	-	No	
Building Attached Signs, Establishment s ≥≤5k sf	Wall sign	No Maximum	1.5:1, max 100 sf	Roofline	-	Yes	
	Window sign ⁴			-	-	No	
Nonresidential Signs—Historic Overlay (H) District							
Building Attached Signs	Projecting Sign	1/frontage	1.5:1, max 50 sf	Roofline	-	Yes	
	Wall Sign	1/frontage			-	Yes	
	Window Sign ⁴	No maximum		-	-	No	
	New Ghost Sign ⁵	1/frontage	1:1 of applicable frontage, max 100 sf	Roofline	-	No	(3)

Notes:

1. Must be located outside the clear visibility triangle.
2. Within median islands, sign must be set back three feet from sides and 12 feet from ends.
3. Freestanding pylon signs shall only be permitted as part of a uniform sign program for sites greater than or equal to ten acres.
4. Window signs may not occupy more than 20 percent of the individual window area. The void rule shall apply when calculating the area of the window sign when it is stenciled on the window pane.
5. New ghost signs must be treated such that they appear aged and weathered consistent with existing historic ghost signs in the downtown area.

(Ord. No. 423, § 2, 4-21-2009)

17.42.100 Allowed temporary on-site sign standards.

This section describes standards for temporary promotional on-site signs. These signs do not require the issuance of a sign permit. Temporary signs may include, but are not limited to, commercial signs for grand openings, special product, sale, or event advertising. The development standards for temporary signs are listed in Table 17.42.100-1 (Temporary sign standards). The following general rules/standards apply to temporary promotional signs:

Preliminary DRAFT Title 17 - Zoning

- A. Time duration. Display periods for temporary promotional signs shall be limited to a maximum of 120 days per calendar year. Longer time periods may be permitted with issuance of a temporary use permit (see Section 17.10.050 (Temporary use permit)).
- B. Illumination. Temporary signs may not be illuminated.
- C. Message. Temporary signs displaying a commercial message shall be limited to on-site signage only. Temporary off-site signage displaying a commercial message is prohibited.
- D. Encroachment. Temporary promotional signs shall not encroach on or above the public right-of-way or be attached to utility poles.

Table 17.42.100-1: Temporary Sign Standards

Use Type	Maximum Temporary Number	Maximum Area	Maximum Height	Minimum Setback from ROW ¹
Multiple-family Residential, Apartment Rental	1/complex	4 sf	5 ft freestanding; Roofline wall	10 ft
Nonresidential, Building Attached	1/establishment	12 sf; 20% of total window space if located in a window	Roofline	
Nonresidential, Freestanding	1/establishment	6 sf	5 ft	10 ft
On-Site Subdivision, Balloons	5 Balloons per sales trailer or model home complex	None	65 feet	10 ft
On-Site Subdivision, Directional Signs	1/subdivision entrance, max 6	32 sf	10 ft	10ft
On-Site Subdivision, Flags	10 poles/subdivision	15 sf/pole	20 ft	10 ft

Notes:

1. Must be located outside of the clear visibility triangle.

(Ord. No. 423, § 2, 4-21-2009)

17.42.110 Allowed off-site signage.

- A. General off-site signage. Off-site permanent commercial signage is only permitted when consistent with the following development standards and after the ~~approving authority~~decision-making authority has issued a sign permit for the sign:
 1. Allowed zones. Off-site commercial signage is only permitted in the C-3 and M-1 zoning district. Such signs may be permitted within a special purpose zoning district when the

Preliminary DRAFT Title 17 - Zoning

master plan or specific plan for such district specifically states that off-site commercial signage is permitted and the districts within which such signs are allowed.

2. Minimum lot size. Off-site commercial signage is only permitted at sites with a minimum lot size of ten acres.
 3. Maximum signs per lot. One off-site commercial sign shall be allowed for the first ten acres of lot size. One additional off-site sign shall be permitted for each additional 25 acres of lot size.
 4. Maximum height. The maximum height for off-site commercial signage is 25 feet.
 5. Maximum area. The maximum area for off-site commercial signage is 100 square feet per sign.
 6. Lighting. Off-site commercial signs may be illuminated, provided that the illumination does not produce glare or spill onto the roadway or adjacent property. Electronic message signs may be used, provided that the sign is programmed so that the message does not change more than once every four seconds (scrolling messages are prohibited) and the intensity of the illumination changes based upon the level of lighting of the surrounding environment (e.g., illumination by the sun or moon during day, dusk, night time, and dawn).
- B. Weekend directional stake signs. Weekend directional stake signs are those signs customarily displayed on the weekends, measuring less than nine square feet in area, and mounted on wooden stakes. Such signs may be used to identify the name and location of active home sales as part of a new residential subdivision/condominium project, provided that each face of the sign does not exceed four square feet, it is mounted such that it is no more than four feet tall from the ground, and is setback a minimum of five feet from the edge of the roadway pavement. Additionally, such signs are only allowed on a temporary basis from noon on Friday to no later than noon on the following Monday. In the event that Friday is a nationally-recognized holiday, said signs may be erected on Thursday after noon. In the event that Monday is a nationally-recognized holiday, said signs may remain in place until noon on the following Tuesday. In no event may a weekend directional stake sign be located within a roadway median.
- C. Subdivision directional sign. Temporary off-site subdivision directional signs are permitted, subject to the issuance of a temporary use permit if placed for longer than 120 days, and require conformance with the following development standards:
1. Location. The sign shall be located outside of the clear visibility vision triangle and within the buildable area of the lot as defined by the setback regulations of the underlying zoning district. The sign shall only be located a minimum of 100 feet from another freestanding sign. It shall only be located on streets classified as collector or arterial under the general plan.
 2. Height. The maximum height of the sign shall be 20 feet.
 3. Area. The maximum area of one face of the sign shall be 25 square feet when only one subdivision is listed. When two or more subdivisions are listed, the maximum area of one face shall be 120 square feet with each subdivision limited to a maximum of 30 square feet.

Preliminary DRAFT Title 17 - Zoning

4. Number of faces. Subdivision directional signs may have up to four faces with the angle between the faces no more than 90 degrees.
5. Illumination. Subdivision directional signs may not be illuminated.

(Ord. No. 423, § 2, 4-21-2009)

17.42.120 Nonconforming signs and abandoned signs.

A. Nonconforming signs.

1. Except as otherwise provided by this section, all existing signs which do not meet the requirements of this chapter shall be deemed nonconforming signs and shall either be removed or brought into compliance with the City's Municipal Code when a substantial alteration to the sign is made. For purposes of this section, a "substantial alteration" shall be defined as repair or refurbishing of any sign that alters its physical dimensions or height, or replaces any integral component of the sign including, but not limited to, alterations to exterior cabinets, bases, or poles. In addition, "substantial alteration" shall also include any repair or refurbishing of a sign that exceeds 50 percent of the depreciated value of the sign and structure, but excepting customary maintenance. "Customary maintenance" shall be defined as any activity or work performed for the purpose of actively maintaining the sign in its existing approved physical configuration and size dimensions at the specific location approved by the city and includes the following:
 - a. Repainting the sign text, cabinet or other component of the sign without changing the advertising message; or
 - b. Routine replacement of border and trim with substantially the same colors and materials.
2. A nonconforming sign may remain in use provided no additions or enlargements are made thereto and no structural alterations are made therein, except as permitted for customary maintenance in Subsection A. If said nonconforming sign is destroyed or removed, or ceases to be used for the use in existence as of the effective date of the ordinance codified in this chapter, every future sign at the same location must be in conformance with the provisions of this chapter.
3. It shall be the responsibility of the owner of any premises containing a nonconforming sign (including a sign painted directly upon the surface of a structure) to remove said nonconforming sign within 90 days of cessation of business at that location.

B. Abandoned signs. Abandoned signs may be abated by the city. For regulatory purposes, any factors indicating abandonment shall not begin occurring until 120 days after this chapter first goes into effect.

(Ord. No. 423, § 2, 4-21-2009)

Chapter 17.44 SIGNS ON CITY PROPERTY

Sections:

17.44.010 Purpose and proprietary capacity.

The purpose of this chapter is to provide the process and standards for establishing signage on city property. In adopting this chapter, the city council acts in its proprietary capacity as to city property, as defined herein, within the city. This chapter is adopted pursuant to the city's general powers, property rights, Government Code Sections 65850(b), 38774, and 38775, Business and Professions Code Sections 5200 et seq., and Penal Code Section 556 et seq.

(Ord. No. 423, § 2, 4-21-2009)

17.44.020 Intent as to public forum.

The city declares its intent that not all city property shall function as a designated public forum, unless some specific portion of city property is designated herein as a public forum of one particular type. In such case, the declaration as to public forum type shall apply strictly and only to the specified area and for the specified time period.

(Ord. No. 423, § 2, 4-21-2009)

17.44.030 Definitions.

Terms unique to this chapter are listed in Chapter ~~17.80~~17.300 (Glossary of terms).

(Ord. No. 423, § 2, 4-21-2009)

17.44.040 General prohibition.

Unless specifically authorized by this chapter, no signs may be displayed on city property by private parties. Any sign posted on city property in violation of this chapter may be summarily removed by the city as a trespass and a public nuisance.

(Ord. No. 423, § 2, 4-21-2009)

17.44.050 Certain governmental signs.

The following signs may be erected and displayed on city property:

- A. Traffic control and traffic directional signs erected by the city or another governmental unit;
- B. Official notices required or authorized by law;
- C. Signs placed by the city in furtherance of its governmental functions; and
- D. Signs allowable under Section 17.44.060 (Temporary signs displaying non-commercial message).

Preliminary DRAFT Title 17 - Zoning

(Ord. No. 423, § 2, 4-21-2009)

17.44.060 Temporary signs displaying non-commercial message.

In areas qualifying as traditional public forums, private persons may display non-commercial message signs thereon, provided that such signs conform to all of the following:

- A. The signs must be personally held by a person or personally attended by one or more persons. "Personally attended" means that a person is physically present within five feet of the sign at all times.
- B. The signs may be displayed only during the time period of sunrise to sunset, except on occasions when the city council and/or the planning commission are holding public hearings or meetings; on such occasions, the display period is extended to 30 minutes after such meeting is officially adjourned.
- C. The maximum aggregate size of all signs held or personally attended by a single person is six square feet. For purposes of this rule, apparel and other aspects of personal appearance do not count towards the maximum aggregate sign area.
- D. The maximum size of any one sign which is held or personally attended by two or more persons is 50 square feet, measured on one side only.
- E. The sign must have no more than two display faces and may not be inflatable or air-activated.
- F. In order to serve the city's interests in traffic flow and safety, persons displaying signs under this chapter may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least five feet width clearance for pedestrians to pass by. Persons holding signs may not obstruct the clear visibility triangle, as defined in this title.
- G. The message substitution policy of the sign ordinance applies only to traditional public forum areas.

(Ord. No. 423, § 2, 4-21-2009)

17.44.070 Street banner program.

- A. The street banner program is reserved for the city's use to promote its own messages and those special events and activities that take place in the city.
- B. Notwithstanding any other section of the Municipal Code, the city manager (or his or her other designee), or the city council upon appeal, may authorize the temporary placement of banner signs within the public right-of-way on city property.
- C. Such banners shall be allowed for only a limited duration and must call attention to the city, its natural advantages, resources, enterprises, attractions, climate, facilities, businesses, and community.

Preliminary DRAFT Title 17 - Zoning

- D. No person shall place, cause to be placed, or maintain a banner sign in the public right-of-way or on city property except as authorized herein.
- E. The city manager shall designate those streets, highways, alleys, other public rights-of-way, and those city properties on which banner signs as authorized herein may be placed.
- F. The city manager may issue a banner sign permit for an event and/or activity within 45 days after an application has been filed, subject to the following conditions:
 - 1. The permit shall expire after 60 days and the applicant shall cause the banners to be removed at applicant's expense;
 - 2. The banners may contain the name and date of the event;
 - 3. The banners are secured tightly to the structures on which they are authorized to be attached; and,
 - 4. For applicants that are co-sponsors with the city, the applicant must agree to indemnify and hold harmless the city from any damages arising from the placement, maintenance, and removal of banners in a form acceptable to the city attorney.
- G. Each banner sign permit shall designate on which specific structures within the public right-of-way or on city property the banners may be placed and methods for such placement.
- H. No permit shall be issued unless the city manager, or council on appeal, finds that the banners are so designated as not to block views significant for traffic and do not otherwise present a safety hazard.

(Ord. No. 423, § 2, 4-21-2009)

17.44.080 Special event signage.

Signage associated with a special event shall be allowed under the following provisions:

- A. Special event signage may only be allowed at Howard Park as part of a permitted special event through issuance of a special event permit.
- B. Such signage may only be erected during the time specified and in the areas of Howard Park covered by the special event permit.
- C. Special event signs may not be illuminated and shall not be posted or affixed above the roof line of any structure or within the canopy of any tree.
- D. The maximum allowed size for any one special event sign shall be 100 square feet.
- E. Signs may not be located within any driveway, street, or parking area, other than to direct traffic. Signs shall be sited in such a way as to not limit vehicle visibility when entering or exiting the facility.

(Ord. No. 423, § 2, 4-21-2009)

Preliminary DRAFT Title 17 - Zoning

17.44.090 Long term leased signage.

The city may establish a program of leasing space at city facilities to private individuals, companies, or other entities for the express purpose of erecting and maintaining off-site commercial message signage. Such a program is limited to Howard Park and its associated facilities including, but not limited to, Evalynn Bishop Hall, Ed Hughes Memorial Arena, the stables, and soccer and softball/baseball fields. Such signage may be located interior or exterior to a structure and may be illuminated, provided it does not produce glare or spill onto adjacent properties or the public right-of-way. The signage shall not be erected higher than 40 feet when within 500 feet of a property line. There shall be no limitation on the total square footage of such signage except as otherwise provided.

(Ord. No. 423, § 2, 4-21-2009)

ARTICLE IV. STANDARDS FOR SPECIFIC RESIDENTIAL LAND-USES

Chapter 17.~~60110~~ HOME OCCUPATIONS

17.~~60110~~.010 Purpose.

The purpose of this chapter is to allow limited business activity to occur at residence where the business activity is clearly incidental to the primary residential use and will not change the residential character of the neighborhood. It is not the intent of this chapter to override lawful "residential use only" restrictions set forth in the conditions, covenants, and restrictions or similar provisions.

(Ord. No. 423, § 2, 4-21-2009)

17.~~60110~~.020 Definitions.

Terms unique to this chapter are listed in Chapter ~~17.80~~17.300 (Glossary of terms).

(Ord. No. 423, § 2, 4-21-2009)

17.~~60110~~.030 Home occupations allowed.

Home occupations are allowed as part of any residential use, provided the requirements of this chapter are met.

(Ord. No. 423, § 2, 4-21-2009)

17.~~60110~~.040 Business license.

A business license from the city is required for any home occupation consistent with the requirements of this Chapter 5.06 (Business license).

(Ord. No. 423, § 2, 4-21-2009)

17.~~60110~~.050 Plan check required.

Plan check is required as part of business license review conducted pursuant to Chapter 5.06 (Business license) and Section 17.10.020 (Plan check) and shall be completed by the city planner or his/her designee.

(Ord. No. 423, § 2, 4-21-2009)

17.~~60110~~.060 Limitations of use.

- A. Examples of Types of Uses Allowed as Home Occupations. The following list provides examples of types of uses allowed as home occupations. Other uses that are similar to those listed may be approved by the city planner or his or her designee.

Preliminary DRAFT Title 17 - Zoning

1. Office uses such as an office for a contractor, architect, attorney, consultant, counselor, engineer, insurance agent, planner, tutor, data and/or word processing, electronic commerce.
 2. Private lessons such as academic instruction, music, athletics, swimming, arts and crafts.
 3. Tailoring, sewing, or alterations of clothing.
 4. Art and craft work such as ceramics, flower arranging, jewelry making, painting, sculpting, and photography.
 5. Small furniture repair and restoration.
 6. Other similar uses that demonstrate a low-profile operation with fewer than five customers visiting the business per day.
- B. Examples of Types of Uses Conditionally Allowed as Home Occupations. The following list provides examples of types of uses allowed as home occupations upon issuance of a conditional use permit (CUP) by the ~~designated approving authority~~decision-making authority. Other uses that are similar to those listed may be considered upon a similar use determination.
1. Beauty salon/barber shop, massage, physical therapy, personal training.
- C. Examples of Prohibited Uses. The following is a list of examples s of prohibited uses that may not be conducted as home occupations. This is not an exhaustive list of prohibited uses. Other uses similar to those listed may also be prohibited based on similar function or operation.
1. Ambulance service.
 2. Ammunition reloading, including custom reloading.
 3. Boarding house, bed and breakfast hotel, time share condominium.
 4. Carpentry, cabinet makers.
 5. Ceramics (kiln of six cubic feet or more).
 6. Health salon, gyms, dance studios, aerobic studios.
 7. Medical, dental, chiropractic, clinic.
 8. Mortician, hearse service.
 9. Palm reading, fortune telling
 10. Private clubs.
 11. Repair, or reconditioning, of automobiles, boats and recreation vehicles.
 12. Restaurants or taverns.
 13. Retail sale from site (except direct distribution and artist originals).
 14. Storage, repair, or reconditioning of motorized vehicles or large equipment on site.

Preliminary DRAFT Title 17 - Zoning

15. Tattoo service.
16. Tow truck services.
17. Veterinary clinic (including boarding).
18. Welding Service.

(Ord. No. 465 , § 3, 7-16-2013; Ord. No. 423, § 2, 4-21-2009)

17.60110.070 Performance standards.

It is the intent of the following standards to reduce the impact of the home occupation to the degree that its effects on the neighborhood are undetectable from normal and usual residential activity. These standards shall be incorporated as conditions of the business license for the home occupation. Failure to comply with these standards will result in revocation of the business license.

- A. Number of home occupations. One home occupation is allowed at a home where customers may visit the business. Otherwise, there is no limit on the number of home occupations.
- B. Employees. A home occupation shall have no on-site employees other than the full time residents of the dwelling. Other employees may be employed by the business but they may not report to the home. No more than two full-time residents may be employed at the home occupation.
- C. Habitable floor area. The use of the residential dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
- D. Off-site effects. There shall be no mechanical equipment used or operations which create or make dust, odor, vibration, or other effects detectable at the property line of the property in which the home occupation is located.
- E. On-site sales. There shall be no products sold on the premises except artist's originals or products individually made to order on the premises, or as part of electronic commerce.
- F. Products which are not "artist's originals" or "individually made to order" may be constructed on-site, using equipment normally found in a residence; however, these products may only be sold at a permitted commercial location.
- G. Display. There shall be no display of products produced by occupants of the dwelling which are visible in any manner from the outside of the dwelling unit.
- H. Traffic/vehicles. The use shall not generate pedestrian or vehicular traffic beyond that which is normal in a residential district nor in any case require the parking of more than one additional vehicle per hour.
- I. Storage. There shall be no storage of material, products, or supplies out-of-doors.
- J. Exterior appearance. There shall be no remodeling or construction of facilities for the home occupation which changes the external appearance of the residence from a residential to a more commercial appearing structure when viewed from the front of the building. Conversion of a portion of the interior of the structure (e.g., a garage) that does not result

Preliminary DRAFT Title 17 - Zoning

in a loss of off-street parking or alter the exterior appearance of the structure may be allowed through issuance of a building permit.

- K. Signs. No signs for the home occupation are permitted.
- L. Visitors and customers. Visitors and customers shall not exceed those normally and reasonably occurring for a residence, including not more than one business visitor per hour and no more than one at any given time. A home occupation may exceed these limits upon approval of a conditional use permit by the ~~designated approving authority~~decision-making authority.
- M. Hazardous materials. Storage of hazardous materials may only be stored in amounts below the thresholds as established by the local fire department.
- N. Hours of operation. The hours of operation during which customers may visit the occupation shall be between the hours of 7:00 a.m. and 7:00 p.m.

(Ord. No. 468, § 3, 4-1-2014 ; Ord. No. 423, § 2, 4-21-2009)

17.~~60~~110.080 Conditions.

The city planner or his or her designee may establish reasonable conditions on the operation of any home occupation if necessary to meet the intent of this chapter. These conditions shall be attached to or incorporated in the business license for the home occupation.

(Ord. No. 423, § 2, 4-21-2009)

17.~~60~~110.090 Home owners association.

As part of the business license permit application form, applicants for a business license for a home occupation shall indicate if they have consulted any relevant home owners association and/or covenants, conditions, and restrictions (CC&Rs) for the business location. The intent of this portion of the application process is to remind home occupation operators that special private regulations for their development may be in effect. Although the city may issue a business license for a home occupation regardless of conflicting CC&Rs for that residence, such home occupation may not be permitted by a home owners association and may subject holder of that business license to fines, penalties, judicial action, or other enforcement proceedings from the home owners association.

(Ord. No. 423, § 2, 4-21-2009)

Chapter 17. ~~62112~~ ACCESSORY DWELLING UNITS

17. ~~62112~~.010 Purpose.

The purpose of this Section is to establish procedures for permitting accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) on lots zoned for residential uses, and to implement state law as required for such uses. ADU and JADU are defined in Section 17. ~~82.310~~. In accordance with state law, ADUs and JADUs are accessory uses and shall not be counted as an additional dwelling for the purposes of calculating permitted General Plan or residential zoning density.

17. ~~62112~~.020 Applicability.

The provisions of this Chapter apply to all lots that are occupied with a residential dwelling unit and to all vacant lots that are zoned for residential development. The addition of an ADU shall not be considered to result in an increase of the allowable density for the lot upon which the ADU is located. When established consistent with the following regulations, an ADU is a use consistent with the General Plan and Zoning designation for the lot.

17. ~~62112~~.030 Development Standards.

- A. Restrictions. All ADUs and JADUs shall comply with the following regulations:
 - 1. No ADU or JADU shall be sold or otherwise conveyed separately from the primary residence.
 - 2. An ADU or JADU may only be rented, leased, and/or occupied for residential purposes. If an ADU or JADU is rented, it shall not be rented for a period of less than 30 consecutive days.
 - 3. All ADUs and JADUs shall comply with the California Building Standards Code, as amended by the City.
 - ~~3. No additional parking shall be required to be provided for either an ADU or a JADU;~~
 - 4. If a fire sprinkler system is required for the primary residence, a fire sprinkler system is also required in any accompanying ADU or JADU.
- B. Design. All ADUs and JADUs shall comply with the following design standards:
 - 1. ADU Standards.
 - a. Location and number of ADUs.
 - i. Subject to the requirements in this section, one ADU is permitted on a lot where (1) a single-family or multi-family dwelling is a permitted use, and (2) where there is an existing or proposed single-family or multi-family dwelling.
 - ii. One detached ADU and one JADU may be permitted on a property with a proposed or existing single-family dwelling where the requirements of Government Code Section 65852.2(e)(1)(A) and (B) are satisfied.

Preliminary DRAFT Title 17 - Zoning

iii. One or more ADUs may be permitted on a lot with an existing multi-family dwelling where the requirements of Government Code Section 65852.2(e)(1)(C) or (D) are satisfied. For purposes of this section 17.62112.30, "multi-family dwellings" are those that contain more than one dwelling unit, including but not limited to duets, duplexes, triplexes, apartment buildings, and condominium buildings.

(A) Multiple ADUs may be allowed within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each ADU complies with state building standards for dwellings.

(B) A minimum of one ADU shall be allowed within an existing multifamily unit and ADUs shall be allowed within an existing multifamily building at up to 25 percent of existing multifamily units.

(C) Not more than two detached ADUs, which are subject to a height limit of 16 feet and four-foot rear yard and side yard setbacks, may be located on a lot with an existing multifamily dwelling.

iv. The ADU shall be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and shall be located on the same lot as the proposed or existing primary dwelling.

~~iii.v.~~ ADUs do not exceed the allowable density for the lot upon which the ADU is located, and ADUs are a residential use that is consistent with the existing general plan and zoning designation for the lots within zones that permit ADUs.

2. Development Standards. Except for those ADUs exempt from obtaining an ADU Permit, as provided in above, ADUs shall comply with the following:

a. Unit Size and Height.

- i. An attached ADU shall not exceed 50 percent of the floor area of the existing primary dwelling or 8501,200 square feet, whichever is moreless.
- ii. A detached ADU shall not exceed 1,200 square feet.
- iii. The maximum height for a detached ADU shall be 16 feet, measured to the roof peak.
- iv. An attached ADU shall comply with the maximum height restriction applicable to the primary dwelling. When more than 50% of the gross floor area of an ADU is located above an existing or proposed garage, the entire combined structure shall not exceed 25 feet in height.

Preliminary DRAFT Title 17 - Zoning

b. Setbacks.

- i. No setbacks shall be required for conversion of an existing living area or accessory structure into an ADU, or the new construction of an ADU in the same location and to the same dimensions as an existing structure.
 - ii. For all other ADUs, the required setback from side and rear lot lines shall be four feet, and the ADU shall conform to the front yard setback regulations applicable to the zoning district in which it is located.
 - iii. A detached ADU shall be a minimum of five feet from the primary dwelling, measured from the closest point of the ADU (whether wall, balcony, eave, etc.) to the closest point of the primary dwelling.
- c. ADUs shall comply with the development standards applicable to the zoning district in which they are located, except as modified herein. Where the application of lot coverage, floor area ratio, setbacks, or other development regulations would not permit construction of an 800-square-foot ADU that is 16 feet in height with four-foot side and rear yard setbacks, the regulation(s) at issue shall be waived, to the extent permitted by law, to permit such an ADU.

3. Architectural ~~Design~~Review.

- a. An ADU shall have a separate exterior access point independent from the primary dwelling.
- b. Where a proposed ADU will likely be visible from a public street or thoroughfare, design elements shall be used that are similar in materials, color, style, and form to the primary dwelling, including the exterior siding, trim and color, roof materials, and window placement and type. An ADU that will be located behind the primary dwelling and that will not be visible from the public street shall use decorative exterior cladding and window treatments suitable for a permanent residence.
- c. All windows that face a side yard adjoining a side yard of an adjacent property and are located within 15 feet of the shared property line shall be a minimum of 6.5 feet above the finished floor height ("clerestory"), except that this standard does not apply if a structure on the adjacent property does not have any non-clerestory windows on the building elevation that faces the ADU.
- d. Exterior lighting shall be shielded or directed so that it does not glare off-site or illuminate the primary residence or an adjacent property.

e. All ADUs must have permanent foundations.

e.f. No passageway is required for construction of an ADU.

4. JADU Standards.

Preliminary DRAFT Title 17 - Zoning

- a. Subject to the requirements in this section, one JADU is permitted on any property where single-family residential use is a permitted use and there is an existing or proposed single-family dwelling.
- b. The owner of a parcel with a JADU shall occupy as a principal residence either the single-family dwelling or the JADU, except where the owner is another governmental agency, land trust, or housing organization.
- c. Development Standards.
 - i. JADUs shall comply with the development standards applicable to the zoning district in which they are located, except as modified herein.
 - ii. A JADU shall be a minimum of 220 square feet and a maximum of 500 square feet.
 - iii. A JADU must be contained entirely within the walls of an existing or proposed single-family dwelling.
 - iv. A JADU shall, at a minimum, include an efficiency kitchen meeting the requirements of Government Code Section 65852.22.
 - v. A JADU may contain separate sanitation facilities or may share sanitation facilities with the principal dwelling unit. JADUs that share sanitation facilities with the principal dwelling unit are required to maintain an interior connection between the JADU and the primary dwelling.
 - vi. Any exterior improvements associated with the development of a JADU shall conform to the zoning regulations applicable to the property.
- C. Covenants and Recordation. A covenant, in a form acceptable to the City of Lone, shall be recorded with Amador County, prior to issuance of any building permit for an ADU. Failure to record the covenant shall be grounds for code enforcement action by the City. The purpose of recording the covenant is to ensure that future property owners are made aware of the requirements under which the ADU shall be maintained, including:
 - 1. A deed restriction shall be recorded that: prohibits the sale of the ADU separate from the sale of the single-family residence; includes a statement that the deed restriction may be enforced against future purchasers; and restricts the size and features of the ADU in accordance with this section.
- D. Utilities and Fees. Notwithstanding any other provision of this Code, or any ordinance or resolution of the City of Lone, the development impact fees for an ADU and a JADU shall be applied as follows:
 - 1. ADUs and JADUs shall be subject to the payment of all water, sewer, or other utility fees, except as otherwise provided in this section or in Government Code Sections 65852.2 and 65852.22.
 - 2. Except where constructed with a new single-family dwelling, an ADU or JADU that meets the requirements of Government Code Section 65852.2(e)(1)(A) shall not be required to

Preliminary DRAFT Title 17 - Zoning

install a new or separate utility connection directly between the ADU/JADU and the utility, and shall not be charged a connection fee or capacity charge.

3. For any ADU or JADU not exempted under subsection (a) above, the City may require a new or separate utility connection between the ADU/JADU and the utility and may charge a connection fee or capacity charge, at the discretion of the Building Official. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU/JADU, based on its square feet or the number of drainage fixture unit (DFU) values, upon the water or sewer system.
4. An ADU or JADU shall not be considered a new residential use for purposes of calculating connection fees or capacity charges, except where constructed with a new single-family dwelling.
5. JADUs and ADUs less than 750 square feet shall not be subject to any impact fees. ADUs that are 750 square feet or larger shall be subject to applicable impact fees, charged proportionately in relation to the square footage of the primary dwelling. For purposes of this section, "impact fee" shall have the same meaning as defined in Government Code Section 65852.2(f).

E. Nonconforming conditions. An ADU or JADU allowed pursuant to this chapter shall be not conditioned or otherwise required to correct existing nonconforming zoning conditions.

EE. Approval. Before constructing an ADU or JADU, an applicant shall obtain necessary permits in accordance with this section. The application for planning review and for a building permit to construct an ADU ~~on an existing residentially-zoned lot~~ shall be ministerially approved if the requirements of this code are met.

1. Projects Subject to ~~ADU Permit~~Administrative Site Plan Review.

- a. For all proposed ADUs, an application shall be submitted to the Planning Division on prescribed forms that demonstrates that the ADU complies with the requirements of this section.

- b. An application for an administrative site plan review permit for an ADU ~~permit~~ shall be processed and considered ministerially, without discretionary review or a public hearing, consistent with the requirements of this section and state law, within 60 days of submittal of a complete application.

- i. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

- ii. The 60-day review period shall not apply when:

- (A) An ADU permit application is submitted contemporaneously with an application for a single-family or multi-family dwelling that is subject to ~~discretionary~~ review under this Chapter. The ADU permit application shall be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to ~~discretionary~~ separate review.

Preliminary DRAFT Title 17 - Zoning

(B) The applicant seeks a delay.

~~b.c.~~ In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable construction-related permits prior to construction of the subject unit.

2. Projects Exempt from Obtaining an ADU Permit.

a. An ~~ADU~~administrative site plan review permit shall not be required if the proposed ~~unit~~ADU or JADU meets the requirements of Government Code Section 65852.2(e)(1) and the California Building Standards Code, as amended by the City. Any ADU which does not require an ADU permit may submit a building permit application directly to the Building Division. The requirements of Government Code Section 65852.2(e)(1) include:

i. One ADU and one JADU are permitted ministerially per lot with a proposed or existing single-family dwelling if all of the following apply:

(A) The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(B) The space has exterior access from the proposed or existing single-family dwelling.

(C) The side and rear setbacks are sufficient for fire and safety.

(D) The JADU complies with the requirements of Government Code Section 65852.22.

ii. One detached, new construction ADU that meets the following requirements. The ADU may be combined with a JADU described in subparagraph i.

(A) The ADU is on a lot with a proposed or existing single family dwelling.

(B) The ADU does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling.

(C) The ADU total floor area does not exceed 800 square feet.

(D) The ADU is 16 feet in height or less.

iii. ADUs within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.

Preliminary DRAFT Title 17 - Zoning

- (A) At least one ADU is allowed within an existing multifamily dwelling and a total number of ADUs that is up to 25 percent of the existing number of dwelling units in the multifamily building shall be allowed.
 - (B) Each ADU shall comply with the California Building Standards Code, as adopted by the City.
 - (C) Not more than two detached ADUs, that are subject to a height limit of 16 feet and four-foot rear yard and side yard setbacks, shall be located on a lot that has an existing multifamily dwelling
 - iv. Not more than two detached ADUs, that are subject to a height limit of 16 feet and four-foot rear yard and side yard setbacks, shall be located on a lot that has an existing multifamily dwelling.
 - b. Any ADU which does not require an ADU permit may submit a building permit application directly to the Building Division.
- 3. Except for ADUs and JADUs that are exempt from obtaining an ADU ~~permit~~ administrative site plan review permit under subsection (2) above, any building additions or accessory structures located on the parcel that are not in compliance with the City Code of lone shall be brought into compliance with the City Code prior to approval of an ADU.
- 4. The City of lone shall not issue a certificate of occupancy for an ADU or JADU before issuing a certificate of occupancy for the primary dwelling.
- 5. Applications to construct an ADU or JADU on a property that is designated as a historic resource by the City of lone, the State of California, or by the National Register of Historic Places, shall show substantial compliance with the guidelines of the Secretary of the Interior for development on such a property.
- ~~FG.~~ Parking. A minimum of one parking space per ADU or per bedroom, whichever is less, shall be required. These spaces may be provided as tandem parking, may be covered or uncovered, and may be located on an existing driveway if the use of such driveway does not decrease required parking for the primary structure.
 - 1. Off-street parking shall be permitted within the front yard setback, provided that the parking is setback a minimum of 10 feet from the street or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
 - 2. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the demolished off-street parking spaces are not required to be replaced.
- ~~4.3.~~ Parking is not required if the ADU is located:
 - a. Within one-half mile walking distance of public transit;

Preliminary DRAFT Title 17 - Zoning

- b. Within the City of Lone's downtown residential overlay district;
- c. Where on-street parking permits are required but not offered to the occupant of the ADU;
- d. Where a car-share vehicle is located within one block of the ADU; and/or
- e. Entirely within a ~~legally~~ existing or proposed primary or accessory structure.

17.62112.050 Review Process for ADUs and JADUs Not Complying with Section 17.62112.030.

- A. A proposal to establish an ADU that does not comply with Section 17.62112.030 may be permitted with an administrative ~~use permit~~ site plan review, which may be elevated to a discretionary site plan review, at the discretion of the City Planner, subject to the required findings of Section 17.62112.060.
- B. Any appeal of the City Planner's decision shall comply with Section 17.08.060 Appeals.

~~17.62.060 Findings.~~

- ~~A. In order to deny an administrative use permit under Section 17.62.050, the City Planner shall find that the ADU would result in known risks to the public health or public safety, including fire safety, that cannot be mitigated or would introduce more than insignificant privacy impacts to any adjacent property.~~
- ~~B. In order to approve an administrative use permit under Section 17.62.050 that requires the waiver of required ADU parking, the City Planner shall find that requiring additional on-site parking would be detrimental to the public health or public safety, and that granting the waiver meets the purposes of the Chapter.~~

~~17.62.070 Definitions.~~

~~Terms unique to this chapter are defined in Chapter 17.8017.300 (Glossary of Terms), and the definitions of Accessory Dwelling Unit and Junior Accessory Dwelling Unit are found in Section 17.82 (Allowed Use Definitions).~~

Chapter 17.114 MULTIFAMILY STANDARDS

17.114.010 Applicability.

This chapter applies to all residential buildings with two or more dwelling units, including buildings that have a mixture of residential and non-residential uses and to all residential structures intended to be occupied by more than one household (including multiple single person households). Single family dwellings are exempt from this chapter.

17.114.020 Purpose

The multifamily standards have been developed to establish, objective standards are those that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark.

17.114.030 Standards

Multifamily residential developments must be consistent with each of the standards below:

1. Neighborhood compatibility.
 - a. Residential projects located across the street from single-family neighborhoods shall orient the buildings to the street with individual entries, patio areas and landscaping facing the single-family homes. Parking lot areas and carports shall not be located along single-family neighborhood street frontages. This requirement does not apply to residential projects located across a State route, parkway, arterial, or collector road as identified in the lone General Plan.
 - b. Duplexes, triplexes, and fourplexes abutting single-family neighborhoods shall include either 1) individual ground-level front doors and, if two or more stories, interior stairs or 2) a single exterior entrance with an interior common hallway(s).
 - c. A noise assessment shall be conducted by a qualified acoustical engineer. If the project will be exposed to noise levels that exceed the General Plan noise standards identified in Tables 6-1 and 6-2, excluding the subjective language in the footnotes for each table, which require multifamily residential uses to be exposed to no more than: 1) 60 dBA from 7 a.m. to 10 p.m. and 45 dBA from 10 p.m. to 7 a.m. from non-transportation noise sources, and 2) 60 dBA, the project shall include measures to reduce noise levels at outdoor activity areas to 60 dBA or less and interior spaces to 45 dBA or less to meet the City's noise standards. If sound walls are necessary to meet the noise standards, the sound walls shall include an earth berm and landscaping. Walls between buildings shall be extended to create pockets of landscaping or open space in order to avoid long continuous walls for the entire length of a project site.
2. Building design.
 - ~~a. Buildings shall use a common color palette, with one primary color and two accent colors per building. Where a change in color is used to differentiate individual units, such as in a townhome development, one primary color and two accent colors is allowed per unit.~~
 - a. Structures shall have a color palette that consists of at least two (2) body colors and two (2) accent colors (not including roof color). Projects with two (2) or more residential structures shall include a minimum of two (2) color palettes and shall not use a single palette on more than 70 percent of the residential structures. Stone materials shall not be painted.
 - b. Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.
 - c. Blank walls (facades without doors, windows, articulation of at least one foot, landscaping treatments) shall be less than 20 feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.

Preliminary DRAFT Title 17 - Zoning

- d. Buildings over three stories must provide a ground floor elevation that is distinctive from the upper stories by providing a material change between the first floor and upper floors along at least 75% of the building façade with frontage upon a street, adjacent to a public park, or adjacent to public open space.
 - e. Trim surrounds shall be provided at all exterior window and door openings. In lieu of exterior window trim, windows can be recessed from wall plane by a minimum of three inches.
 - f. At least two materials shall be used on any building frontage, in addition to glazing and railings. Any one material must comprise at least 20% of the building frontage.
 - g. A minimum of 5/8 inch thickness is required for panel siding. Battens are required to be incorporated into the design for a board and batt appearance.
- 3. Massing/articulation.
 - a. Primary building entries shall incorporate a projection (e.g., porch) or recess, or combination of projection and recess at least 48 square feet in area.
 - b. A minimum of two of the following design features: balconies, cantilevers, dormers, bay windows, patios, or accent materials that are part of the structure shall be incorporated into each façade of each project building.
 - c. A minimum one-foot offset is required for any wall plane that exceeds 30 feet in length.
 - d. Buildings over three stories tall shall have major massing breaks at least every 100 feet along any street frontage, adjacent public park, publicly accessible outdoor space, or designated open space, through the use of varying setbacks and/or building entries. Major breaks shall be a minimum of 30 inches deep and four feet wide and extend the full height of the building.
 - e. Buildings shall have minor massing breaks at least every 50 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of 12 inches deep and four feet wide and extend the full height of the building.
 - f. Rooflines shall be vertically articulated at least every 50 feet along the street frontage, through the use of architectural elements such as parapets, varying cornices, reveals, clerestory windows, and varying roof height and/or form.
- 4. Outdoor/common space.
 - a. Each multifamily unit shall have a minimum of 100 square feet of private outdoor space directly adjacent to the unit. For the purposes of this standard, private outdoor space is defined as outdoor space that is usable and accessible only to the building residents and their visitors, but not to the general public.

Preliminary DRAFT Title 17 - Zoning

- b. Common useable open space at a minimum of 180 square feet of common usable open space per unit is required for all multifamily projects with more than four units.
 - c. A minimum of 30% of the common usable open space shall be provided as a landscaped green area or garden, a minimum of 50% shall be provided as recreation area, and the remaining 20% may be landscaped open space, recreation area, or hardscape.
 - d. Outdoor seating shall be provided a within common usable open space areas and near the entry to laundry facilities.
 - e. Multifamily developments (except Senior restricted multifamily developments) exceeding 22 bedroom units and with less than 100 units shall have two outdoor areas, one for adults and one for a child play area that includes recreation equipment for children five years and under. For the purpose of this standard, adult open space is not required to include recreational equipment, but does include tables with seating.
 - f. Multifamily developments (except Senior restricted multifamily developments) exceeding 100 units shall have three open space areas, one for adults, one for children that includes a sports play area and recreational equipment for children 6 to 13, and one for younger children that includes recreation equipment for children five years and under. For the purpose of this standard, adult open space is not required to include recreational equipment, but does include tables with seating.
 - g. Each play area for children must be visible from as many units as possible and at least eight units and shall be separated from traffic. Benches or picnic tables for adults that are accompanying younger children shall be provided.
 - h-d. Recreation areas shall be at least 50% shaded. Shading can include shade fixtures or shade trees that will grow to a height of at least 20 feet within five years of planting.
 - i. Developments with more than 20 units shall provide at last one public art amenity, such as a sculpture, fountain, or kiosk, that is visible from the adjacent public right-of-way and is adjacent a sidewalk or pedestrian pathway.
5. Site design.
- a. When dwelling units are abutting open space areas, a minimum of one window from each dwelling shall be located to overlook common area.
 - b. Garages and carports shall utilize the same color palette and shall be designed to include a minimum of two of the following from the main building(s): materials, detailing, roof materials, and colors.

Preliminary DRAFT Title 17 - Zoning

- c. Controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum of 18 feet from the back of sidewalk, in order to accommodate one vehicle entering the facility.
- e. Where bicycle parking is not visible from the street, directional signage shall be included at the main building entrance.
- f. Parking areas, covered and uncovered, shall be screened from public street frontages. Screening may be accomplished through building placement, landscaping, a planted earth berm, planted fencing, topography, or some combination of the above. Landscaping used for screening purposes shall be no less than 15 feet wide (from the back of sidewalk or street curb to the parking lot paving, whichever is greater) and no less than four feet tall.

6. Accessory elements.

- a. Perimeter fencing utilized along public street shall be constructed of decorative iron, pre-painted welded steel, Trex (or similar product), or wood picket material.
- b. The height of solid fencing between private yards and common open spaces, when such private yards and common open spaces are located in the interior of a single parcel, shall be limited to either 1) four-and-a-half (4.5) feet in height, or 2) up to six (6) feet in height provided that the top 18 inches provide at least 50% open area.
- c. Roof top equipment shall be screened from visibility. The point of view for determining visibility shall be five feet above grade at a distance of 200 feet. If the roof structure does not provide this screening, ~~include~~ an equipment screen shall be included in the design.
- d. Exterior trash, recycling, and storage utility boxes, wood service poles, electric and gas meters, fire sprinkler valves and backflow preventers and transformers shall be screened.

7. Refuse containers.

- a. Four units or less may be served by individual garbage containers. When individual garbage cans are used, they must either fit in the garage (without encroaching into required parking area) or into a ~~special~~ screening enclosure.
- b. When there are five units or more, ~~provide~~ dumpsters for garbage collection shall be provided within a ~~special~~ screening enclosure.
- c. When dumpsters are to be used, designers shall coordinate with the refuse pickup provider to determine the size and number of dumpsters required. A rule of thumb is to allow for between 30 and 90 gallons per unit per week, depending on size of the unit.
- d. All dumpsters shall be shielded within an enclosure a minimum of six feet tall. Allow adequate size to accommodate the needed dumpsters and recycling containers. All enclosures and gates should be designed ~~detailed~~ to withstand

Preliminary DRAFT Title 17 - Zoning

heavy use. Provide wheel stops or curbs to prevent dumpsters from banging into walls of enclosure.

- e. Allowances shall be provided within the enclosure for stacking recycling crates (in small projects) and recycling dumpsters (in large projects)
- f. An entry shall be provided so that pedestrians can access the dumpsters without opening the large gates.
- g. Lighting shall be provided at trash enclosures for night time security and ease of use.
- h. Dumpster enclosures shall be located so that no dwelling is closer than 20 feet (including those on abutting properties); or more than 100 feet from an enclosure ~~a residential unit~~. No minimum distance from dwellings is required if dumpsters are located within a fully enclosed room.

8. Natural resources.

- a. A biological resources assessment, including special-status species survey, shall be conducted by a qualified biologist and shall identify special-status species with potential to occur in the vicinity (within ¼-mile of the project site) and on the project site, sensitive habitats located on or adjacent to the project site, including wetlands, riparian areas, oak woodlands, wildlife habitat, and habitat of significant value present on the project site.
- b. The project shall avoid habitat for special-status species, wetlands, riparian areas, oak woodlands, and habitat of significant value (collectively referred to as "sensitive habitats") present on the project site and shall provide a minimum of a 100-foot buffer from sensitive habitats, unless a reduced buffer that is not less than 25 feet is determined to be adequate to protect such resources by the qualified biologist. No ground disturbance shall occur within the buffer area and the area within the buffer shall be permanent open space. If avoidance of sensitive habitats would result in a density that is less than the allowed maximum density identified for the zone in Table 17.22.040-1 or Table 17.24.040-1, then the project may protect comparable sensitive habitats at a two-to-one ratio within one-and-a-half (1.5 miles) of the site or purchase credits for comparable sensitive habitats at a mitigation bank at a two-to-one ratio within one-and-a-half (1.5 miles) of the site.
- c. If special-habitat species occur on the site or have the potential to occur on the site, as determined by a qualified biologist, the qualified biologist shall identify adequate measures consistent with mitigation recommended by resource agencies (i.e., U.S. Fish and Wildlife Service, California Department of Fish and Wildlife) to avoid impacts to special-status species during any ground-disturbing and construction activities and the project shall implement such measures.

9. Cultural resources.

Preliminary DRAFT Title 17 - Zoning

- a. A cultural sources assessment, including site survey, shall be conducted by a qualified archaeologist and shall identify the potential for cultural resources on the project site.
 - b. If significant cultural resources, or the potential for significant cultural resources, are identified, the project shall avoid such cultural resources and shall provide a minimum of a 100-foot buffer from significant cultural resources, unless a reduced buffer that is not less than 25 feet is determined to be adequate to protect such resources by the qualified archaeologist or measures, such as capping the resource or relocation of the resources to permanent open space, are identified as adequate to preserve the significance of significant cultural resources. . No ground disturbance shall occur within the buffer area and the area within the buffer shall be permanent open space.
- 11. Water Infrastructure and Capacity. Projects shall provide a letter from the water provider that demonstrates there will be adequate infrastructure and capacity to serve the project prior to issuance of building permits.
- 12. Sewer Infrastructure and Capacity. Projects shall provide a letter from the sewer provider that demonstrates there will be adequate infrastructure and capacity to serve the project prior to issuance of building permits.
- 13. Street Standards. The project shall improve public streets consistent with the requirements of Chapter 12.08, Street Construction Standards.
- 14. Additional objective standards. Projects subject to this chapter must comply with all other applicable objective standards within the General Plan, any applicable specific plans, the Municipal Code, including but not limited to, Title 12 (Streets, Sidewalks and Public Places), Title 13 (Public Services), Title 15 (Buildings and Construction), and this Title 17 (Zoning Code), and all other regulations, as may be amended from time to time, unless otherwise superseded by State law.
- 15. Downtown Master Plan.
 - a. Projects subject to the Downtown Master Plan shall comply with the requirements of the Downtown Master Plan where the Downtown Master Plan establishes objective standards that conflict with the requirements of this chapter.
 - b. If the Downtown Master Plan establishes subjective standards for a specific topic, then the standards provided in this chapter for such topic shall apply.
 - c. If the Downtown Master Plan does not establish standards for topics addressed in this chapter, then the standards provided in this chapter related to such topics shall apply.
- D. Exceptions to the standards identified in paragraph C shall require a Discretionary Site Plan Review.

Chapter 17.116 – Provisions for Specified Housing Types

17.116.010 Manufactured housing

Manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.) shall be permitted on a permanent foundation in all zones that allow a single family home, subject to the following development standards:

- A. The manufactured home meets all other development standards of this Title that apply to a single family dwelling in the same zone, including any siting standards, setback and yard requirements, standards for enclosures, access, and vehicle parking, and aesthetic requirements;
- B. Is covered with a non-combustible exterior material customarily used on new site-built single family dwellings in the city. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material used need not extend below the top of the foundation;
- C. Have a roof with a pitch of not less than three-inch vertical rise for each 12 inches of horizontal run and consisting of shingles or other material customarily used for site-built single family dwellings in the city.
- D. All roofs shall include roof overhangs of not less than one foot measured from the vertical side of the manufactured home, except where the location of attached structures, such as carports, garages, porches or similar structures precludes the continuation of the overhang
- E. No manufactured housing unit constructed more than ten years prior to the date of application for installation shall be allowed within any residential district.

17.116.020 Employee Housing (Six or fewer employees)

Employee housing providing accommodations for six or fewer employees shall be deemed a dwelling and shall be subject to the permit requirements and development standards and regulations for a family dwelling of the same type in the same zone, as provided by California Health and Safety Code Section 17021.5.

17.116.030 Agricultural Employee Housing

- A. Agricultural employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household is deemed an agricultural land use, pursuant to California Health and Safety Code Section 17021.6, as amended.
- B. No conditional use permit, zoning variance, or other discretionary zoning clearance shall be required of agricultural employee housing, as described in Subsection A, that is not required of any other agricultural activity in the same zone.

Preliminary DRAFT Title 17 - Zoning

- C. The permitted occupancy of agricultural employee housing in any zone allowing agricultural uses includes agricultural employees who do not work on the property where the employee housing is located.
- D. Agricultural employee housing that meets the requirements of California Health and Safety Code Section 17021.8 shall be processed with a streamlined ministerial permit, consistent with the requirements of State law.

17.116.040 – Emergency Shelters

- A. Emergency shelters are subject to the standards that apply to residential or commercial development in the same code and are also subject to the following requirements:
 - 1. Capacity. The facility shall not exceed a maximum of 40 persons served nightly.
 - 2. Parking. Parking shall be provided to accommodate all staff working in the emergency shelter, provided that the parking requirement does not exceed the parking requirement for other residential or commercial uses within the same zone.
 - 3. Size and Location of Exterior and Interior Onsite Waiting Areas. The facility shall provide exterior client waiting areas at a ratio of not less than fifteen (15) square feet per client and shall provide interior client waiting areas at a ratio of not less than fifteen (15) square feet per client. The exterior waiting area shall not be located adjacent to the public right-of-way, shall be located behind a minimum six-foot-tall mature landscaping or a minimum six-foot-tall decorative masonry wall that separates the waiting area from public view, and shall be located in an area with provisions for shade protection and rain protection.
 - 4. Size of Intake Areas. The facility shall provide an intake area of a minimum of 200 square feet.
 - 5. Onsite management and security. The facility shall provide on-site management 24 hours and shall provide on-site security for all hours that the emergency shelter is in operation, including all times that staff is present. A management plan shall be submitted detailing how the shelter will provide onsite management and security.
 - 6. Proximity. The emergency shelter shall be at least 300 feet from any other emergency shelter.
 - 7. Length of stay. The maximum length of stay at the facility shall not exceed one hundred twenty days in a three-hundred-sixty-five-day period.
 - 8. Lighting. Adequate exterior lighting shall be provided for security purposes. The lighting shall be stationary and shielded/downlit away from adjacent properties and public rights-of-way.

17.116.050 – Supportive Housing

- A. Supportive housing shall be permitted consistent with the requirements of Government Code Section 65650 through 65656, as amended.
- B. Supportive housing shall be permitted by right in zones where multifamily and mixed uses are permitted, if the supportive housing project satisfies all of the requirements of Government Code Section 65651 paragraphs (a) and (b), as amended.
- C. If the supportive housing development that is permitted by right in zones allowing multifamily and mixed uses is located within one-half mile of a public transit stop, there is no minimum parking requirement for the units occupied by supportive housing residents.

17.116.060 – Low Barrier Navigation Centers

- A. Low barrier navigation centers shall be permitted consistent with the requirements of California Government Code Section 65660 through 65668, as amended.
- B. A low barrier navigation center shall be permitted by right in areas zoned for mixed use and nonresidential zones that permit multifamily uses, subject to the requirements of State law. A low barrier navigation center shall meet the requirements of Government Code Section 65662, as amended, which include:
 - 1. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
 - 2. It is linked to a coordinated entry system, which means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals, so that staff in the interim facility or staff who colocate in the facility may conduct assessments and provide services to connect people to permanent housing.
 - 3. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the California Welfare and Institutions Code.
 - 4. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
- C. Within 30 days of receipt of an application for a Low Barrier Navigation Center development, the local jurisdiction shall notify a developer whether the developer's application is complete pursuant to California Government Code Section 65943. Within 60 days of receipt of a completed application for a Low Barrier Navigation Center development, the local jurisdiction shall act upon its review of the application.

Preliminary DRAFT Title 17 - Zoning

D. This section shall remain in effect only until January 1, 2027, or specified later date if amended by Government Code Section 65560 through 65568, and as of that date shall be repealed.

Chapter 17.118 Duplex Units in Single Family Zones

17.118.010 Purpose

This chapter establishes standards to accommodate duplex units in single family zones consistent with the requirements of State law.

17.118.020 Streamlined Ministerial Permit

A proposed housing development containing no more than two residential dwellings within a single family residential zone (the R-1a, R-1b, and R-1c zones) shall be considered ministerially through the streamlined ministerial permit process if the proposed housing development meets all of the following requirements:

- A. The parcel satisfies the requirements of requirements specified in paragraph (6) of subdivision (a) of California Government Code Section 65913.4.
- B. The proposed housing development would not require demolition or alteration of any of the following types of housing:
 - 1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - 3. Housing that has been occupied by a tenant in the last three years.
- C. The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with California Government Code Section 7060) of Division 7 of California Government Code Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
- D. The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development unless the site has not been occupied by a tenant in the last three years.
- E. The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.

17.118.020 Development Standards

- A. Notwithstanding any local law and except as provided in paragraphs (1) and (2), the project shall comply with all applicable objective zoning standards and requirements, including but not limited to Chapter 17.114 if the project proposes two multifamily units.

Preliminary DRAFT Title 17 - Zoning

1. Zoning and subdivision standards would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area shall not be applied, except that a setback of four feet from the side and rear lot lines shall be required.
2. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
- B. Parking. Parking shall be provided at one space per unit, except that parking requirements shall not be imposed in either of the following instances:
 1. The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
 2. There is a car share vehicle located within one block of the parcel.
- C. Rental Term. A rental of any unit created pursuant to this chapter shall be for a term longer than 30 consecutive days.
- D. Accessory Dwelling Unit. Notwithstanding Government Code Section 65852.2 or 65852.22, an accessory dwelling unit or a junior accessory dwelling unit shall not be permitted on parcels that use both the authority contained within Government Code Section 65852.21 and the authority contained in Section 66411.7.

17.118.020 Denial

- A. A housing development project proposed under this chapter may be denied only if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- B. An application submitted under this chapter shall not be rejected or denied solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

Chapter 17.~~46-110~~ –~~STATE~~ DENSITY BONUS AND OTHER INCENTIVES

17.~~12046~~.010 Purpose.

The purpose of this chapter is to ~~provide incentives for the production of housing for very low, low, and moderate income, special needs, and senior households~~implement in accordance with Government Code Sections 65915 through 65918. In enacting this chapter, it is the intent of the city council to facilitate the development of affordable housing ~~affordable to very low, low, and moderate income households and senior citizens~~ and to implement the goals and policies of the city's general plan housing element.

Preliminary DRAFT Title 17 - Zoning

(Ord. No. 423, § 2, 4-21-2009)

17.120.020 – Density Bonus and Incentives.

- A. Density bonuses and incentives shall be offered by the City pursuant to the provisions of Government Code Chapter 4.3.
- B. Parking ratios shall be allowed for affordable housing pursuant to the provisions of Government Code Chapter 4.3.
- C. These density bonus and incentives provisions shall be understood to be amended by operation of law in the event and to the extent the State Density Bonus and Other Incentives Law is amended.

~~17.46.020 Definitions.~~

~~Terms unique to this chapter are listed in Chapter 17.8017.300 (Glossary of terms).~~

~~(Ord. No. 423, § 2, 4-21-2009)~~

~~17.46.030 Eligibility for incentives and concessions and density bonuses.~~

~~The city shall grant one density bonus, with concessions or incentives, as specified in Section 17.46.050 (Number and types of incentives and concessions and bonuses allowed), or provide other incentives or concessions of equivalent financial value based upon the land cost per dwelling unit, when the applicant for the housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that will contain at least one of the following:~~

- ~~A. Ten percent of the total units of a housing development for lower income households;~~
- ~~B. Five percent of the total units of a housing development for very low income households;~~
- ~~C. Housing for special needs populations;~~
- ~~D. A senior citizen housing development; or~~
- ~~E. Ten percent of the total dwelling units in a common interest development as defined in Section 1351 of the California Civil Code for persons and families of moderate income, provided that all units in the development are offered to the public for purchase.~~

~~(Ord. No. 423, § 2, 4-21-2009)~~

~~17.46.040 General provisions for incentives and concessions and density bonuses.~~

~~The following general provisions apply to the application and determination of all incentives and bonuses:~~

- ~~A. All density calculations resulting in fractional units shall be rounded up to the next whole number.~~

Preliminary DRAFT Title 17 - Zoning

- ~~B. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, rezone, or other discretionary approval.~~
- ~~C. The density bonus shall not be included when determining the number of housing units that is equal to five or ten percent of the total.~~
- ~~D. Upon request by the applicant, the city shall not require that a housing development meeting the requirements of Section 17.46.030 (Eligibility for incentives and concessions and density bonuses) provide a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following:~~
 - ~~1. Zero (studio) to one bedrooms: One on-site parking space per unit~~
 - ~~2. Two to three bedrooms: Two on-site parking spaces per unit~~
 - ~~3. Four or more bedrooms: Two and one-half parking spaces per unit~~
- ~~E. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide "on-site parking" through tandem parking or uncovered parking, but not through on-street parking.~~
- ~~F. The city shall not apply any development standard that would have the effect of precluding the construction of a housing development meeting the requirements of Section 17.46.030 (Eligibility for incentives and concessions bonuses) at the densities or with the incentives or concessions permitted by this chapter. An applicant may submit to the city a proposal for the waiver or reduction of development standards. Nothing in this subsection, however, shall be interpreted to require the city to waive or reduce development standards if the waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon health and safety or the physical environment and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subsection shall require the city to waive or reduce development standards if this would have an adverse impact on any real property that is listed in the California Register of Historical Resources. Furthermore, the applicant shall be required to prove that the waiver or modification is necessary to make the target units economically feasible.~~

~~(Ord. No. 423, § 2, 4-21-2009)~~

~~17.46.050 Number and types of incentives and concessions and density bonuses allowed.~~

- ~~A. General project density bonus. A housing development that satisfies all applicable provisions of this chapter shall be entitled to the following density bonus:~~
 - ~~1. For developments providing lower income target units, a 20 percent base density bonus increase above the otherwise maximum allowable residential density plus a one and one-half percent supplemental increase over that base for every one percent increase in low income target units above ten percent. The maximum density bonus allowed including supplemental increases is 35 percent.~~

Preliminary DRAFT Title 17 - Zoning

- ~~2. For developments providing very low income target units, a 20 percent base density bonus increase above the otherwise maximum allowable residential density plus a two and one-half percent supplemental increase over that base for every one percent increase in very low income target units above five percent. The maximum density bonus allowed including supplemental increases is 35 percent.~~
 - ~~3. For senior citizen housing developments, a flat 20 percent density bonus.~~
 - ~~4. For common interest developments providing moderate income target units, a five percent base density bonus increase above the otherwise maximum allowable residential density plus a one percent increase in moderate income units above ten percent. The maximum density bonus allowed including supplemental increases is 35 percent.~~
- ~~B. Number of incentives or concessions. In addition to the eligible density bonus percentage described in this section, an applicant may request one or more incentives or concessions in connection with its application for a density bonus as follows:~~
- ~~1. One incentive or concession for projects that include at least ten percent of the total units for lower income households, at least five percent for very low income households, or at least ten percent for persons and families of moderate income in a common interest development.~~
 - ~~2. Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least ten percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.~~
 - ~~3. Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.~~
- ~~C. Available incentives and concessions. The following incentives and concessions are available for compliance with this chapter:~~
- ~~1. A reduction in the site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 Section 18907 of Division 13 of Health and Safety Code, including but not limited to a reduction in setback and square footage requirements and in ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.~~
 - ~~2. Approval of mixed-use development in conjunction with the housing development if the non-residential land uses will reduce the cost of the housing development and the non-residential land uses are compatible with the housing development and surrounding existing development in the area in which the housing development will be located.~~
 - ~~3. Other regulatory incentives or concessions proposed by the applicant or that the city determines that will result in identifiable, financially sufficient, and actual cost reductions.~~

Preliminary DRAFT Title 17 - Zoning

- ~~4. Priority processing of a housing development that provides income-restricted units.~~
- ~~D. Additional density bonus and incentives and concessions for donation of land to the city. The following incentives and concessions are available for compliance with this chapter:~~
 - ~~1. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city and agrees to include a minimum of ten percent of the total units before the density bonus for very low income households, above the otherwise maximum allowable residential density, the applicant shall be entitled to a 15 percent base density bonus plus a one percent supplemental increase for each additional percentage of very low income units to a maximum density bonus of 35 percent.~~
 - ~~2. The density bonus provided in this subsection shall be in addition to any other density bonus provided by this chapter up to a maximum combined density bonus of 35 percent.~~
 - ~~3. The applicant shall be eligible for the increased density bonus described in this subsection if all of the following conditions are met:~~
 - ~~a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;~~
 - ~~b. The developable acreage and zoning designation of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent of the number of residential units of the proposed development;~~
 - ~~c. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2 of Government Code, and is or will be served by adequate public facilities and infrastructure.~~
 - ~~d. The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 of Government Code if the design is not reviewed by the local government prior to the time of transfer;~~
 - ~~e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this chapter;~~
 - ~~f. The land is transferred to the local agency or to a housing developer approved by the city;~~
 - ~~g. The transferred land shall be within the boundary of the proposed development or, if the city agrees, within one-fourth mile of the boundary of the proposed development; and~~

Preliminary DRAFT Title 17 - Zoning

- ~~h. A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.~~
- ~~4. Nothing in this subsection shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.~~
- ~~E. Additional density bonus and incentives and concessions for development of child care facility. The following density bonus incentives and concessions are available for compliance with this chapter:~~
 - ~~1. Housing developments meeting the requirements of Section 17.46.030 (Eligibility for incentives and concessions and bonuses) and including a child care facility that will be located on the premises of, as part of, or adjacent to the housing development shall receive either of the following:~~
 - ~~a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square footage in the child care facility.~~
 - ~~b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.~~
 - ~~2. The density bonus housing agreement for a housing development that includes a child care facility shall ensure that:~~
 - ~~a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable, pursuant to Subdivision (c) of Section 65915 of the Government Code; and~~
 - ~~b. Of the children who attend the childcare facility, the children of very low income households, lower income households, or persons or families of moderate income shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to Section 17.46.030 (Eligibility for incentives and concessions and bonuses).~~
 - ~~3. The city shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.~~
- ~~F. Condominium conversion incentives for low income housing development. The following incentives and concessions are available for compliance with this chapter:~~
 - ~~1. An applicant for approval to convert apartments to a condominium project may submit to the city a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.~~
 - ~~2. When an applicant for approval to convert apartments to a condominium project agrees to the following, the city shall grant either a density bonus of 25 percent over the number of~~

Preliminary DRAFT Title 17 - Zoning

~~apartments (to be provided within the existing structure or structures proposed for conversion) or provide other incentives of equivalent financial value.~~

~~a. Provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income, or provide at least 15 percent of the total units of the proposed condominium project to lower income households; and~~

~~b. Agree to pay for the reasonably necessary administrative costs incurred by the city.~~

~~3. For purposes of this subsection, "other incentives of equivalent financial value" shall not be construed to require the city to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city might otherwise apply as conditions of conversion approval.~~

~~4. Nothing in this subsection shall be construed to require the city to approve a proposal to convert apartments to condominiums.~~

~~5. An applicant shall be ineligible for a density bonus or other incentives under this subsection if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentive was previously provided.~~

~~(Ord. No. 423, § 2, 4-21-2009)~~

~~17.46.060 Location of density bonus units.~~

~~As required by state law, the location of density bonus units within the housing development may be at the discretion of the developer. However, the density bonus units shall be dispersed throughout the housing development and when feasible shall contain, on average, the same number of bedrooms as the non-density bonus units in the development, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and quality finish.~~

~~(Ord. No. 423, § 2, 4-21-2009)~~

~~17.46.070 Continued availability.~~

~~A. If a housing development providing low or very low income target units (e.g., that the housing development is mandated to provide "affordable rent") receives only a density bonus, the target units must remain restricted to lower or very low income households for a minimum of 30 years from the date of issuance of the certificate of occupancy by the building official.~~

~~B. If a housing development providing low or very low income target units receives both a density bonus and an additional incentive, the target units must remain restricted to lower or very low income households for a minimum of 50 years from the date of issuance of the certificate of occupancy by the building official.~~

~~C. In the case of a housing development providing moderate income target units, the initial occupant of the target unit must be a person or family of moderate income. Upon resale, the seller of the target units shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation, the city shall recapture any initial subsidy and its~~

Preliminary DRAFT Title 17 - Zoning

~~proportionate share of appreciation which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote homeownership. The city's "proportionate share" shall be equal to the percentage by which the initial sale price to the moderate income household was less than the fair market value of the home at the time of the initial sale. The local city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.~~

~~(Ord. No. 423, § 2, 4-21-2009)~~

17.~~12046~~.080 Process for approval or denial.

- A. Process for approval. The density bonus and incentive(s) and concession(s) request shall be considered in conjunction with any necessary development entitlements for the project. The ~~designated approving authority~~decision-making authority for density bonuses, incentives, and concessions, shall be the city council. In approving the density bonus and any related incentives or concessions, the city and applicant shall enter into a density bonus agreement. The form and content of the density bonus agreement shall be determined by the city.
- B. Approval of density bonus required. The city shall grant the density bonus requested by the applicant provided it is consistent with the provisions of this chapter and state law.
- C. Approval of incentives or concessions required unless denial findings made. The city shall grant the incentive(s) and concession(s) requested by the applicant unless the city makes a written finding, based upon substantial evidence, of either of the following:
 - 1. The incentive or concession is not required in order to provide for affordable housing costs or affordable rent for the target units.
 - 2. The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or physical environment or on any real property that is listed in the California Register of Historical Resources and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.
 - 3. The concession or incentive would be contrary to state or federal law.

(Ord. No. 423, § 2, 4-21-2009)

Chapter 17.122 Day Care Homes

Section 17.122.010 Family Day Care Homes

- A. A family day care home that meets either the small family day care home definition as defined by California Health and Safety Code Section 1596.78(a) or the large family day care home definition as defined by California Health and Safety Code Section 1596.78(b) is a residential use of property and shall be subject to the same standards, including permitting requirements, that apply to residences of the same type in the same zone as the family day care home.
- B. A family day care home includes a detached single family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses.

Article V – Standards for Non-Residential Uses

Chapter ~~17.64~~17.210 WIRELESS COMMUNICATION FACILITIES

~~17.64~~17.210.010 Purpose and applicability.

Wireless communication facilities shall be subject to the following regulations in this chapter to the extent that such requirements (1) do not unreasonably discriminate among providers of functionally equivalent services, or (2) do not have the effect of prohibiting personal wireless services, as defined by Telecommunications Act of 1996. This chapter establishes standards for placement of telecommunications facilities within the city and regulates the installation of antennas and other wireless communication facilities consistent with federal law. This chapter also promotes and protects the public safety and public welfare of residents as well as containing regulations to minimize potential impacts of the installation of wireless communication facilities.

(Ord. No. 423, § 2, 4-21-2009)

~~17.64~~17.210.020 Definitions.

Terms unique to this chapter are provided in Chapter ~~17.80~~17.300 (Glossary of terms).

(Ord. No. 423, § 2, 4-21-2009)

~~17.64~~17.210.030 Permit requirements.

A conditional use permit is required for the following wireless communication facilities:

- A. Any new telecommunication tower that is not part of a co-location.
- B. Any co-location that increases overall height of an existing tower in order to add antennas.
- C. Any building-mounted or roof-mounted antennas that are not screened from public view.

(Ord. No. 423, § 2, 4-21-2009)

~~17.64~~17.210.040 Application requirements.

An application for the approval of a wireless communication facility shall include the following information, in addition to all other information required by the city for a conditional use permit application as established in Section 17.10.080 (Conditional use permit):

- A. Visual simulations showing what the proposed facility will look like from the surrounding area as viewed from residential properties and public rights-of-way at varying distances, to assist the ~~approving authority~~decision-making authority and the public in assessing the visual impacts of the proposed facility and its compliance with the provisions of this chapter.
- B. A map or description of the service area of the proposed wireless communication facility and an explanation of the need for the facility.

Preliminary DRAFT Title 17 - Zoning

- C. A map showing the locations and service areas of other wireless communication facility sites operated by the applicant and those that are proposed by the applicant that are close enough to affect service within the city. A written explanation of why adjacent existing wireless communication facilities could not be used for collocation shall be required.
- D. Description of proposed approach for screening all wireless communication facilities from public view including plans for installation and maintenance of landscaping, sample exterior materials and colors. Where applicable, a plan showing existing surrounding landscaping, proposed landscaping, a landscape protection plan for construction, and a maintenance plan including an irrigation plan.
- E. Narrative description and map showing the coverage area and location of the provider's existing wireless communication facilities and the proposed coverage area of the specific site that is the subject of the application.
- F. Technical information explaining the reasons that a permit is being sought (e.g., whether a new antenna is necessary to accommodate increased demand or to fill a "dead zone" in the provider's coverage area); the reasons that the subject site is considered necessary to accomplish the provider's coverage objectives; and the reasons that the proposed site is the most appropriate location under existing circumstances.

(Ord. No. 423, § 2, 4-21-2009)

17.6417.210.050 Exemptions.

The following wireless communication facilities are exempt from the requirements of this chapter as specified below, except that wireless communication facilities are subject to compliance with other provisions of this title:

- A. A wireless communication facility shall be exempt from the provisions of this chapter if and to the extent that a permit issued by the California Public Utilities Commission (CPUC) or the rules and regulations of the Federal Communication Commission (FCC) specifically provide that the antenna is exempt from local regulation. Such facilities include, but are not limited to, television antennas on residential buildings.
- B. Satellite earth station (SES) antennas, which are two meters (6.5616 feet) or less in diameter or in diagonal measurement, located in any non-residential zoning district. To avoid the creation of an attractive nuisance and to reduce accidental tripping hazards and maximize stability of the SES antenna, such antennas shall be placed whenever possible on top of buildings and as far away as possible from the edges of rooftops.
- C. Parabolic antennas, direct broadcast satellite (DBS) antennas, which are one meter (3.2808 feet) or less in diameter or diagonal measurement and television broadcast service (TVBS) antennas, so long as said antennas are located entirely on private property and are not located within the required front yard setback area.
- D. Amateur radio antenna structures provide a valuable and essential telecommunication service during periods of natural disasters and other emergency conditions and are

Preliminary DRAFT Title 17 - Zoning

therefore exempt from permit provisions of this chapter in compliance with the following standards:

1. Height limits. Amateur radio antennas in any district may extend to a maximum height of 75 feet, provided that the tower is equipped with a lowering device (motorized and/or mechanical) capable of lowering the antenna to the maximum permitted height when not in operation.
 2. Location parameters. All antenna structures shall be located outside of required front and street side yard areas. Antenna structures shall also be set back a minimum distance of five feet from interior property lines.
 3. Tower safety. All antenna(s) shall be located within an enclosed fenced area or have a minimum five-foot high tower shield at the tower base to prevent climbing. All active elements of antennas shall have a minimum vertical clearance of eight feet.
- E. Co-location on an existing telecommunications structure. This co-location is allowed if the structure obtained a conditional use permit after January 1, 2007, and was subject to environmental review and a public hearing.
- F. Antennas placed on a building or roof top that are completely screened from view.

(Ord. No. 423, § 2, 4-21-2009)

17.6417.210.060 Development standards.

- A. General development standards. Unless otherwise exempt pursuant to Section 17.6417.210.050 (Exemptions), the following general development standards shall apply to all wireless communication facilities:
1. All wireless communication facilities shall comply with all applicable requirements of the current uniform codes as adopted by the city and shall be consistent with the general plan and this Code, as well as other standards and guidelines adopted by the city, and all applicable state and federal law.
 2. Wireless communication facilities shall be co-located with existing facilities, with other planned new facilities, and with other facilities such as water tanks, light standards, and other utility structures whenever feasible and aesthetically desirable. To facilitate co-location when deemed appropriate, conditions of approval for conditional use permits shall require all service providers to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site when found to be feasible and aesthetically desirable. The applicant shall agree to allow future co-location of additional antennas and shall not enter into an exclusive lease for the use of the site.
 3. At least ten feet of horizontal clearance shall be maintained between any part of the antenna and any power lines unless the antenna is installed to be an integral part of a utility tower or facility.
- B. Development standards for antennas (excluding amateur radio antennas). Unless otherwise exempt pursuant to Section 17.6417.210.050 (Exemptions), the following development standards

Preliminary DRAFT Title 17 - Zoning

shall apply to receive-only antennas (ground- and building-mounted), parabolic antennas, and satellite earth stations as defined in this section:

1. Antenna location. Parabolic antenna and SES shall be ground-mounted in residential zoning districts. In all non-residential zoning districts, building-mounted antenna are preferred. No antenna shall be located in the required front or street side yard of any parcel unless entirely screened from pedestrian view on the abutting street rights-of-way (excluding alleys). In all zoning districts, ground-mounted antennas shall be situated as close to the ground as feasible to reduce visual impact without compromising their function and all portions of the antenna shall be set back a minimum of five feet from any property line.
2. Height limit. The height limit for ground-mounted antenna is six feet. However, the height may be increased to a maximum of 12 feet if the setback distance from all property lines is at least equal to the height of the antenna and if the structure is screened in accordance with Subsection B.3. (Screening). Building-mounted antenna shall not extend above the roofline, parapet wall, or other roof screen or project beyond a maximum of 18 inches from the face of the building or other support structure.
3. Screening. Ground-mounted antennas shall be screened with a fence, wall, or dense landscaping so that the antenna is not visible from the public right-of-way. Building-mounted antenna shall be screened as follows:
 - a. Wall-mounted antennas and ancillary equipment shall be flush-mounted and painted or finished to match the building with concealed cables.
 - b. Roof-mounted antennas and ancillary equipment shall be screened from view of public rights-of-way by locating the antenna below the roofline, parapet wall, or other roof screen and by locating the antenna as far away as physically feasible and aesthetically desirable from the edge of the building.
 - c. Color. Antennas shall have subdued colors and be comprised of non-reflective materials which blend with the materials and colors of the surrounding area or building.
- C. Development standards for amateur radio antennas. Amateur radio antennas may exceed the height limit and/or the setback provisions only when such provisions will result in unreasonable limitations on, or prevent, reception or transmission of signals from the amateur radio antennas.
- D. Development standards for tower. The following development standards shall apply to towers (including co-location facilities):
 1. Site design. All wireless communication facilities (including related equipment) shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening, camouflage, to be compatible with existing architectural elements, landscape elements, and other characteristics of the site on which they are located. The applicant shall use the smallest and least visible antennas feasible to accomplish the owner/operator's coverage objective. A visual impact analysis is required to demonstrate how the proposed facility will appear from public rights-of-way (including public trails).

Preliminary DRAFT Title 17 - Zoning

2. Safety design. All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions which would result in hazardous conditions, visual blight, or attractive nuisances.
3. Location. Towers shall not be located in any required front or street side yard in any zoning district. The setback distance from any abutting street right-of-way, residential property line, or public trail shall be equal to the height of the facility (tower and related equipment). Otherwise, the minimum setback distance from all other property liens shall be at least equal to 20 percent of the height of the tower. In order to facilitate co-locations, setbacks distance will be waived for placement of antennas on existing towers when there is no increase in the overall height of the tower.
4. Height limit. The height limit for towers shall be consistent with the maximum building height of the zoning district of the subject parcel. Exceptions to the height limit may be granted when the ~~designated approving authority~~decision-making authority finds that reasonable alternatives do not exist to provide the necessary service. There is no height limit specified for co-locations on existing structures, provided wireless communication facilities are screened from view of abutting street rights-of-way or camouflaged by matching the color(s) and/or material(s) of the structure to which it is attached.
5. Lighting. Towers and related equipment shall be unlit except as provided below:
 - a. A manually-operated or motion-detector controlled light above the equipment shed door may be provided. Such light shall remain off except when personnel are present on site at night;
 - b. The minimum tower lighting required under Federal Aviation Administration regulation; and
 - c. Where tower lighting is required, such lighting shall be shielded or directed downward to the greatest extent possible to ensure that such light does not spill over onto abutting properties, especially residential zoning districts or uses.
6. Landscaping. Where appropriate, wireless communication facilities shall be installed in a manner that maintains and enhances existing landscaping on the site, including trees, foliage, and shrubs, whether or not utilized for screening. Additional landscaping shall be planted around the tower and related equipment to buffer abutting residential zoning districts or uses, and to buffer public trails in accordance with the following standard:
 - a. Perimeter of leased area of the wireless communication facility. Landscaping around the perimeter of the facility (e.g., leased area) shall include dense tree and shrub plantings with necessary irrigation. Wireless communication facilities shall be developed with an immediate landscape screen. Trees shall be fast-growing evergreen species, a minimum of 24-inch box in size. Shrubs shall be a minimum of 15-gallon size covering a minimum planter area depth of five feet around the facility. Trees and shrubs shall be planted no further apart on center than the mature diameter of the proposed species.

Preliminary DRAFT Title 17 - Zoning

7. Design/finish. New towers shall be camouflaged whenever possible. If not feasible to camouflage, then the tower and related equipment shall have subdued colors and non-reflective materials that blend with the colors and materials of surrounding areas.
8. Advertising. The tower and related equipment shall not bear any signs or advertising devices other than certification, warning or other required seals or signs.

(Ord. No. 423, § 2, 4-21-2009)

17.6417.210.070 Operation and maintenance standards.

- A. Noise. All wireless communication facilities shall comply with the city's noise ordinance.
- B. Non-ionizing electromagnetic radiation (NIER) exposure. No wireless communication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such wireless communication facilities, a potential threat to public health. To this end, no wireless communication facility or combination thereof facilities shall produce, at any time, power densities in any inhabited area that exceed the Federal Communication Commission's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard adopted or promulgated by the city or by the county, state, or federal government.

(Ord. No. 423, § 2, 4-21-2009)

17.6417.210.080 Removal provisions.

In the event that one or more wireless communication facility or any component thereof, including, but not limited to, antennas, towers, or related equipment, are not operated for the provision of wireless telecommunication services for a continuous period of three months or more, such wireless communication facility or component thereof shall be deemed abandoned. The owner, operator, or other person or entity responsible for the wireless communication facility or component thereof shall remove such items within 30 days following the mailing of written notice from the city that removal is required. If two or more providers of wireless telecommunication services use the wireless communication facility or any component thereof, the period of non-use under this section shall be measured from the cessation of operation at the location by all such providers. Failure to remove shall constitute a public nuisance and shall be enforced as such.

(Ord. No. 423, § 2, 4-21-2009)

Chapter 17.6617.220 TEMPORARY USES

17.6617.220.010 Purpose.

The purpose of this chapter is to establish regulations for uses of private property that are temporary in nature. These provisions place restrictions on the duration of the temporary use, its location, and other development standards. The intent of these regulations is to ensure that the temporary use

Preliminary DRAFT Title 17 - Zoning

does not adversely impact the long-term uses of the same or neighboring sites, or impact the general health, safety, and welfare of persons residing within the community.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

~~17.66~~17.220.020 Permit required.

- A. Except as otherwise provided in this zoning code, the temporary uses listed in this chapter shall require the issuance of a temporary use permit from the ~~designated approving authority~~decision-making authority prior to establishment of the use. The process for accepting, reviewing, and approving or denying a temporary use permit shall be as described in Section 17.10.040 (Temporary use permit). Additionally, the ~~designated approving authority~~decision-making authority may impose conditions on the approval of a temporary use consistent with the standards of Section 17.10.040 (Temporary use permit).
- B. Applicants seeking a temporary use permit for a time period longer than otherwise allowed by this chapter may submit for a conditional use permit for said activity, provided that it complies with all other relevant development and operational standards (other than time duration) for the use as provided in this chapter. Approval of the conditional use permit shall be in accordance with the standards of Section 17.10.080 (Conditional use permits).

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

~~17.66~~17.220.030 Temporary use regulations.

- A. Exempt Temporary Uses. The following temporary uses are exempt from the permit requirements of this chapter, provided that they comply with the development standards listed herein.
 - 1. Temporary car washes for fundraisers are permitted on any private property in the city, provided the car wash does not cause traffic congestion, disrupt traffic, or pose any threat to public health or safety.
 - 2. Garage sales are permitted on any parcel where the garage sale operator resides. Garage sales may not exceed three sales per calendar year and two consecutive days for each garage sale.
 - 3. Fireworks stands are permitted on property in the commercial and industrial zoning districts, provided that the necessary permit(s) are obtained from the fire department and/or other regulatory agencies and a valid business license has been issued, consistent with the requirements of the Lone Municipal Code.
- B. Regulated Temporary Uses. The following temporary uses may only be established after first obtaining a valid temporary use permit as described in Section ~~17.66~~17.220.020 (Permit required).
 - 1. Construction yards and storage sheds, which are to be used for a period of more than three months, for the storage of materials and equipment used as part of a construction project provided a valid building permit has been issued and the materials and equipment are

Preliminary DRAFT Title 17 - Zoning

stored on the same site as the construction activity. Such activity shall be visually screened from the public right-of-way through fencing or other visual screening. The applicant shall provide and implement a security plan to the satisfaction of the City Police Chief. The site shall be kept reasonably free of clutter and shall not constitute a public nuisance.

2. Expositions, concerts, carnivals, clinics, amusement rides, and flea markets may be conducted for a period not to exceed ten days within a calendar year (either consecutive or intermittent). The use must be located in a district other than agricultural or residential or shall be under the direction/supervision of a public agency or an organization, church, or school use in any district which qualifies for an exemption pursuant to the business license ordinance (Section 5.06.080, Exemptions, of the City's Municipal Code). Temporary uses of a similar nature when located within an entirely enclosed building are exempt from the permit requirement.
3. Farmers' market may be permitted in the C-1, C-2, and C-3 zoning districts, provided such markets qualify as certified farmers' market and all producers/vendors qualify as certified producers as defined by the California Department of Food and Agriculture. The market must be located within the buildable portion of the lot on which it is to be located. The temporary use permit may impose conditions limiting the length of the permit, days and hours of operation, and other factors as deemed appropriate in a non-residential zoning district.
4. Outdoor sales and display of goods, including promotional sales, may be conducted as part of an otherwise lawfully permitted or allowed permanent commercial use, provided that all activities are conducted within the buildable portion of the lot. For new business with a valid business license, such outdoor sales and displays of goods shall be limited to a maximum 30-day period within the first 180 days after that business is established. Existing businesses shall be limited to one period not exceeding ten days within a given year. Sales and displays may not occupy more than ten percent of the parking area for that business and shall not substantially alter the existing circulation pattern of the site. Temporary sales and displays shall not obstruct any existing disabled accessible parking space.
5. Seasonal sales (e.g., Christmas tree sales, pumpkin sales, etc.) may be permitted in any non-residential zoning district upon issuance of a temporary use permit. The term of the temporary use permit shall not exceed 45 days per calendar year.
6. Temporary dwellings, including mobile homes, when a primary dwelling is being constructed or remodeled may be permitted, provided a valid building permit has been issued for the primary dwelling. Use of the temporary dwelling shall be limited to a maximum of one year.
7. Temporary sales and construction offices used for the sale of lots and/or homes as part of a new residential subdivision may be permitted. Parking shall be provided as required by Chapter 17.40 (Parking). In addition, conditions of approval regulating the hours of operation, landscaping, or other aspects of operation may be imposed as part of the temporary use permit as deemed necessary.

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

~~17.66~~17.220.040 Similar uses.

When a temporary use is not specifically listed in this chapter, the city planner shall determine whether the proposed temporary use is similar in nature to permitted uses(s) in Article ~~3~~III, and, if approved, shall establish the term and make necessary findings and conditions for the particular proposed temporary use, consistent with the provisions for Interpretation in Chapter 17.12 (Interpretation).

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

Chapter 17.230 Medical Marijuana

~~17.29~~230.010 Medical marijuana.

A. Legislative Findings and Statement of Purpose.

1. The city council finds that the prohibitions on marijuana cultivation, marijuana processing and marijuana dispensaries are necessary for the preservation and protection of the public health, safety, and welfare for the City of Lone and its community. The prohibition of such activities is within the authority of the City of Lone under state law.
2. On October 9, 2015, the Governor signed the "Medical Marijuana Regulation and Safety Act" ("MMRSA" or "Act") into law. The Act became effective January 1, 2016.
3. On June 27, 2017, Governor Jerry Brown signed SB 94, clarifying and reconciling AUMA and MMRSA, including the local controls.
4. Local governments are allowed to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program, pursuant to Health and Safety Code Section 11362.777 for the cultivation of marijuana (Health and Safety Code Section 11362.777(c)(4)).
5. The Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Business and Professions Code Section 19315(a)).
6. The Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Business and Professions Code Section 19316(c)).
7. Local government that wishes to prevent marijuana delivery activity, as defined in Business and Professions Code Section 19300.5(m) of the Act, from operating within the local government's boundaries, must enact an ordinance affirmatively banning such delivery activity (Business and Professions Code Section 19340(a)).
8. The city council finds and enacts this chapter for the following purpose:

Preliminary DRAFT Title 17 - Zoning

- a. To prohibit the cultivation of marijuana in the City of Lone, and to not administer a conditional permit program pursuant to Health and Safety Code Section 11362.777 for the cultivation of marijuana in the city;
 - b. To exercise its local authority to enact and enforce local regulations and ordinances, including those regarding the permitting, licensing, or other entitlement of the activities prohibited by this chapter;
 - c. To exercise its police power to enact and enforce regulations for the public benefit, safety, and welfare of the community;
 - d. To expressly prohibit the cultivation, sale, delivery, and/or dispensing of commercial medical marijuana in the city; and
 - e. To place restrictions on the personal cultivation of marijuana.
- B. Definitions. For purposes of this chapter, the following definitions shall apply:
1. "Marijuana" means any or all parts of the plant *cannabis sativa linnaeus*, *cannabis indica*, or *cannabis ruderalis*, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term "marijuana" shall also include "medical marijuana" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the State of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).
 2. "Commercial cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis for medical or recreational use, including nurseries, that is intended to be transported, processed, manufactured, distributed, dispensed, delivered, or sold in accordance with the Medical Cannabis Regulation and Safety Act (MCRSA) (AUMA) Adult Use of Marijuana for use by medical cannabis patients or recreational users in California pursuant to (MMRSA) (AUMA) or (MAUCRSA) Medicinal and Adult-Use Cannabis Regulation and Safety Act, found at Section 11362.5 of the Health and Safety Code.
 3. "Marijuana processing" means any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.
 4. "Marijuana dispensary" or "marijuana dispensaries" means any business, office, store, facility, location, retail storefront or wholesale component of any establishment, cooperative or collective that delivers (as defined in Business and Professions Code Section 19300.5(m) or any successor statute thereto) whether mobile or otherwise,

Preliminary DRAFT Title 17 - Zoning

dispenses, distributes, exchanges, transmits, transports, sells or provides marijuana to any person for any reason, including members of any medical marijuana cooperative or collective consistent with the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the State of California, or for the purposes set forth in California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

5. "Medical marijuana collective" or "cooperative or collective" means any group that is collectively or cooperatively cultivating and distributing marijuana for medical purposes that is organized in the manner set forth in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the State of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).
 6. "Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling.
- C. Prohibited Activities. Commercial marijuana cultivation, marijuana processing and marijuana dispensaries shall be prohibited activities, except where preempted by federal or state law from enacting a prohibition on any such activity. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the activities of marijuana cultivation, marijuana processing, marijuana delivery, or the establishment or operation of a marijuana dispensary in the City of Lone and no person shall otherwise establish or conduct such activities in the City of Lone, except where the preempted by federal or state law.
- D. Cultivation for Personal Use.
1. Personal use marijuana cultivation shall comply with all state laws and is subject to the provisions contained within this chapter.
 2. Cultivation of marijuana is prohibited outdoors within the City of Lone.
 3. No person under the age of 21 shall possess, plant, cultivate, harvest, dry, or process cannabis plants.
 4. Not more than six living plants may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence, at one time.
 5. Cultivation areas, including but not limited to residential and accessory structures, shall comply with the following requirements:
 - a. Marijuana cultivation shall not adversely affect the health, safety, or general welfare of persons at the cultivation site or at any nearby residence by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, or vibration, by the

Preliminary DRAFT Title 17 - Zoning

use or storage of hazardous materials, processes, products or wastes, or by any other way. The cultivation of marijuana shall not subject residents of neighboring parcels who are of normal, sensitivity to reasonably objectionable odors.

- b. All new structures used or intended for use in indoor cultivation shall submit complete construction plans for review to the building department, obtain building permits, and obtain required building inspections and a final certificate of occupancy prior to the start of any indoor cultivation activities.
- c. All electrical, mechanical, and plumbing used for cultivation of marijuana shall be installed with valid electrical, mechanical, and plumbing permits issued and inspected by the City of Lone Building Department, which building permits shall only be issued to the legal owner of the parcel.
- d. Living plants and any cannabis produced by the plants in excess of 28.5 grams kept within the person's private residence, or upon the grounds of that private residence (e.g., in an outdoor garden area), shall be stored in a locked space, and not visible by normal unaided vision from a public place.
- e. All structures used for cultivation of marijuana shall contain adequate ventilation, air filtration and odor control filters to prevent odor, mold and mildew in any area used for cultivation or which is used as, designed or intended for human occupancy, or on adjacent parcel. Indoor grow lights shall not exceed 1,200 watts (1,200W) and shall comply with the California Building, Electrical and any applicable Fire Codes. Gas products (including, without limitation, CO₂, butane, propane and natural gas), or generators shall not be used within any structure used for indoor cultivation. Grow light systems associated with cultivation shall be shielded to confine light and glare to the interior of the structure and shall conform to all applicable building and electrical codes. Lights used indoors shall not interfere with the use of any radio or other communication devices.
- f. Any lights used for the cultivation of marijuana shall be shielded or otherwise positioned in a manner that will not shine light outside of the structure in which the cultivation occurs and shall comply with the requirements of the Lone City Code and provisions of state law.
- g. The cultivation of marijuana shall not exceed the noise level standards as set forth in City Code.
- h. If the person(s) cultivating marijuana on any legal parcel is/are not the legal owner(s) of the parcel, the person(s) who is/are cultivating marijuana on such parcel shall, (a) give written notice to the legal owner(s) of the parcel prior to commencing cultivation of marijuana on such parcel, and (b) shall obtain a signed and notarized letter from the legal owner(s) consenting to the cultivation of marijuana on the parcel. The person(s) cultivating marijuana shall obtain this written letter of consent from the legal owner prior to cultivating marijuana on the parcel and at least annually thereafter. A copy of the most current letter of consent shall be displayed immediate area in such a manner as to allow law enforcement

Preliminary DRAFT Title 17 - Zoning

officers to easily see the letter of consent without having to enter any building of any type. The person(s) cultivating marijuana shall maintain the original letter of consent on the parcel at which marijuana is being cultivated and shall provide the original letter to the enforcement officer for review and copying upon request. The chief of police may prescribe forms for such letters.

- i. The use of hazardous materials for and/or in association with the cultivation of marijuana, except for limited quantities of hazardous materials that are below State of California threshold, is prohibited. Any hazardous materials stored shall maintain a minimum setback distance of 100 feet from any private drinking water well, spring, water canal, creek or other surface water body, and 200 feet from any public water supply well or source. The production of any hazardous waste as part of the Cultivation process shall be prohibited.
- j. All parcel used for the cultivation of marijuana shall have a legal and permitted water source on the parcel and shall not engage in unlawful or unpermitted diversion or drawing of surface water or permit illegal discharges of water from the parcel.
- k. New structures used for the cultivation of marijuana shall meet all of the following criteria:
 - i. The structure, regardless of size, shall be legally constructed in accordance with all applicable development permits and entitlements including, but not limited to, grading, building, structural, electrical, mechanical and plumbing permits approved by applicable federal, state and local authorities prior to the commencement of any cultivation activity. The conversion of any existing structure, or portion thereof, for cultivation shall be subject to these same permit requirements and must be inspected for compliance by the applicable federal, state and local authorities prior to commencement of any cultivation activity.
 - ii. The structure shall not be built or placed within any setback as required by the City Code or approved development permit or entitlement.
 - iii. The structure shall be equipped with permanently installed and permitted electricity, and shall not be served by temporary extension cords. Electrical wiring conductors shall be sized based on the current California Electrical Code with anticipated loads identified.
 - iv. The structure shall be equipped with a permanently installed and permitted odor control filtration and ventilation system adequate to prevent any odor, humidity, or mold problem within the structure, on the parcel, or on adjacent parcels.
 - v. If the structure is a greenhouse, the panels shall be of glass or polycarbonate and should be opaque for security and visual screening purposes. Where the greenhouse panels are not obscure, the greenhouse shall be screened from view by a solid fence.

Preliminary DRAFT Title 17 - Zoning

- l. Nothing herein shall limit the ability of the chief building official or designee, fire marshall or designee, or any other state or local employees or agents from entering the property to conduct the inspections authorized by or necessary to ensure compliance with this chapter, or the ability of the chief of police to make initial inspections or independent compliance checks. The chief of police is authorized to determine the number and timing of inspections that may be required.
 - m. Marijuana Cultivated in violation of this section shall be subject to administrative penalties, fines and cost of enforcement set out in Chapter 1.10 of Lone City Code.
 - n. Enforcement of this code shall require an inspection warrant issued by the Amador Superior Court to enter upon private property if the cultivation site is not in plain view from a legal vantage point by enforcement officer. Fourth amendment protections shall not be abridged by enforcement officers and warrants will be obtained where required.
- D. Public Nuisance. Any violation of this chapter is hereby declared to be a public nuisance.
- E. Violations. Any violation of this chapter shall be punishable as provided in Chapter 1.10 of this Code or any successor section thereto.
- F. Constitutionality/Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The city council hereby declares that it would have adopted the ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

(Ord. No. 496 , § 2, 12-5-2017)

Footnotes:

--- (3) ---

Editor's note— Ord. No. 496 , § 1, adopted December 5, 2017, repealed the former Chapter 17.29, § 17.29.010, and § 2 of Ord. No. 496 enacted a new Chapter 17.29 as set out herein. The former Chapter 17.29 pertained to similar subject matter and derived from Ord. No. 475 , adopted December 15, 2015.

ARTICLE VI. GLOSSARY

Chapter ~~17.80~~17.300 GLOSSARY OF TERMS

~~17.80~~17.300.010 Purpose.

The purpose of this chapter is to provide general definitions of the terms and phrases used in the Code that are technical or specialized in an effort to ensure consistency in the interpretation of the zoning code. Definitions are organized alphabetically.

Preliminary DRAFT Title 17 - Zoning

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

~~17.80~~17.300.020 General definitions.

Abandoned Advertising Display or Abandoned Sign. Any display or sign remaining in place or not maintained for a period of 90 days, which no longer identifies an ongoing business, product or service available on the premises where the display or sign is located or where the building, business or establishment to which the display or sign is related has ceased operation. For purposes of this definition, abandonment for the applicable period shall be deemed conclusive evidence of abandonment regardless of the property, business or sign owner's intent.

Accessory Structure. A detached structure or building which is subordinate to, and the use of which is subordinate to, and whose use is customarily incidental to, that of the ~~main building~~primary structure, structure, or use on the same or attached/adjacent lot. An ADU is not an accessory structure. There are five kinds of accessory structures, as follows:

1. Accessory Building. A detached structure ten square feet in size or greater. Such structures are broken down into one of the following three categories:
 - a. Fully Enclosed. Structures that are enclosed with walls for at least 50 percent of the perimeter of the building. These include but are not limited to garages, greenhouses, poolhouses, restrooms, sunrooms, workshops, storage sheds, barns, windmills, water towers, and other agricultural outbuildings, but do not include accessory dwelling units;
 - b. Limited/No Enclosure. Structures that are substantially open on all sides (less than 50 percent of the perimeter is enclosed), including:
 - i. With Solid Roofs. These include but are not limited to carports, solid roofed patio covers and gazebos, and lean-tos and similar agricultural outbuildings with solid roof construction; and
 - ii. With Substantially Open Roofs. These include trellis patio covers, arbors, pergolas, and similar structures constructed with a lattice-like roof structure. For purposes of this definition "substantially open" shall mean a minimum of 50 percent of the covered area is open to light and air.
2. Landscape Feature. A detached decorative structure that is placed outside of any other structure. Such features are sometimes used in conjunction with plant materials for aesthetic enhancement. This definition includes trellises and vertical lattice structures less than ten square feet in size, statues, fountains/water features, and similar features.
3. Pool/Spa. As defined in the city-adopted building code, any structure intended for swimming or recreational bathing that contains water over 18 inches deep. This includes in-ground, aboveground, and on-ground swimming pools, hot tubs, and spas. Also includes incidental equipment and housing (e.g., pumps, heating equipment, etc.).
4. Deck. An exterior floor supported by posts, piers, or other independent supports. As an accessory structure, a deck is not supported by an adjacent structure.

Preliminary DRAFT Title 17 - Zoning

5. Play equipment. Any structure used for recreational purposes including play structures, jungle gyms, and swings, as defined in the California Building Code.

Accessory Use. A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.

Adult Bookstore. An establishment that has 25 percent or more of its stock in books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, video cassettes, slides, tapes, records or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas.

Adult Cabaret. An establishment that, for any form of consideration, as a regular and substantial course of conduct presents live performances that are characterized by an emphasis upon specified sexual activities or feature any semi-nude person.

Adult Entertainment Material. Means any audio tape, book, periodical, magazine, photograph, drawing, sculpture, motion-picture film, videotape recording, or other visual representation, characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

Adult Entertainment Merchandise. Means adult entertainment implements or paraphernalia, such as, but not limited to: dildos; auto sucks; vibrators; edible underwear; benwa balls; inflatable orifices; anatomical balloons with orifices; simulated vaginas and similar adult entertainment devices that are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

Adult Hotel/Motel. Means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which: (1) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 25 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (2) rents, leases, or lets any room for less than a six-hour period, or rents, leases, or lets any single room more than twice in a 24-hour period.

Adult Motion Picture Theater. An establishment that, for any form of consideration, as a regular and substantial course of conduct offers to show films, computer-generated images, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

Adult Retail Store. An establishment that, for any form of consideration, as a regular and substantial course of conduct (25 percent or more of the stock) offers for sale, rent, or viewing either adult entertainment material, adult entertainment merchandise, or both.

Affordable Housing Costs. Housing expenses, including a reasonable allowance for principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities (30 percent of gross monthly income), for owner-occupied target units reserved for the following include households, not exceeding the following calculations:

Preliminary DRAFT Title 17 - Zoning

1. Extremely low income households: 30 percent of the area median income for Amador County, adjusted for household size, multiplied by 30 percent.
2. Very low income households: 50 percent of the area median income for Amador County, adjusted for household size, multiplied by 30 percent.
3. Lower income households: 70 percent of the area median income for Amador County, adjusted for household size, multiplied by 30 percent.
4. Moderate income households: 110 percent of the area median income for Amador County, adjusted for household size, multiplied by 30 percent.

Affordable Rent. Monthly housing expenses, including a reasonable allowance for utilities (30 percent of gross monthly income), for rental target units reserved for the following income households, not exceeding the following calculations:

1. Extremely low income households: 30 percent of the area median income for Amador County, adjusted for household size, multiplied by 30 percent.
2. Very low income households: 50 percent of the area median income for Amador County, adjusted for household size, multiplied by 30 percent.
3. Lower income (low income) households: 60 percent of the area median income for Amador County, adjusted for household size, multiplied by 30 percent.
4. Moderate income households: 110 percent of the area median income for Amador County, adjusted for household size, multiplied by 30 percent.

A-Frame Sign. A sign made of wood, cardboard, plastic or other lightweight and rigid material having the capability to stand on its own support(s) and being portable and movable. See Figure [17.8017.300.020-1](#) (A-frame sign).

Figure [17.8017.300.020-1](#): A-frame Sign



Alley. A public way permanently reserved as a secondary means of access to abutting property.

Animated Sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Preliminary DRAFT Title 17 - Zoning

Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure, or is portable or movable. An antenna shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support; such elements are deemed to be a part of the antenna.

Antenna, Amateur Radio. Any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna, Directional (Also Known as a Panel Antenna). An antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

Antenna, Building-Mounted. Any antenna, directly attached or affixed to a building, tank, tower, or other structure. Building-mounted antenna are identified in two distinct categories herein as follows:

1. **Wall-Mounted.** Attached or affixed to the elevation of the structure.
2. **Roof-Mounted.** Attached or affixed to the rooftop or top of the structure.

Antenna, Ground-Mounted. Any antenna with its base (either single or multiple posts) placed directly on the ground or a mast 12 feet or less in height and six inches in diameter.

Antenna, Parabolic (also know as Satellite Dish Antenna). Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl, or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern from orbiting satellites or ground transmitters. This definition is meant to include what are commonly referred to as television receive only (TVRO) and satellite microwave antennas.

Antenna, Receive-Only. An antenna for the reception of radio and television signals, without transmitting capabilities, and may include pole or dish types of antennas.

Antenna Structure. Any structure, including a pole, mast, or tower, whether free-standing or mounted on another building or structure, that supports an antenna or an array of antennas.

Basement. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above which is partly below grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to the floor above.

Beacon or Spotlight. Any structure or equipment emitting laser light or light with one or more beams (whether stationary or moving) that are directed into the atmosphere or at one or more points not on the same lot as the light source.

Blade/Bracket Sign. A small, pedestrian-oriented sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign). See Figure ~~17.80~~17.300.020-2 (Bracket Sign) and Figure ~~17.80~~17.300.020-3 (Blade Sign).

Figure ~~17.80~~17.300.020-2: Bracket Sign



Figure ~~17.80~~17.300.020-3: Blade Sign



Buildable Area. The area of a lot that is not the required yard area.

Buildable Portion of a Lot or Buildable Yard Area. That portion of a lot that is not in the required yard area.

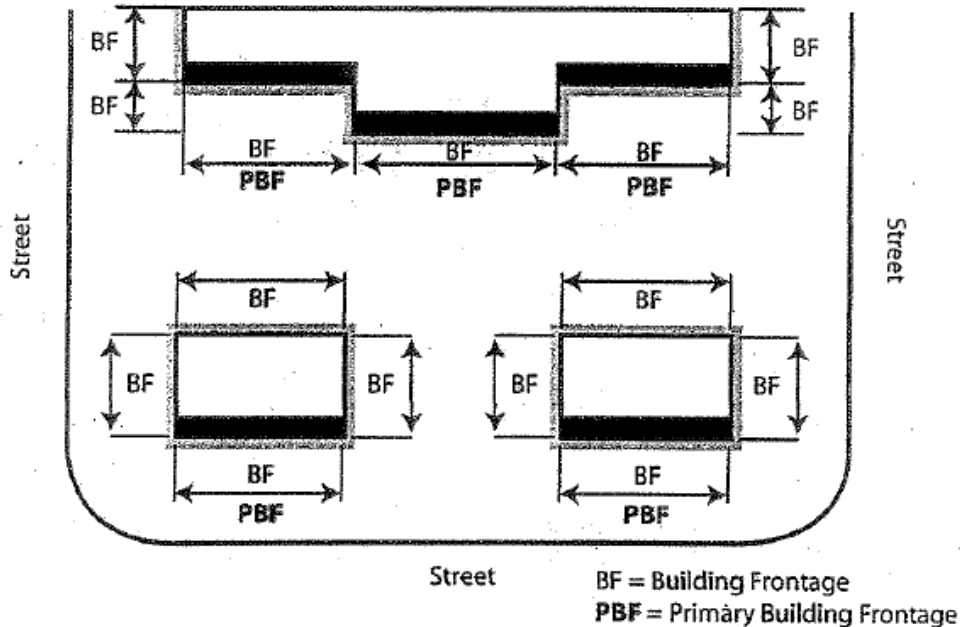
Building. Any structure having a roof, columns, walls, and a foundation.

Building Frontage, Primary. The building frontage that faces the street. In cases where a building has more than one street frontage, the longest of the street frontages shall be considered the primary building frontage. In cases where a business has no building frontage facing a street, the building frontage with the primary business entrance shall be considered the primary building frontage. (See Figure ~~17.80~~17.300.020-4 (Building frontage and primary building frontage)). For multi-tenant

Preliminary DRAFT Title 17 - Zoning

buildings, ground floor tenants may have their primary frontage determined independently of the rest of the building based upon the aforementioned rules.

Figure ~~17.80~~17.300.020-4: Building Frontage and Primary Building Frontage



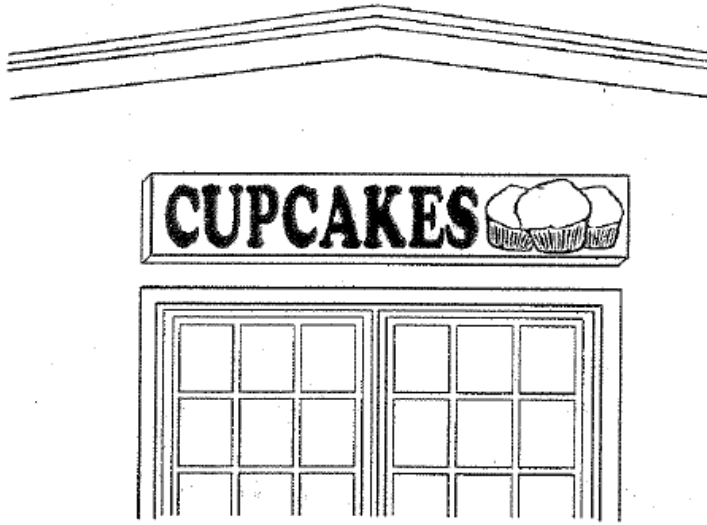
Building Height. The vertical distance from the average finished ground level of the site to the highest point of the structure.

Building Sign. A sign placed on a wall, awning, canopy, parapet, or a projecting sign.

Building Site. The ground area of a building or group of buildings together with all open spaces as required by this title.

Can Sign. A sign which contains all the text and/or logo symbols within a single enclosed cabinet that is mounted to a wall or other surface. It specifically does not include the sign cabinet that is part of a freestanding sign. See Figure ~~17.80~~17.300.020-5 (Can sign).

Figure ~~17.80~~17.300.020-5: Can Sign



Canopy Sign. Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover (excluding a marquee) over a door, entrance, window or outdoor service area.

Carport. A permanent roofed structure with not more than two enclosed sides used, or intended to be used, for automobile shelter or storage.

Changeable Copy Sign. A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged manually without altering the face or surface of the sign. A sign on which the message or characters change more than 12 times per day shall be considered an animated sign and not a changeable copy sign for purposes of this title. See Figure ~~17.80~~17.300.020-6 (Changeable copy sign).

Figure ~~17.80~~17.300.020-6: Changeable Copy Sign



Channel Letter. A sign comprised of individual letters that are independently mounted to a wall or other surface and internally illuminated with a covered face. The "air space" between the letters is not part of the sign structure but rather the building facade. A logo may also be considered a channel letter provided it is clearly distinguishable from other sign elements. See Figure ~~17.80~~17.300.020-7 (Channel letter sign).

Figure ~~17.80~~17.300.020-7: Channel Letter Sign



Child Care Facility. A facility installed, operated, and maintained for the nonresidential care of children as defined under applicable state licensing requirements for the facility. Such facilities include, but

Preliminary DRAFT Title 17 - Zoning

are not limited to, infant centers, preschools, extended day care facilities, or school age child care centers as defined in this title.

City Facility. Any building or property owned by the City of Ione and open to the public. This definition includes, but is not limited to, Howard Park and its various components, such as Evalynn Bishop Hall, Ed Hughes Memorial Arena, and the stables.

City Manager. The city manager of the City of Ione or his or her designee. In the case of the street banner program, special event signage, or long-term signage at city facilities, "city manager" shall mean the city manager of the City of Ione or any other person authorized by the city council to approve street banner programs, special event signage, or long-term signage at city facilities.

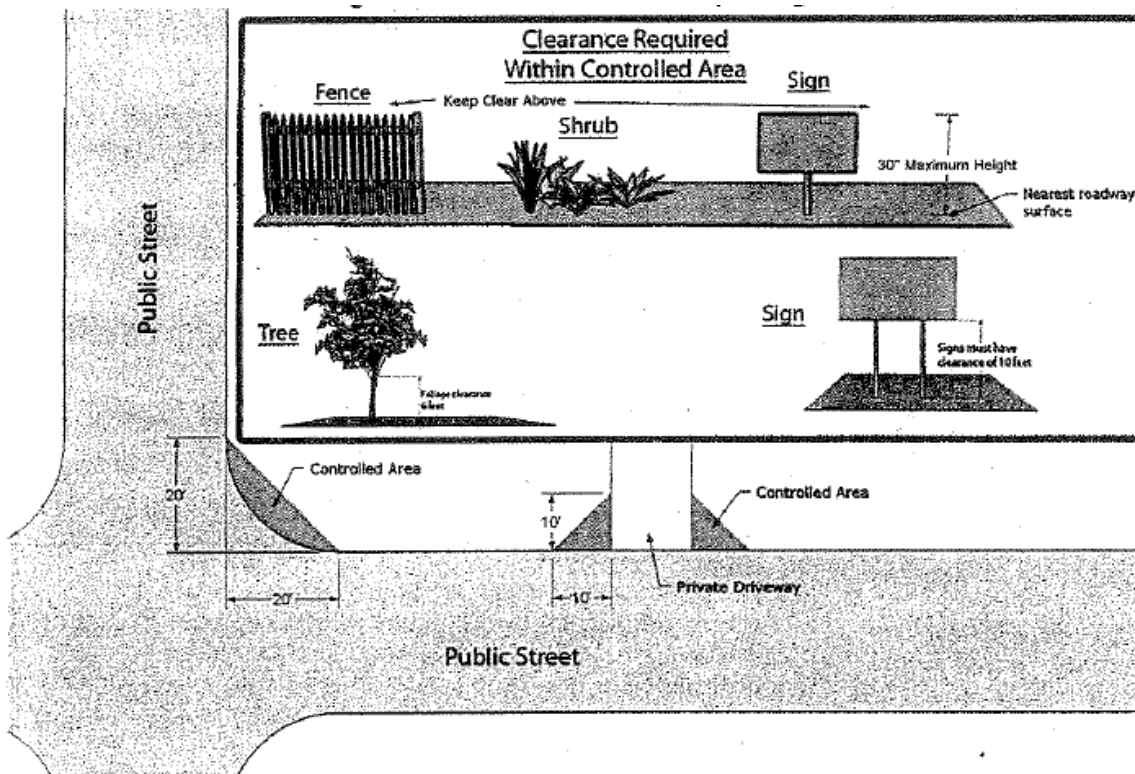
City Planner. The city planner means the city planner of the City of Ione or his or her designee, or any other person authorized by city council to enforce and interpret this title.

City Property. Land or other property in which the City of Ione holds a present right of possession and control, plus all public rights-of-way, plus public parks, regardless of ownership. Schools, even if publicly owned or operated, are not within this definition.

Clear Vision Triangle. The required clear cross-visibility area unobstructed by any structure or landscape between 30 inches and seven feet above the surface of the public sidewalk, or in the event that no public sidewalk has been installed, such area necessary to meet the intent of this section, as determined by the city's public works department, as follows (See Figure ~~17.80~~17.300.020-8: Clear Visibility Triangle):

1. At any corner formed by the intersection of a driveway/alley and street, the cross-visibility area shall be a triangle having two sides ten feet long and running along the driveway/alley edge and curb line of street, said length beginning at their intersection and the third side formed by a line connecting the two ends.
2. At any corner formed by the intersecting streets, the cross-visibility area shall be a triangle having two sides 20 feet long and running along each curb line, said length beginning at their intersection and the third side formed by a line connecting the two ends.

Figure 17.8017.300.020-8: Clear Visibility Triangle



Club. An association of persons, whether incorporated or unincorporated, for some common purpose but not including groups organized primarily to render a service carried on as a business.

Co-location. A wireless communication facility owned and operated by a communication service provider which is located on the same tower, building, accessory structure, or property as another wireless communication facility owned or operated by a different communication service provider.

Commercial Mascot. A human, live animal, or inanimate object used as a commercial advertising or signaling device.

Commercial Message. Any sign, wording, logo, or other representation that names or advertises a business, product, service, or other commercial activity.

Complete Independent Living Facility. A facility which provides permanent provisions for living, sleeping, eating, cooking, and sanitation, including the following, at a minimum:

1. Sink with hot and cold running water;
2. Range or stove-top and oven;
3. Refrigerator/freezer;
4. Counter space for food preparation; and
5. Built-in dish and utensil storage spaces.

Construction Sign. A temporary sign directly connected with a construction project and may include the construction company's name, addresses, and/or telephone number.

Preliminary DRAFT Title 17 - Zoning

Copy. The words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

Density Bonus. A density increase over the otherwise maximum allowable residential density under the applicable zoning district and land use element of the general plan.

Density Bonus Housing Agreement. A legally binding agreement between a developer and the city to ensure that the requirements of Chapter 17.~~46-120~~ (Density bonus and other incentives) are satisfied.

Density Bonus Units. Those residential units granted pursuant to the provisions of Chapter 17.~~46-120~~ (Density bonuses and other incentives) which exceed the otherwise maximum residential density for the development site.

Direct Broadcast Satellite Service (DBS). A system in which signals are transmitted directly from a satellite to a small home receiving dish.

Directional Sign. Any sign intended to be permanently affixed and utilized only for the purpose of indicating the direction of any object, place, or area.

Directory Sign. A pedestrian-oriented sign that identifies or lists the names and locations of tenants at a multi-tenant site.

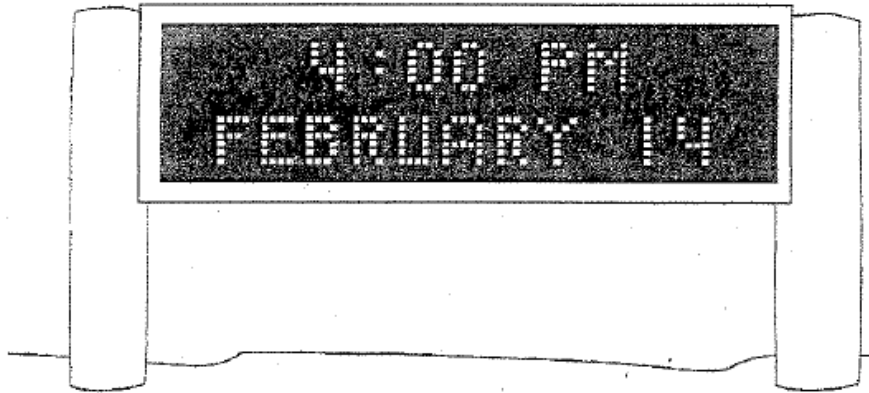
Dwelling, Primary Unit. An existing single-family residential structure on a single parcel with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities occupied and intended for one household.

Dwelling, Second Unit. An attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation sited on the same parcel as the primary dwelling unit. This definition includes granny flats, and efficiency units as defined by Section 179581 of the Health and Safety Code.

Electromagnetic Wave. An electrical wave propagated by an electrostatic and magnetic field of varying intensity.

Electronic Message Sign. An electronic sign, typically comprised of a liquid crystal diode (LCD), light emitting diode (LED), plasma, or other digital illuminated display that contains one or more messages. An electronic message sign is different from an illuminated sign in that the illumination of the display creates the message, rather than an internal or external light source illuminating the message. See Figure ~~17.8017.300~~.020-9 (Electronic message sign).

Figure ~~17.80~~17.300.020-9: Electronic Message Sign



Equivalent Financial Incentive. A monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following:

1. A density bonus and an incentive or concession; or
2. A density bonus, where an incentive or concession is not requested or is determined to be unnecessary.

Family. One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

Field. The part of the sign with no letters or logos.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

Foot Candle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point of one candle.

Freestanding Sign. A permanent sign that is self-supporting in a fixed location and not attached to a building. A freestanding sign can be connected or attached to a sign structure, fence, or wall that is not an integral part of a building. Freestanding signs include, but are not limited to, monument signs, pole signs, and pylon signs.

Future Tenant Identification Sign. A temporary sign not exceeding 32 square feet in area that identifies a future use of a site or building.

Garage. A building, or portion of a building in which motor vehicles used by the occupants or tenants of the ~~main building~~primary structure or buildings on the premises are stored or kept.

Gas Pricing Signs. Signs identifying the brand, type, octane rating, etc., of gasoline for sale, as required by state law.

Ghost Sign. A term for old hand-painted advertising or signage that has been preserved on a building for an extended period of time, whether by active preservation or by choosing not to destroy it.

Preliminary DRAFT Title 17 - Zoning

Ghost Sign, New. Hand-painted advertising or signage that has been treated to give it an aged or weathered appearance. The signage recognizes an establishment (or goods that are sold) located at or on the same premises as the new ghost sign.

Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and, in extreme cases, causing momentary blindness.

Grade. The lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet distant from said wall, or the lowest point of elevation on the finished surface of the ground between the exterior wall of a building and the property line if it is less than five feet distant from said wall. In cases where walls and fences are parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley, or public way. In the case of signs, grade is the lowest point of elevation of the finished surface of the ground at the base of the sign, or in the case of a pole support, the lowest point of elevation of the finished surface of the ground at the supports.

Grade, Existing. The natural grade in place prior to the preparation of property for development. For individual recorded lots, existing grade shall mean natural grade or the grade established as a part of the development of the subdivision.

Grade, Finish. The final contour of the ground surface of a site that conforms to the approved grading plan.

Home Occupation. The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property. Examples include, but are not limited to, accountants and financial advisors, architects, artists, attorneys, offices for construction businesses (no equipment or material storage), and real estate sales.

Housing Development. One or more groups of projects for residential units constructed in the city. For purposes of density bonus, this also includes a subdivision or common interest development as defined in Section 1351 of the Civil Code, approved by the city and consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate or convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, where the result of the rehabilitation would be a net increase in available residential units. For purposes of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

Incentive and Concession. Means such regulatory concessions as specified in subdivision (I) of Government Code Section 65915 which include, but are not limited to, the following:

1. The reduction of site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable financially sufficient and actual cost reductions.

Preliminary DRAFT Title 17 - Zoning

2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
3. Direct financial assistance.
4. Other regulatory incentives or concessions which result in identifiable cost reductions or avoidance.

Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign and includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes. An illuminated sign excludes electronic message signs, which are separately defined.

Inflatable Balloon Sign. A sign consisting of balloons, inflatables, or similar air, helium or hydrogen filled materials, including balloons and inflatables made of metallic and/or cloth material, regardless of the size that is used, for the purpose of attracting attention.

Logo. A proprietary graphic used as an identifying mark of a company, business, or organization. For purposes of this title, logos shall be limited to registered trademarks.

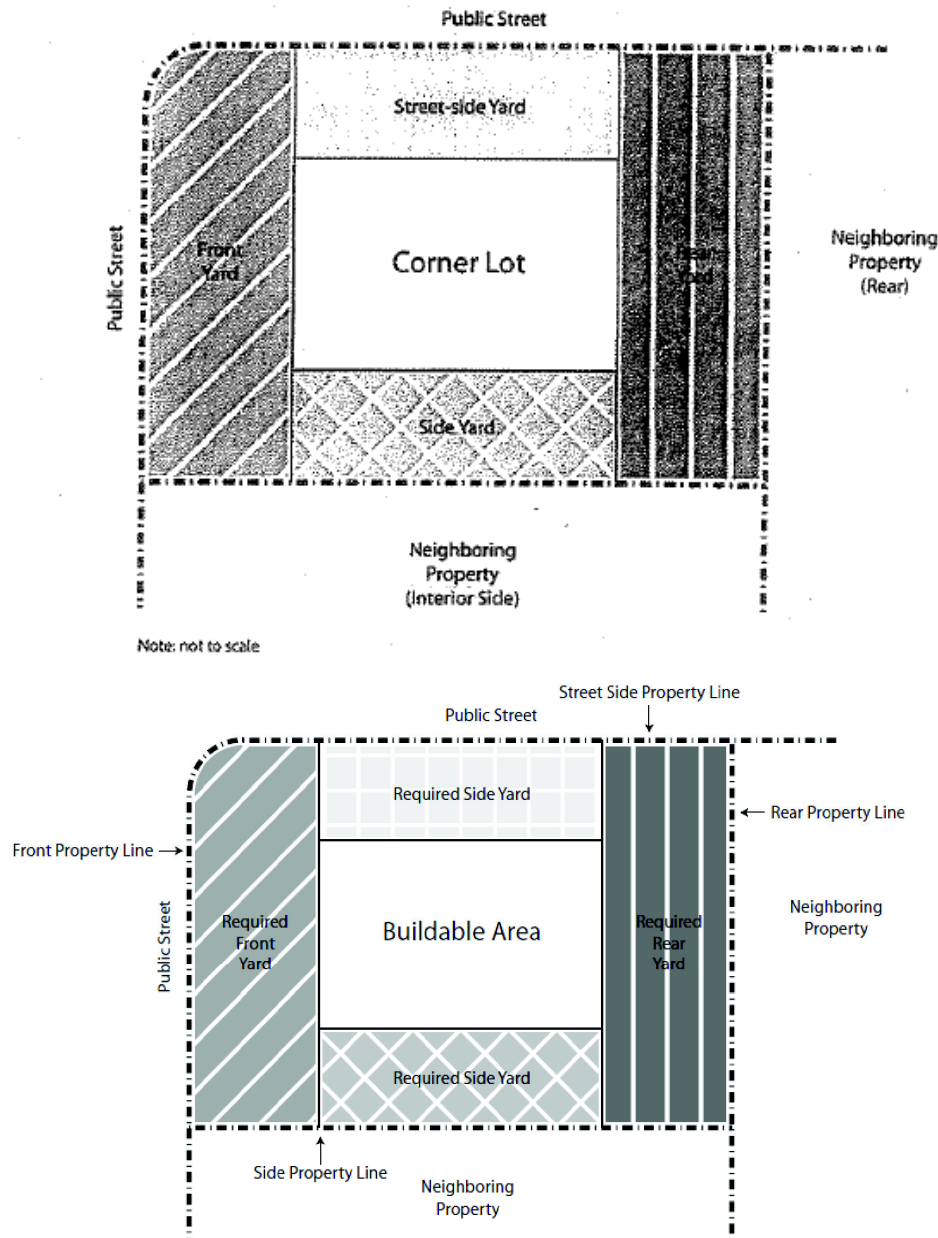
Lot. A parcel of real property as shown with a separate and distinct number or letter on a plot recorded or filed with the county recorder, or a parcel of real property abutting upon at least one public street and held under separate ownership prior to the effective date of this title.

Lot Area. The total horizontal area within the lot lines of a lot.

Lot, Corner. A lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees. See Figure ~~17-80~~17.300.020-10 (Corner lot).

Preliminary DRAFT Title 17 - Zoning

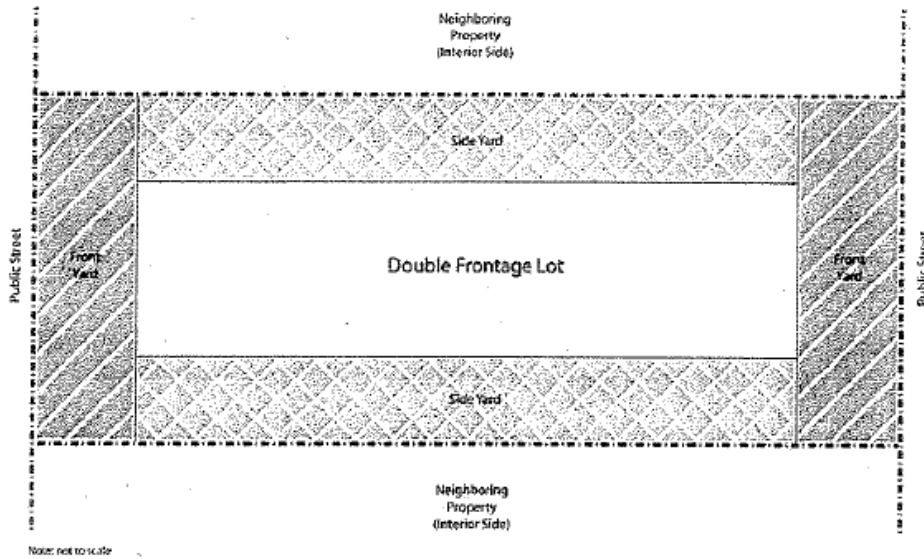
Figure ~~17.80~~17.300.020-10: Corner lot



Lot Depth. The horizontal distance between the front and rear property lines measured along a line midway between the side property lines.

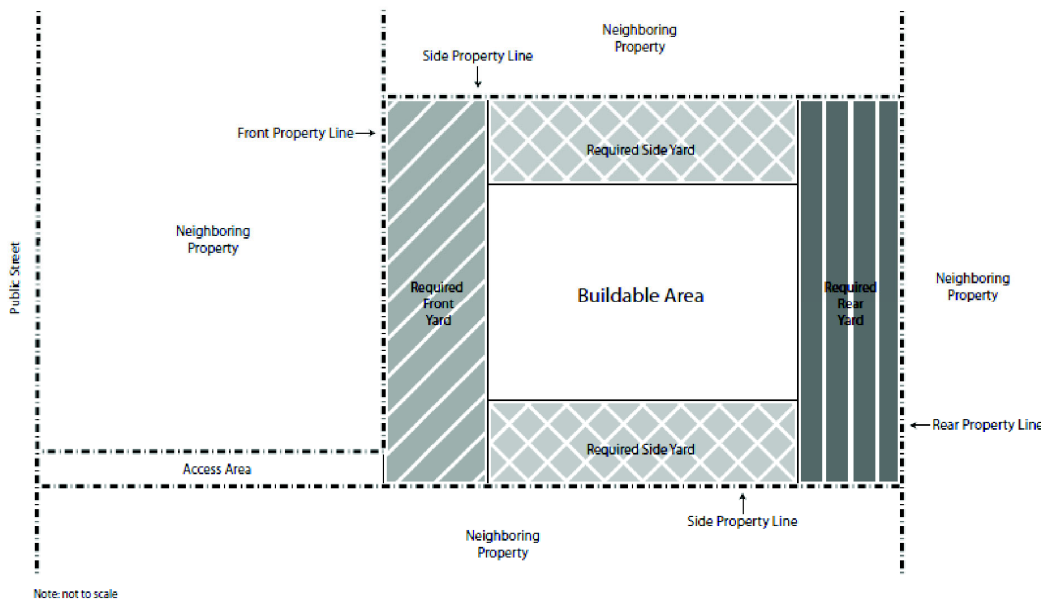
Lot, Double Frontage. A lot having frontage on two parallel or approximately parallel streets. See Figure ~~17.80~~17.300.020-11 (Double frontage lot).

Figure ~~17.80~~17.300.020-11: Double frontage lot

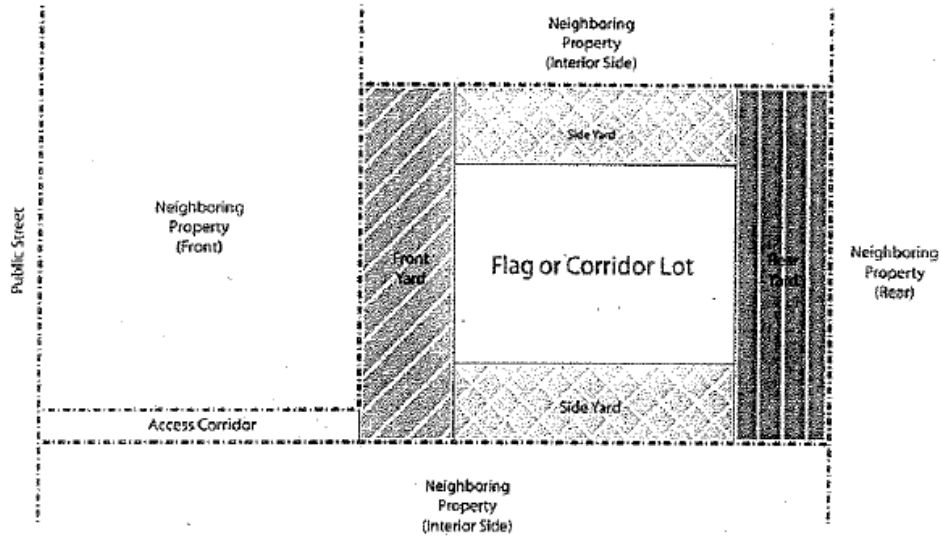


Lot, Flag. A parcel of land shaped like a flag; the staff (access corridor) is a narrow strip of land providing vehicular and pedestrian access to the street with the bulk of the property lying to the rear of other lots. See Figure ~~17.80~~17.300.020-12 (Flag lot).

Figure 17.300.020-12: Flag lot



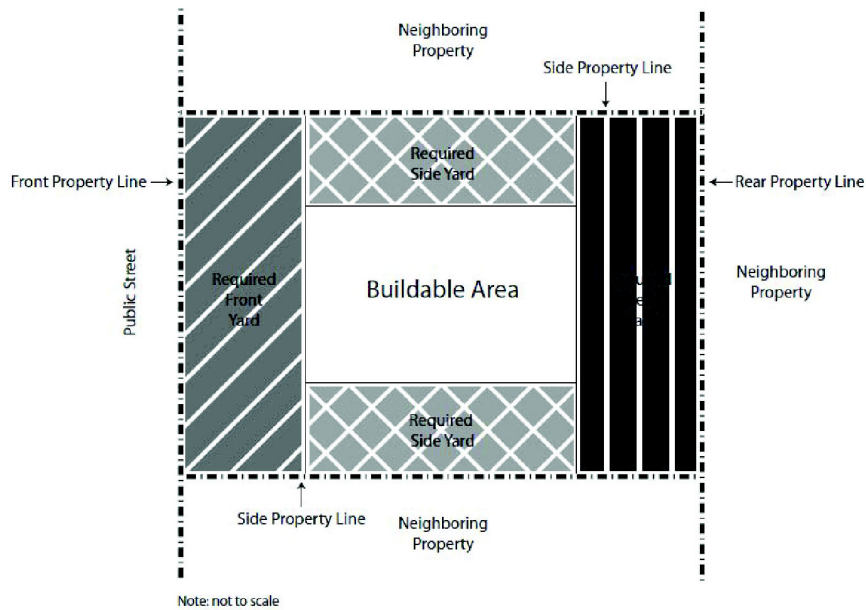
Preliminary DRAFT Title 17 - Zoning



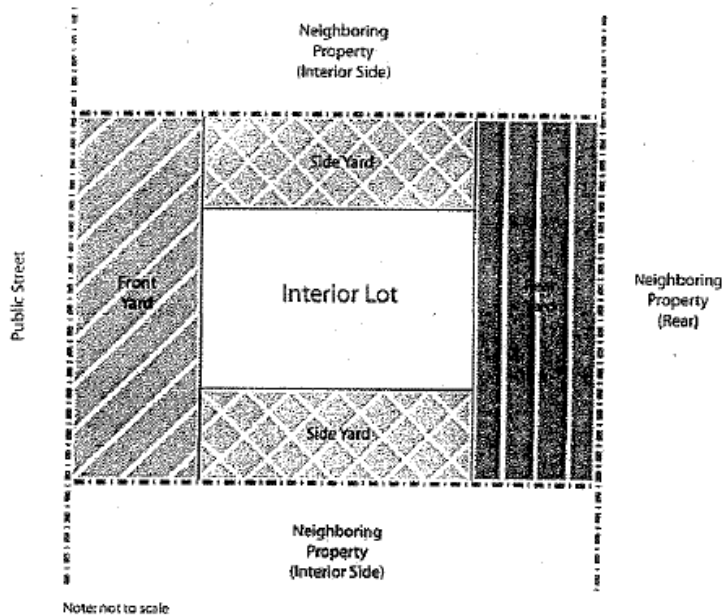
Lot Frontage. That portion of a lot that abuts a street right-of-way or other principal means of access thereto.

Lot, Interior. A lot other than a corner lot. See Figure [17.8017.300.020-13](#) (Interior lot).

Figure [17.8017.300.020-13](#): Interior Lot



Preliminary DRAFT Title 17 - Zoning



Lot, Key. The first interior lot to the rear of a reversed corner lot, whether or not separated by an alley.

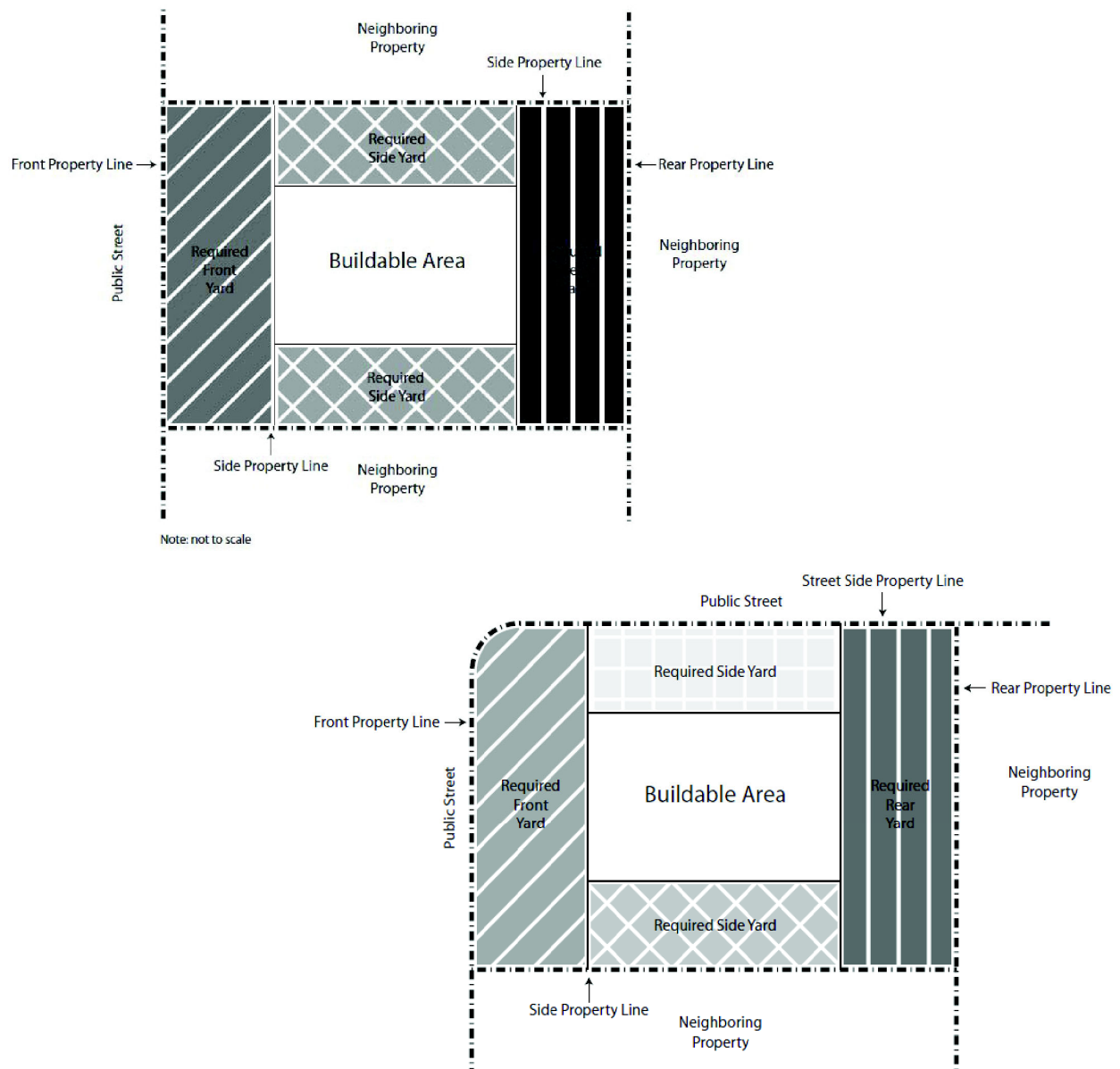
Lot, Reversed Corner. A corner lot the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot Line, Front. The property line dividing a lot from a street. The front lot line shall be that narrowest property line which abuts a public street (see Figures [17.8017.300.020-14a10](#) and [17.300.020-13](#)). In the case of a flag lot, it shall be property line that abuts the access corridor (see Figure [17.8017.300.020-14b12](#)). In the case of lots along cul-de-sacs, elbows, or other similar roadways where the property does not comply with the minimum frontage requirements of this title, the front property line for purposes of determining setbacks shall be measured from an imaginary line drawn parallel to the property line along the street and with a minimum length equal to the minimum frontage (see Figure [17.8017.300.020-14c14](#)).

Lot Line, Rear. The line opposite and most distant from the front lot line and most parallel to the front lot line. See Figures [17.8017.300.020-1014a](#), [14b-12](#), and [14c-13](#), and [14](#) for an examples of a common rear property line and see Figure [17.8017.300.020-14d-15](#) for an example of a rear property line on an irregular shaped lot where the rear property line is not exactly parallel to the front property line. In the case of an irregular, triangular, or gore-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line. See Figure [17.80.020-14d \(Lot Lines—Irregular Lots\)](#).

Preliminary DRAFT Title 17 - Zoning

Figure 17.80.020-14a Lot Lines—Interior and Corner Lots



Preliminary DRAFT Title 17 - Zoning

Figure 17.80.020-14b Lot Lines—Flag Lots

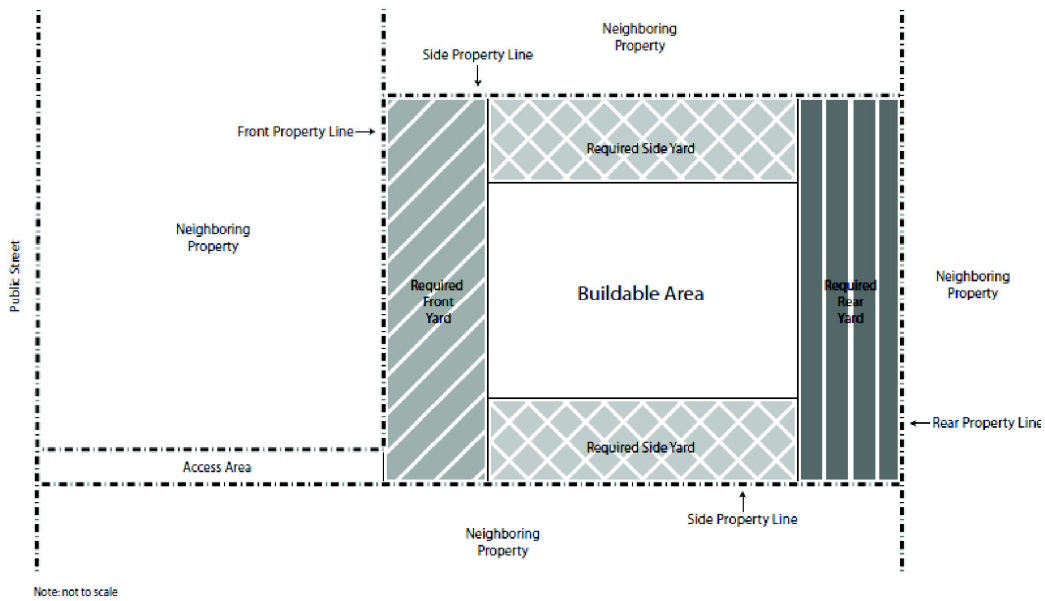


Figure 17.80.020-14c Lot Lines (lots along cul-de-sacs, elbows, or other roadways)

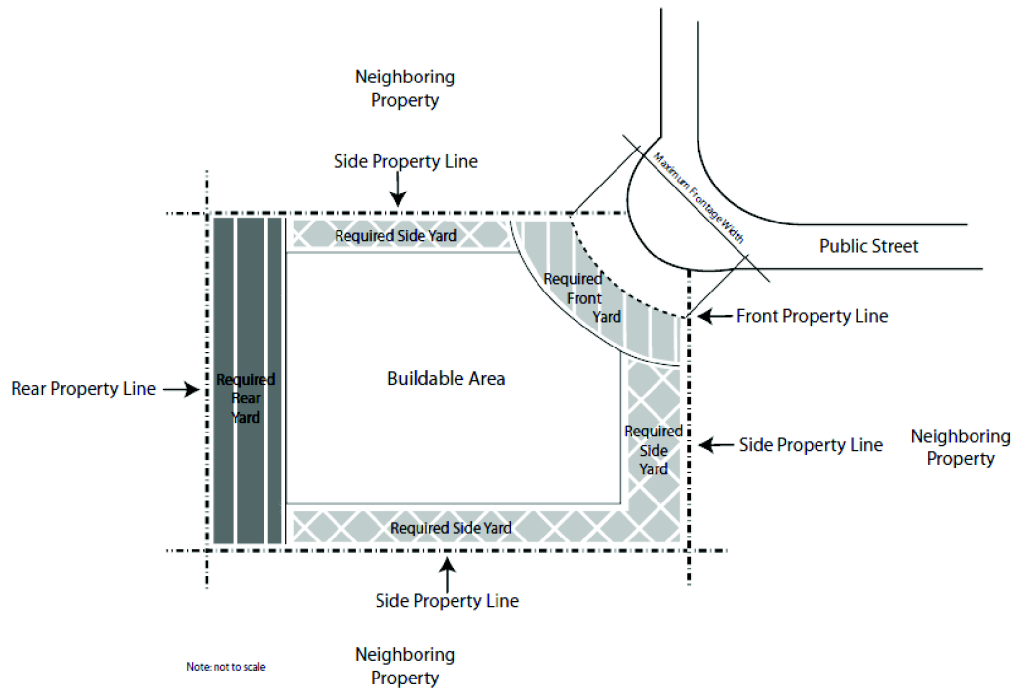
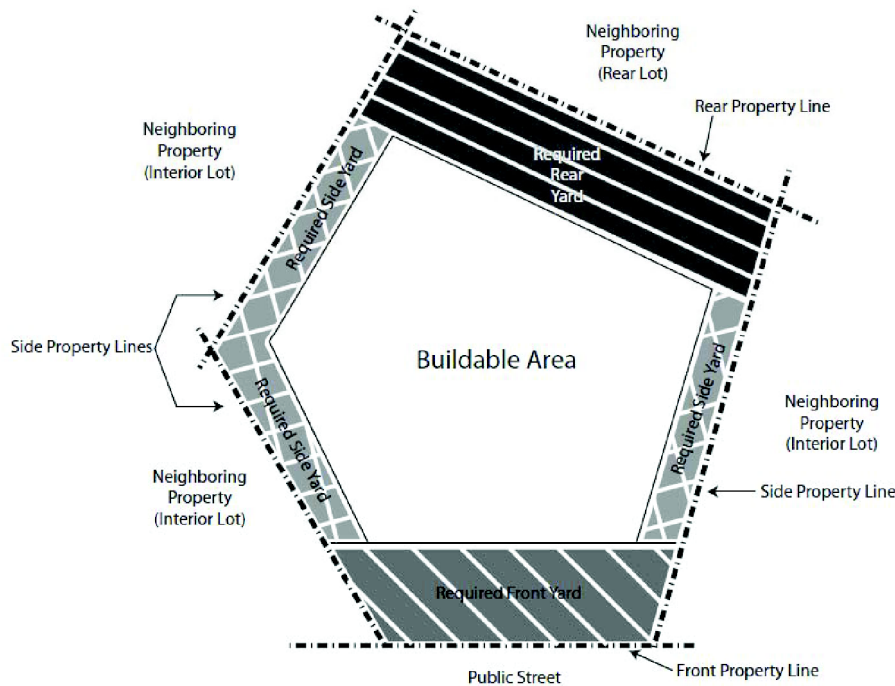


Figure 17.8017.300.020-14d-15 Lot Lines—Irregular Lots



Lot Line, Side. Any lot line other than the front lot lines or rear lot lines.

Lot Line, Street Side. A side lot line that abuts a public street.

Lot Width. The horizontal distance between side lot lines, measured at the required front setback line.

Lower Income Household. Households whose income does not exceed the lower income limits applicable to Amador County, as published and periodically updated by the state department of housing and community development pursuant to Health and Safety Code Section 50079.5.

Marijuana. Cannabis, cannabis products, tetrahydrocannabinol (THC), THC products, and all other derivatives, whether natural or synthetic, including (i) all products or goods however administered, taken or consumed, which contain any amount of cannabis or THC, whether natural or synthetic, and (ii) all cannabis products and THC products used for medicinal or recreational purposes.

Marijuana Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

Marijuana Delivery. The transfer of marijuana or marijuana products, whether for recreational or medicinal purposes, from a dispensary, testing facility, or other source to a qualified patient, designated care giver or other recipient.

Marijuana Dispensary. A facility or structure where marijuana is offered for sale, whether for medicinal or recreational use.

Marijuana Related Land Use. The use of land (whether public or private) or a facility or structure, to cultivate, manufacture, or test marijuana as that term is defined in this chapter, or the dispensing,

Preliminary DRAFT Title 17 - Zoning

delivering, or transporting of marijuana on, over or through any land within the city, including but not limited to one or more of the following uses specifically defined herein: marijuana cultivation, marijuana delivery and marijuana dispensaries.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building for a distance of five or more feet, generally designed and constructed to provide protection from the weather.

Marquee Sign. Any sign attached in any manner to, or made a part of, a marquee.

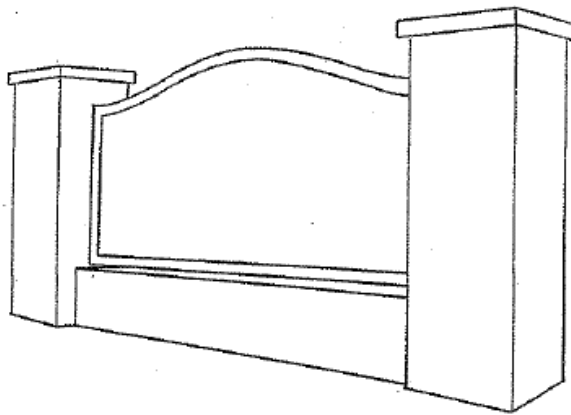
Maximum Allowable Residential Density. The maximum number of residential units permitted by the city's zoning code at the time of application.

Menu/Order Board Sign. A sign installed at a drive-through facility and oriented so as to be visible primarily by drive-through customers.

Moderate Income Household. Households whose income does not exceed the lower income limits applicable to Amador County, as published and periodically updated by the state department of housing and community development pursuant to Health and Safety Code Section 50093.

Monument Sign. A freestanding sign less than six feet in height which is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. All other freestanding sign types not meeting the definition of a monument sign shall be either a "pole sign" or a "pylon sign." See Figure ~~17.80~~17.300.020-165 (Monument sign).

Figure 17.~~300~~80.020-165: Monument Sign



Multi-Tenant Center. A property or combination of properties containing three or more separate tenants that share common parking, driveway, and access areas.

Mural. A non-commercial message expression of public art executed directly on a wall (fresco) or done separately and affixed to it.

NIER. A non-ionizing electromagnetic radiation (e.g., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).

Non-Commercial Sign. A sign that displays non-commercial speech, e.g., commentary or advocacy on topics of public debate and concern.

Preliminary DRAFT Title 17 - Zoning

Nonconforming Building. A building or structure, or portion thereof, conflicting with the provisions of this title applicable to the zone in which it is situated.

Nonconforming Sign. A sign lawfully erected that does not comply with the provisions of this title.

Nonconforming Use. The use of a structure or premises conflicting with the provisions of this title.

Non-Restricted Unit. All units within a housing development, excluding the target units.

Objective standards. Objective standards, including "objective zoning standards," "objective subdivision standards," and "objective design review standards", mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

Occupancy, Change of. A discontinuance of an existing use and substitution therefore of a use of a different kind or class.

Occupied. Includes arranged, designed, built, altered, converted, rented, or leased, or intended to be occupied.

Off-Site or Off-Premise Sign. A sign that directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered at a location other than where the sign is located. This definition shall include, but is not limited to, billboards, posters, panels, painted bulletins, and similar advertising displays. An off-site sign meets any one of the following criteria and includes only commercial messages:

1. A permanent structure sign which is used for the display of off-site commercial messages;
2. A permanent structure which constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located; or
3. An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel or is the same development as the sign), in exchange for a rent, fee, or other consideration.

On-Site or On-Premise Sign. A sign which directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered upon the lot or parcel on which the sign is placed. In the case of multiple tenant commercial or industrial development, a sign is considered on-site whenever it is located anywhere within the development. In the case of a duly approved uniform sign program, a sign anywhere within the area controlled by the program may be considered on-site when placed at any location within the area controlled by the program.

Open Space, Landscaped. All landscaped areas within a development project. Such areas shall include all usable private and semi-private open space and all additional landscaped areas, including street frontages, entry monuments, uncovered walkways, landscaped areas and areas determined by the city to be of a similar nature.

Preliminary DRAFT Title 17 - Zoning

Open Space, Usable Private. An outdoor area, including patio and balcony, that is designed and used for recreation, outdoor living and enjoyment by the residents of a specific dwelling unit. Such areas shall be enclosed by a fence of no less than four feet in height and shall have no width or depth dimension less than six feet. Private open space areas shall extend at least four feet beyond any roof, eaves and overhang, or second story extensions.

Open Space, Usable Semi-Private. An outdoor area that is designed and used for recreation, ~~pedestrian access~~, and enjoyment by the residents of a development project. Such areas shall be located fully within the subject development project, shall be separated from public vehicle circulation and shall include landscaping and improvements as determined appropriate by the city, and shall have no width or depth dimension less than 15 feet.

Painted Sign. A sign that is comprised only of paint applied on a building or structure.

Permanent Sign. A sign that is entirely constructed out of durable materials, is fixed in place, and is intended to exist for more than 120 days.

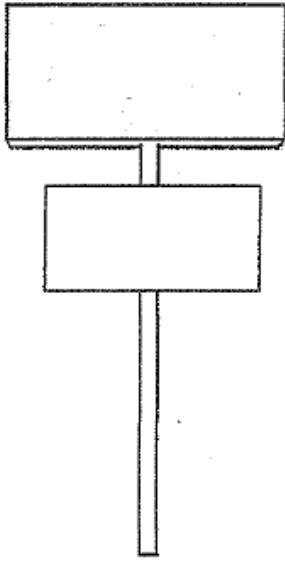
Permanent Window Sign. A sign painted, attached, glued or otherwise affixed to a window or located within three feet of the interior side of a window or otherwise easily visible from the exterior of a building.

Person. Any individual, firm, copartnership, joint ~~ad~~venture, association, club, fraternal organization, corporation, estate, trust, receiver, organization, syndicate, city, county, municipality, district or other political subdivision, or any group or combination acting as a unit.

Persons and Families of Moderate Income. Means households whose income does not exceed the moderate limits applicable to Amador County, as published and periodically updated by the state department of housing and community development pursuant to Section 50093 of the California Health and Safety Code.

Pole Sign. A freestanding sign in excess of six feet in height which is detached from a building and is supported by one or more structural elements that are either: a) architecturally dissimilar to the design of the sign; or b) less than one-quarter the width of the sign face. Pole signs less than six feet in height are prohibited. See Figure ~~17.80~~17.300.020-~~176~~ (Pole sign).

Figure 17.~~80300.020-176~~: Pole Sign



Political Sign. A sign erected prior to (and may exist after) an election to advertise or identify a candidate, campaign issue, election proposition or other related matters.

Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels; A-frame signs; menu and sandwich board signs; and umbrellas used for advertising. Clothing or other aspects of personal appearance are not within this definition.

Projecting Sign. A sign attached to and extending outward from the face of a building. A projecting sign includes, but is not limited to, a blade sign, bracket sign, or marquee sign.

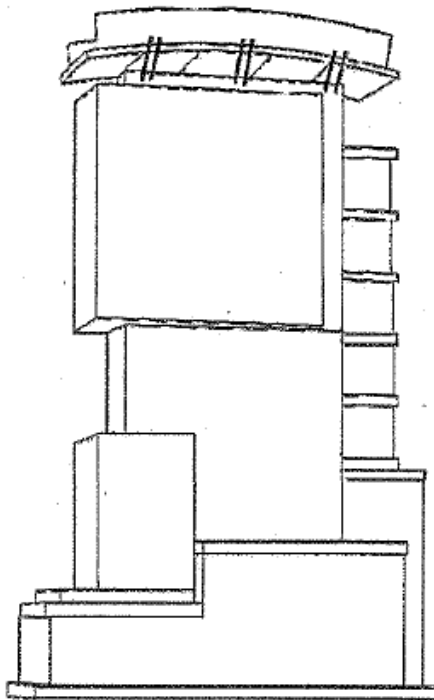
Push Pin Letter Sign. A sign comprised of individual letters that are independently mounted to a wall or other surface. Such sign may be illuminated by an external light source, such as pendant lighting. The "air space" between the letters is not part of the sign structure but rather the building facade. See Figure ~~17.8017.300.020-187~~ (Push Pin Letter Sign).

Figure 17.~~80300~~.020-187: Push Pin Letter Sign



Pylon Sign. A freestanding sign in excess of six feet in height that is detached from a building and is supported by one or more structural elements that are architecturally similar to the design of the sign. Pylon signs less than six feet in height are prohibited. See Figure ~~17.8017.300~~.020-198 (Pylon sign).

Figure 17.~~80300~~.020-198: Pylon Sign



Preliminary DRAFT Title 17 - Zoning

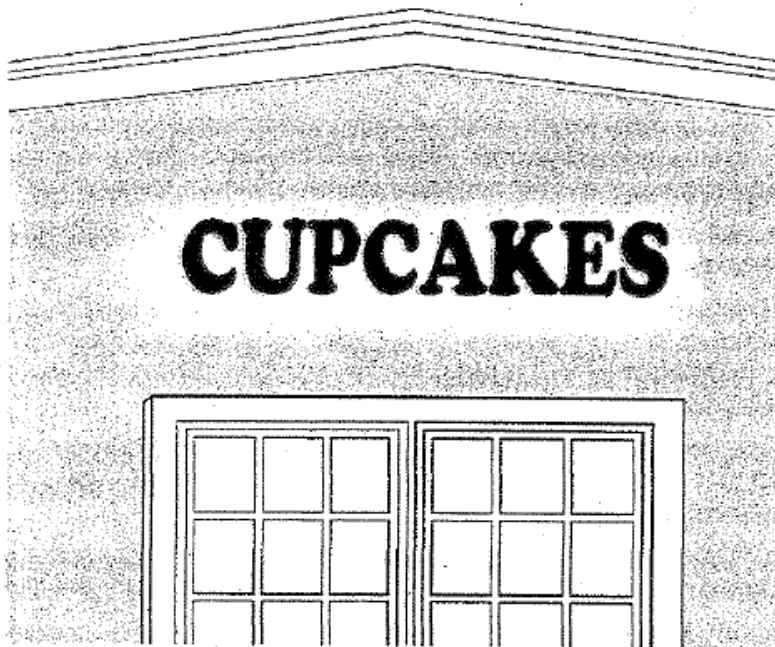
Qualifying Senior Resident. Senior citizens or other persons eligible to reside in a senior citizen housing development, as described in Section 51.3 of the California Civil Code.

Real Estate Sign. A temporary sign advertising the sale or lease of real property. The sign may include the identification and contact information of the person and/or company handling such sale, lease, or rent.

Related Equipment. All equipment ancillary to the transmission and reception of voice and data by means of radio frequencies. Such equipment may include cable, conduit, connectors, equipment pads, equipment shelters, cabinets, buildings, and access ladders.

Reverse Channel Letter Sign. A sign comprised of individual letters that are independently mounted to a wall or other surface, with lights mounted behind the letters that face the wall behind. Lights illuminate the space around the channel letters rather than the channel letters themselves, creating a "reverse" lighting effect (e.g., halo effect). The "air space" between the letters is not part of the sign structure but rather the building facade. See Figure ~~17.80300.020-2019~~ (Reverse channel letter sign).

Figure ~~17.80300.020-2019~~: Reverse Channel Letter Sign



Right-of-Way Line. The future right-of-way line or plan lines of any highway or street as shown on the current circulation plan roadway system and sizing map of the city's general plan.

Roof Sign. A sign erected, constructed, painted or placed upon or over a roof or parapet wall of a building and which is wholly or partly supported by the building or roof structure.

Satellite Earth Station (SES). A facility consisting of more than a single satellite dish or parabolic antenna that transmits to and/or receives signals from an orbiting satellite.

Preliminary DRAFT Title 17 - Zoning

Senior Citizen Housing Development. A residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units and complies with the requirements of California Civil Code Section 51.3.

Setback. The minimum distance between a structure and a property line of the lot measured at a right angle from the designated property line. Sexually Explicit Nature. Means and includes an emphasis upon specified anatomical areas and specified sexual activities, including but not limited to the following:

1. Specified Anatomical Areas.
 - a. Less than completely and opaquely covered by fabric: (i) human genitals or pubic region; (ii) human buttocks; (iii) human anus; or (iv) the female breast below a point immediately above the top of the areola;
 - b. Human male genitals in a discernible turgid state, even if completely or opaquely covered by any type of fabric or covering, including natural or synthetic fibers and filaments, paper, metallic, or plastic materials; and
 - c. Any device, costume, or covering that stimulates any of the body parts included in subdivisions (a) through (b) above.
2. Specified Sexual Activities.
 - a. The fondling or other erotic touching of human genitals, pubic area, buttocks, anus, or female breast;
 - b. Sex acts, actual or simulated, including but not limited to, intercourse, oral copulation, or sodomy;
 - c. Masturbation, actual or stimulated;
 - d. Excretory functions as part of or in connection with any of the other activities described in subdivision (a) through (c) above.

Special Needs Population. Persons identified as having special needs related to any of the following:

1. Physical disabilities;
2. Developmental disabilities, including, but not limited to, mental retardation, cerebral palsy, epilepsy, and autism;
3. The risk of homelessness; or
4. Persons eligible for mental health services funded in whole or in part by the Mental Health Services Fund, created by Section 5890 of the Welfare and Institutions Code.

Sign. Any device, structure, fixture, or placard displaying graphics, symbols, and/or written copy for the primary purpose of communicating with the public. Notwithstanding the foregoing, the following do not fall within the definition of a "sign":

1. Interior Signs. Signs or other visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof, or located at least three feet from the window on the interior of the structure;

Preliminary DRAFT Title 17 - Zoning

2. Architectural Features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts);
3. Symbols Embedded in Architecture. Symbols of non-commercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a building; the definition also includes foundation stones and cornerstones;
4. Personal Appearance. Items or devices of personal apparel, decoration or appearance, including, but not limited to, tattoos, makeup, wigs, costumes, and masks (but not including commercial mascots);
5. Manufacturers' Marks. Marks on tangible products that identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;
6. Fireworks, Candles, and Artificial Lighting. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this title;
7. Mass Transit Graphics. Graphic images mounted on trains or duly licensed mass transit vehicles that legally pass through the City;
8. Vehicle and Vessel Insignia. As shown on street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel;
9. Grave stones and grave markers;
10. News racks and newsstands;
11. Shopping carts, golf carts, and horse drawn carriages;
12. Vending machines that do not display offsite commercial messages or general advertising messages;
13. Graphic images that are visible only from above, such as those visible only from airplanes or helicopters, but only if not visible from the street surface or public right-of-way;
14. Holiday and cultural observance decorations that are on display for not more than 45 calendar days per year (per parcel or use) and which do not include commercial advertising messages.

Sign Face. That area or portion of a sign on which copy is intended to be placed.

Sign Ordinance. Chapter 17.42 (Signs on city property) of the Lone Municipal Code.

Special Event Signage. Signage associated with a permitted special event at a City facility (e.g., Howard Park).

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

Preliminary DRAFT Title 17 - Zoning

Story, Half. A story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area immediately below it.

Street. A public thorough-fare which affords the principal means of access to abutting property.

Street Banner. A temporary secured banner to be located along or over designated streets or displayed on a utility pole located in a public right-of-way as approved by the city.

Structure. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but does not include fences or walls used as fences less than six feet in height.

Subdivision Directional Sign. A temporary or otherwise limited-term sign for the purpose of providing direction for vehicular and/or pedestrian traffic to the new home sale of multiple lots or dwelling units with a single builder within a master planned community, including both single-family and multi-family for sale products. All other home sales signs are included within the definition of real estate sign.

Subdivision, Permanent Identification Sign. A sign located at the entrance to the subdivision for the purpose of a permanent identification of the subdivision. Such signs are of a permanent nature, usually constructed of long-lasting, weather-resistant materials such as stone or metal.

Supportive Services. Services that include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.

Target Population. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Target Unit. A dwelling unit within a qualifying housing development which will be reserved for sale or rent to, and affordable to, a specific income household, or qualifying senior residents.

Temporary Promotional Sign. Any flag displaying a commercial/promotional message, pennant, streamer, banner, beacon, bunting material, or other similar non-permanent sign made of paper, cloth, canvas, light-weight fabric or other non-rigid material, with or without frames, whether displayed as freestanding, wall-mounted, pole-mounted, window-mounted or painted, or any other method of attachment, or beacon, which is intended to be displayed for a limited period of time.

Temporary Sign. A structure or device used for the public display of visual messages or images, which is easily installed with or without common hand tools, and which is not intended or suitable for long term or permanent display (e.g., less than 120 days), due to the lightweight or flimsy construction materials. Examples include, but are not limited to, A-frame signs, banners, pennants, streamers, or similar non-permanent signs made of paper, cloth, canvas, light-weight fabric, or other non-rigid material, with or without frames.

Preliminary DRAFT Title 17 - Zoning

Tower. A mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas. This definition includes ground-mounted structures 12 feet or greater in height and building mounted structures that extend above the roofline, parapet wall, or other roof screen with a mast greater than six inches in diameter supporting one or more antenna, dishes, arrays, or other associated equipment.

Traditional Public Forum. The traditional public forum areas in the City of Lone shall specifically be Howard Park; the area outside of City Hall and the council chambers including that portion of Main Street in front of City Hall and that portion of North Church Street along City Hall between Main Street and Sutter Creek and including Train Park; and Heath Knoll at the intersection of Sutter Lane and Preston Avenue. In consultation with the city attorney, the city planner shall interpret this phrase in light of relevant court decisions.

Uniform Sign Program. An integrated, visual and/or written description of the signs to be placed on a building or grouping of buildings for the purpose of aesthetic uniformity in sign design, construction and placement.

Use. The purpose for which land or building is designed, arranged or intended, of for which either is or may be occupied or maintained.

Very Low Income Household. Households whose income does not exceed the qualifying income limits for very low income households applicable to Amador County, as published and periodically updated by the state department of housing and community development pursuant to Section 50105 of the California Health and Safety Code.

Void Rule. When the sign is composed of individual letters applied to the building without a distinctive background (e.g., channel letters), the area of the sign shall be measured as 75 percent of the area of the sign copy (height of the letters times the length of each line of letters, e.g., length x height x 75 percent). This practice shall be known as the void rule.

Wall Sign. A sign attached to or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall.

Weekend Directional Stake Sign. A sign, customarily displayed on the weekends, measuring less than nine square feet in area, mounted on a wooden stake, and identifying the location and name of a new home sales location/subdivision.

Window Sign. Any sign, picture, letter, character or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed upon and/or inside and/or within three feet of a window for the purpose of being visible from exterior of the window.

Wireless Communication Facility. Any device or system for the transmitting and/or receiving of electromagnetic signals, including but not limited to radio waves and microwaves, for cellular technology, personal communications services, mobile services, paging systems and related technologies. Facilities include antennas, microwave dishes, parabolic antennas and all other types of equipment used in the transmission and reception of such signals; structures for the support of such facilities, associated buildings or cabinets to house support equipment, and other accessory structures or development. A wireless communication facility is a type of telecommunications facility.

Yard. An open space, other than a court, on a lot, unoccupied, and unobstructed from the ground upward, except as otherwise provided in this title. Types of yards include the following:

- Yard Area, Actual. The actual yard area of a lot is the horizontal area between the property line and a parallel line along the nearest structure located outside of the required setback area. See Figure 17.32.020-5 (Yard area).

Figure 17.~~80300~~.020-2~~10~~: Yard area



Preliminary DRAFT Title 17 - Zoning

(Ord. No. 497 , § 2, 12-5-2017; Ord. No. 493 , § 3, 7-18-17; Ord. No. 475 , § 3, 12-15-2015; Ord. No. 455, § 10, 12-6-2011 ; Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

Chapter 17.82.310 ALLOWED USE DEFINITIONS

17.82.310.010 Purpose.

The purpose of this chapter is to provide descriptions for each of the land use categories used in this title. Descriptions are grouped by general category on the basis of function, product, or compatibility characteristics as used in Article II (Zoning districts, allowed uses, and development standards).

(Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)

17.82.310.020 Allowed use definitions.

Accessory Dwelling Unit (ADU). An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons, and is located on a lot with a proposed or existing primary residence. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An ADU also includes an "Efficiency Unit" as defined in Health and Safety Code Section 17958.1 and a "Manufactured Home" as defined in Health and Safety Code Section 18007. An ADU shall be considered an accessory use.

Adult Day Care Facility. State-licensed facilities that provide non-medical care and supervision for more than six adults for periods of less than 24 hours, with no overnight stays.

Adult Day Care Home. Defined by State law as the provision of non-medical care to six or fewer adults, including seniors, in the providers own home, for a period of less than 24-hours at a time. Homes serving more than six adults are included in "adult day care facility."

Adult Oriented Business. Any business that, for any form of consideration, as a regular and substantial portion of conduct offers its patrons products, merchandize, services, or entertainment that, because of its sexually explicit nature, may, pursuant to state law or local regulatory authority, be offered only to persons over the age of 18 years. A regular and substantial portion of conduct shall mean any of the following:

1. That 25 percent or more of the business's gross revenue is derived from merchandise, services, or entertainment that is of a sexually explicit nature;
2. That 25 percent or more of the floor space of the area of the building open to the public is used for the display of products, merchandise, services, or entertainment that is of a sexually explicit nature.

Agricultural Employee Housing. Housing accommodation or property that meets the definition of employee housing in California Health and Safety Code Section 17008 and is provided for use by agricultural employees, as defined by subdivision (b) of Section 1140.4 of the California Labor Code.

Agricultural Products Processing. The act of changing an agricultural crop after harvest, from its natural state to the initial stage of processing in order to prepare it for market and for further

Preliminary DRAFT Title 17 - Zoning

processing at an off-site location. Examples of this processing include nut hulling and shelling, bean cleaning, corn shelling and sorting, grape sorting and crushing, primary processing of fruits to juice and initial storage of the juice, without fermentation, cleaning and packing of fruits.

Agricultural Tourism. Establishments that cater to tourists and provide agricultural products either produced on the site or within the community. Such uses include but are not limited to wineries with tasting rooms and permanent road-side crop stands or fruit stands.

Airport. An airport is a facility where aircraft such as airplanes can take off and land. An airport minimally consists of one runway but other common components are hangars and terminal buildings. This includes the transference of freight from one aircraft to another, or from one aircraft to another type of vehicle, and all related ancillary activities. Transferring freight without the use of aircraft is included in "freight yard/truck terminal."

Alcoholic Beverage Sales. The retail sale of beer, wine, and/or other alcoholic beverages for on- or off-premise consumption.

Ambulance Service. Emergency medical care and transportation, including incidental sleeping quarters, storage, and maintenance of vehicles.

Animal Husbandry. Raising and breeding of animals or production of animal products. Typical uses include grazing, ranching, dairy farming, poultry farming, and beekeeping, but exclude slaughterhouses and feedlot operations. This classification includes accessory agricultural buildings accessory to such uses. Animal sales, boarding, and grooming are defined separately under "animal sales and grooming." Keeping of animals is defined separately under "animal keeping."

Animal Keeping. Care and maintenance of animals on private property. The listing below provides a distinction between various types of animals related to allowed use provisions in Article II (Zoning districts, allowable uses, and general development standards). This classification is distinct from "animal husbandry," "animal sales and grooming," and "equestrian facility" (commercial or hobby). Also see "kennels, commercial," which provides for the boarding of animals (e.g. "doggie day-care").

1. Domestic Pets. Small animals (no larger than the largest breed of dogs) customarily kept as pets within a dwelling unit. This classification includes dogs, cats, fish, and birds (excluding large tropical birds and poultry). No more than any combination of small animals up to a maximum of five. More than five shall be considered a kennel (hobby or commercial).
2. Exotic Animals. Wild animals not customarily confined or cultivated by man for domestic or commercial purposes, but kept as a pet or for display, including potbelly pigs, snakes, reptiles, and large tropical birds (including peacocks).
3. Livestock Animals. Livestock refers to domesticated animals that may be kept or raised in pens, barns, houses, and pastures whether for commercial or private use. Livestock includes, but is not limited to cattle, sheep, swine, goats, equine, and fowl.
4. Poultry/Rabbits. Domesticated birds (fowl) customarily kept for eggs or meat. This classification includes chickens, roosters, ducks, geese, turkeys, guinea fowl, and Cornish game hens. Also includes rabbits.

Preliminary DRAFT Title 17 - Zoning

Animal Sales and Grooming. Retail sales of domestic and exotic animals, bathing and trimming services and boarding of said animals for a maximum period of 72 hours conducted entirely within an enclosed building with no outdoor use.

Auto and Vehicle Sales and Rental. Retail establishments selling and/or renting automobiles, trucks and vans. This use listing includes the sales and rental of mobile homes, recreation vehicles, and boats. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. It does not include the sale of auto parts/accessories separate from a vehicle dealership (see "auto parts sales"), bicycle and moped sales (see "retail—general"), tire recapping establishments (see "vehicle services"), businesses dealing exclusively in used parts (see "recycling—scrap and dismantling Yards"), wholesale establishments selling vehicles and parts (see "auto and vehicle sales, wholesale"), dismantling of auto vehicles (see "auto vehicle Dismantling"), or "Service Stations," all of which are separately defined.

Auto and Vehicle Sales, Wholesale. Wholesale establishments selling new and used vehicles and used vehicle parts. This use is normally developed as part of an auto scrapping or dismantling yard.

Auto and Vehicle Storage. Facilities for the storage of operative and inoperative vehicles for limited periods of time. Includes but is not limited to storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreation vehicles. Does not include vehicle dismantling (see "Auto Vehicle Dismantling") or retail sales (see "Auto and Vehicle Sales, Wholesale").

Auto Parts Sales. Stores that sell new automobile parts, tires, and accessories separate from an auto dealership. May also include minor parts installation (see "vehicle services"). Does not include tire recapping establishments (see "vehicle services"), businesses dealing exclusively in used parts (see "auto and vehicle sales, wholesale"), or the sale of auto parts/accessories as part of a vehicle dealership (see "auto and vehicle sales and rental").

Auto Vehicle Dismantling. Establishment for the dismantling of automobile vehicles, including the dismantling or wrecking of automobiles or other motor vehicles, and/or the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. Retail sales are included under the definition of "auto and vehicle sales, wholesale."

Banks and Financial Services. Financial institutions such as banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, and investment companies. Also includes automated teller machines (ATM).

Bars and Nightclubs. Any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (e.g. music and/or dancing, comedy) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include the brewing of beer as part of a brew pub or microbrewery. Bars and nightclubs may include outdoor food and beverage areas.

Bed and Breakfast Inns. Residential structures with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to applicable health department regulations. A bed and breakfast inn with more than five guest rooms is considered a hotel or motel, and is included under the definition of "hotels and motels."

Preliminary DRAFT Title 17 - Zoning

Broadcasting and Recording Studios. Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of "wireless communication facility."

Building Materials Stores and Yards. Retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "warehousing and distribution." Hardware stores are listed in the definition of "general retail stores," even if they sell some building materials. Also see "home improvement supplies" for smaller specialty stores.

Bus and Transit Shelters. A small structure designed for the protection and convenience of waiting transit passengers that has a roof and usually two or three sides.

Business Support Services. Establishments primarily within buildings, providing other businesses with services such as maintenance, repair and service, testing, rental, etc. Support services include, but are not limited to:

1. Equipment repair services (except vehicle repair, see "vehicle services");
2. Commercial art and design (production);
3. Computer-related services (rental, repair);
4. Copying, quick printing, and blueprinting services (other than those defined as "printing and publishing");
5. Equipment rental businesses within buildings (rental yards are "storage yards");
6. Film processing laboratories;
7. Heavy equipment repair services where repair occurs on the client site;
8. Janitorial services;
9. Mail advertising services (reproduction and shipping);
10. Mail box services other "heavy service" business services;
11. Outdoor advertising services; and
12. Photocopying and photofinishing.

Car Washing and Detailing. Permanent, drive-through, self-service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes (e.g., fundraising activities generally conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one day) are not part of this use classification and are governed by the provisions of Chapter ~~17.66~~17.220 (Temporary uses). See also "drive-in and drive-through sales and service."

Preliminary DRAFT Title 17 - Zoning

Caretaker Housing. A residence that is accessory to a site with a non-residential primary use, that is needed for security, 24-hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

Cemeteries, Mausoleums. Land used for the burial of the dead, and dedicated for cemetery purposes, including crematories, columbariums, and mausoleums. Also see "mortuaries and funeral homes."

Check Cashing Business. An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving a similar purpose. Also includes establishments primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks. This classification does not include a state or federally chartered bank, savings association, credit union or similar financial institution (see "banks and financial services").

Child Day Care Facility. A State licensed facility which provides non-medical, care, protection and supervision, to more than 14 children under 18 years of age, on a less than 24-hour basis. Commercial or non-profit child day care facilities includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.

Clubs, Lodges, and Private Meeting Halls. Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social and fraternal organizations; labor unions and similar organizations political organizations; professional membership organizations and other membership organizations.

Community Centers/Civic Uses. Multi-purpose meeting and recreational facilities typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community Garden. A site used for growing plants for food, fiber, herbs, flowers, which is shared and maintained by city residents.

Convenience Stores. Easy access retail stores of 5,000 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a service station or an independent facility. Also see "grocery store/supermarket" for larger stores or stores oriented towards the daily shopping needs of residents.

Crop Production. Raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing. Includes horticulture establishments engaged in the cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs for wholesale and incidental retail sales. This classification includes accessory agricultural buildings accessory to such uses and roadside stands for display/sale of agricultural products grown on the premises. Excludes uses for which other garden, nursery, or landscape merchandise are stored and sold on the site.

Preliminary DRAFT Title 17 - Zoning

Drive-in and Drive-through Sales and Service. Facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive through coffee, dairy product, photo stores, etc.

Dwelling, Multi-Family. A building designed and intended for occupancy by three or more families living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., apartment, apartment house, townhouse, condominium).

Dwelling, Second Unit. An attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation sited on the same parcel as the primary dwelling unit. This definition includes granny flats.

Dwelling, Single Family. A building designed exclusively for occupancy by one family on a single lot. This classification includes manufactured homes (defined in California Health and Safety Code Section 18007) and model homes for the first sale of homes within the subdivision.

Dwelling, Two-Family. An attached building (e.g. duplex) designed for occupancy by two families living independently of each other, where both dwellings are located on a single lot. For the purposes of this title, this definition also includes halfplexes (two attached units, each with a separate lot). More than one two-family dwelling may be located on a single lot consistent with the density provisions of the general plan. Does not include second dwelling units (see "dwelling, second unit").

Dwelling, Three- and Four-Family. An attached building (e.g. triples or fourplex) designed for occupancy by three or four families living independently of each other, where all dwellings are located on a single lot.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.~~Any facility, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for specific populations of the homeless.~~

Employee Housing. Property used temporarily or seasonally for housing accommodation or property for use by employees that meets the definition of employee housing in California Health and Safety Code Section 17008.~~for the residential use of five or more unrelated persons/families employed to perform agricultural or industrial labor. The accommodations may consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodations maintained in one or more buildings, or one or more sites, and the premises upon which they are situated, including area set aside for parking of mobile homes or camping of five or more employees by the employer. Concurrently, employee housing may also involve permanent residency if the housing accommodation is a mobile home, manufactured home, travel trailer, or recreational vehicle.~~

Equestrian Facility, Commercial. Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

Preliminary DRAFT Title 17 - Zoning

Equestrian Facility, Hobby. Stables, corrals, and paddocks used by the individual homeowners of corresponding property and their animals.

Equipment Sales and Rental. Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental (e.g. construction equipment).

Family Day Care Home, Large. State licensed facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours within a single family residence. The occupant of the residence provides care and supervision generally for seven to 14 children. As described in the California Health and Safety Code, large day care homes may provide services for up to 16 children when specific conditions are met. A large family daycare home, as defined by California Health and Safety Code Section 1596.78(b), is a residential use of property and shall be subject to the same standards, including permitting requirements, that apply to residences of the same type in the same zone as the large family daycare home.

Family Day Care Home, Small. State licensed facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours within a single family residence. The occupant of the residence provides care and supervision generally to six or fewer children. As described in the California Health and Safety Code, small day care homes for children may provide services for up to eight children when specific conditions are met. A small family daycare home, as defined by California Health and Safety Code Section 1596.78(a), is a residential use of property and shall be subject to the same standards, including permitting requirements, that apply to residences of the same type in the same zone as the small family daycare home.

Freight Yard/Truck Terminal. An establishment where the primary activities are transferring freight from one vehicle to another and furnishing services incidental to motor freight, rail transportation, and other vehicles. This includes freight forwarding services; freight terminal facilities; joint terminal and service facilities; packing, crating, inspection, and weighing services; postal service bulk mailing distribution centers; transportation arrangement services; repair and storage of vehicles as ancillary activities; truck terminals; and trucking facilities. The transference of freight that involves aircrafts is included in "airport." Facilities and terminals for vehicles that transfer freight as an ancillary operation to mass transit is included "transit facilities" and "transit stations and terminals." The transfer and distribution of fuel is included in "fuel storage and distribution."

Fuel Storage and Distribution. A large scale facility where fuel (such as propane and gasoline) is stored and distributed without retail sales.

Golf Courses/Clubhouse. Golf courses and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment; and golf cart storage and sales facilities.

Grocery Stores/Supermarket. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. These full service businesses do not typically have limited hours of operation. See separate, but related, listing for "convenience store."

Group Residential. Shared living quarters without separate kitchen and/or bathroom facilities for each room or unit. This classification includes residential hotels, dormitories, fraternities, sororities, convents, rectories, and private residential clubs but does not include living quarters shared

Preliminary DRAFT Title 17 - Zoning

exclusively by a family. This category includes boarding houses, which are defined as a building other than a hotel or restaurant, where meals or lodging or both meals and lodging are provided for compensation for four or more persons.

Guest House. A detached structure accessory to a single family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

Heliports. A designated, marked area on the ground or the top of a structure where helicopters may land at any time.

Hog Farm, Commercial. Any premises used for the raising or keeping of hogs when raised, fed, and fattened for purposes of sale and consumption by other than the owner of the site. In an agricultural and agricultural-residential zoning district, the term hog farm commercial does not exclude the raising of hogs as part of general agricultural practices and 4-H purposes (also see "animal keeping").

Home Improvement/Hardware Store. Establishments (retail or wholesale) that sell kitchen, bath, furnishings, carpeting, and other home oriented supplies. Other retail uses are permitted if accessory to the primary use. These uses may include an expansive showroom. This category does not include the sale of lumber and does not permit the outdoor display of merchandise. This use classification is a sub-category of the larger building materials stores and yards use classification and may be combined with or separate from such uses.

Home Occupations. The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property. Examples include, but are not limited to, accountants and financial advisors, architects, artists, attorneys, offices for construction businesses (no equipment or material storage), and real estate sales.

Hotels and Motels. Facility with guest rooms or suites, provided with or without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc. Also see "bed and breakfast inn."

Indoor Amusement/Entertainment Facility. Establishments providing indoor amusement and entertainment services for a fee or admission charge, including: dance halls and ballrooms, card rooms, and bowling alleys. Also includes uses that consist of four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices; three or less electronic games or coin-operated amusements are not considered a land use separate from the primary use of the site.

Indoor Fitness and Sports Facilities. Predominantly participant sports and health activities conducted entirely within an enclosed building. Typical uses include bowling alley, billiard parlor, ice/roller skating rinks, indoor racquetball courts, indoor climbing facilities, soccer areas, athletic clubs and health clubs. This use does not include special studios not a part of an athletic or health club (e.g. karate studio, dance studio, etc.). Also see "schools—private and special/studio."

Preliminary DRAFT Title 17 - Zoning

Junior Accessory Dwelling Unit (JADU). A residential dwelling unit that provides complete independent living facilities for one or more persons, is no more than 500 square feet in size, and is contained entirely within a single-family residence.

Kennels, Commercial. These facilities provide boarding of animals as the primary use of the facility. May also include day-time boarding and activity for animals (e.g. "doggie day care") and ancillary grooming facilities. Also see "animal sales and grooming."

Kennels, Hobby. Facility for the keeping, boarding or maintaining of five or more dogs (four months of age or older), or five or more cats. Excludes dogs or cats for sale in pet shops or patients in animal hospitals. This includes a kennel where the animals are owned or kept by the owner or occupant for personal, non-commercial purposes, including hunting, tracking, exhibiting at shows, exhibitions, field trials or other competitions, or for enhancing or perpetuating a given breed, other than dogs or cats used in conjunction with an agricultural operation on the lot or premises.

Libraries and Museums. Public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally non-commercial in nature.

Live-Work Facility. A structure or portion of a structure:

1. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household;
2. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and
3. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

Low-Barrier Navigation Center. A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

Maintenance and Repair, Small Equipment. Establishments providing on-site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical equipment, bicycles, tools, or garden equipment, conducted entirely within an enclosed building. This classification does not include maintenance and repair of vehicles.

Preliminary DRAFT Title 17 - Zoning

Manufactured Home. The California Health and Safety Code, Section 18007, defines a manufactured home as a structure that meets the following criteria:

1. Transportable in one or more sections;
2. When in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet;
3. Is built on a permanent chassis;
4. Designed to be used as a residential dwelling;
5. Erected with or without a permanent foundation when connected to the required utilities;
6. Includes the plumbing, heating, air conditioning, and electrical systems contained therein.

This term shall include any structure which meets all the requirements of this paragraph except the size requirements so long as the manufacturer voluntarily files a certification and complies with the standards established under this part. "Manufactured home" includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Section 5401, et seq.). "Manufactured Home, Permanent" refers to a manufactured home on a foundation system, pursuant to California Health and Safety Code Section 18551. "Manufactured Home, Non-Permanent" means a manufactured home that is not affixed to a permanent foundation.

Manufacturing, Major. Manufacturing, fabrication, processing, and assembly of materials in a raw form. Uses in this category typically create greater than usual amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include but are not limited to batch plants, rendering plants, aggregate processing facilities, plastics and rubber products manufacturing. Also see "manufacturing, minor" and "manufacturing, small scale."

Manufacturing, Minor. Manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include but are not limited to furniture manufacturing and cabinet shops, laundry and dry cleaning plants, metal products fabrication, food and beverage manufacturing, etc. Also see "manufacturing, major" and "manufacturing, small scale."

Manufacturing, Small Scale. Establishments manufacturing and/or assembling small products primarily by hand, including but not limited to jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. Also see "manufacturing, major" and "manufacturing, minor."

Medical Services, Extended Care. Residential facilities providing nursing and health related care as a primary use with in-patient beds, such as: board and care homes; convalescent and rest homes; extended care facilities; skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Homes."

Medical Services, General. Facility primarily engaged in providing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including: medical and dental laboratories, medical, dental and psychiatric offices, out-patient care facilities, other allied

Preliminary DRAFT Title 17 - Zoning

health service. Counseling services by other than medical doctors or psychiatrists are included under "offices."

Medical Services, Hospitals. Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses (see the separate definition of "retail, accessory") and emergency heliports.

Mobile Home. A transportable structure, which is built on a permanent chassis and designed as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein (California Health and Safety Code Sections 18007 and 18008). A mobile home is included in the definition of manufactured home and the minimum dimensions for a mobile home are eight feet wide, 40 feet long, and a total area of 320 square feet.

Mobile Home Park. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Mortuaries and Funeral Homes. Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted.

Offices, Accessory. Offices that are incidental and accessory to another business or sales activity that is the primary use (part of the same tenant space or integrated development). The qualification criteria for this definition is that the floor area of the accessory office use shall not exceed 50 percent of the total net habitable or leasable floor area of the tenant space for a single use development or the combined floor area of an integrated development for a mixed use project.

Offices, Business and Professional. This use listing includes offices of administrative businesses providing direct services to consumers (e.g. insurance companies, utility companies), government agency and service facilities (e.g. post office, civic center), professional offices (e.g. accounting, attorneys, employment, public relations), and offices engaged in the production of intellectual property (e.g. advertising, architectural, computer programming, photography studios). This use does not include medical offices (see "medical services"), temporary offices (see Chapter ~~17.66~~17.220 (Temporary uses)), or offices that are incidental and accessory to another business or sales activity that is the primary use (see "offices—accessory"). Outdoor storage of materials is prohibited.

Outdoor Commercial Recreation. Facility for various outdoor participant sports and types of recreation where a fee is charged for use (e.g. amphitheaters, amusement and theme parks, golf driving ranges, health and athletic club with outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swim and tennis clubs, water slides, zoos).

Park and Ride Facility. A designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

Preliminary DRAFT Title 17 - Zoning

Parking Facility. Parking facility is a parking lot of parking structure used for parking motor vehicles where the facility is the primary use of the site. Parking structures and lots that are developed in conjunction with another primary use of the site to satisfy the onsite parking requirements for the development are not included in this definition.

Parks and Public Plazas. Public parks including playgrounds and athletic fields/courts and public plazas and outdoor gathering places for community use. If privately-owned and restricted to the public (e.g., require payment of fee), the same facilities are included under the definition of "outdoor commercial recreation."

Personal Services. Establishments providing non-medical services as a primary use, including, but not limited to barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, massage parlors, laundromats (self-service laundries), shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided, spas and hot tubs for rent, and tanning salons.

Printing and Publishing. Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying, and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books and periodicals, and establishments manufacturing business forms and binding devices. Does not include "quick printing" services or desktop publishing which are included in "business support services."

Public Safety Facility. Facility operated by public agencies including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Qualified Streamlined Housing. A residential development required to be processed under a streamlined, ministerial process by State law and that meets all criteria and requirements of State law to be eligible for a streamlined, ministerial process.

Recreational Vehicle Parks. A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facility, Collection. A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that does not occupy more than 500 square feet. This classification may include a mobile unit, kiosk-type units that may include permanent structures and unattended containers placed for the donation of recyclable materials. This also includes so-called "reverse vending machines"—automated mechanical device that accepts one or more types of empty beverage containers including, but not limited to, aluminum cans, glass bottles and plastic bottles, and issues a cash refund or a redeemable credit slip with value of not less than the container's redemption value as determined by the state.

Recycling Facility, Processing. A recycling facility located in a building or enclosed space and used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment or to an end-user's specifications by such means as baling, briquetting,

Preliminary DRAFT Title 17 - Zoning

compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing. Collection of recycling materials as the sole activity is included in "recycling facility, collection."

Recycling Facility, Scrap and Dismantling. Uses engaged in the assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials. This use does not include landfills or other terminal waste disposal sites. Also see "auto vehicle dismantling" for related use for automobiles. Collection of recycling materials as the sole activity is included in "recycling facility, collection."

Religious Institutions. Facility operated by religious organizations for worship, or the promotion of religious activities (e.g. churches, mosques, synagogues, temples) and accessory uses on the same site (e.g. living quarters for ministers and staff, child day care facilities which were authorized in conjunction with the primary use. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (e.g. recreational camp) are classified according to their respective activities.

Research and Development. Indoor facilities for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes but is not limited to chemical and biotechnology research and development. Does not include computer software companies (see "offices—business and professional"), soils and other materials testing laboratories (see "business support services"), or medical laboratories (see "medical services—clinics and labs").

Residential Care Facility. Consistent with the definitions of state law, a residential care facility is a facility that provides 24-hour non-medical care for more than six persons ~~18 years of age or older, or emancipated minors, with chronic, life-threatening illness~~ in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California.

Residential Care Home. Consistent with the definitions of state law, a residential care home is a home that provides 24-hour non-medical care for six or fewer persons ~~18 years of age or older, or emancipated minors, with chronic, life-threatening illness~~ in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of "medical services, extended care." The residents and operators of the facility shall be considered a family for the purposes of this title. Residential care homes are subject to the same standards and requirements that apply to a dwelling unit of the same type (i.e., single family dwelling, a unit in a multifamily dwelling, and mobilehomes) in the same zone.

Preliminary DRAFT Title 17 - Zoning

Resource Protection and Restoration. Activities and management of an area to preserve, re-create and enhance natural resource values such as fish and wildlife habitat, rare and endangered plants, vernal pools, erosion control, and floodwater conveyance.

Resource-Related Recreation. Facility related to passive recreation in open space areas including bicycle and pedestrian trails, picnic areas, parking areas, and interpretive centers.

Restaurants. A retail business selling food and beverages prepared and/or served on the site, for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption, and establishments where most customers are served food at tables for on-premise consumption, but may include providing food for take-out. Also includes coffee houses and accessory cafeterias as part of office and industrial uses.

Retail, Accessory. The retail sales of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, or industrial complex. These uses include but are not limited to pharmacies, gift shops, and food service establishments within hospitals, and convenience stores and food service establishments within hotel, office, and industrial complexes. This use category also includes retail associated with industrial uses for the products sold, distributed or manufactured on site. Such retail area shall not exceed 25 percent of the total square footage of the tenant space of a single use development or the combined floor area of an integrated development in a mixed use project.

Retail, General. Stores and shops selling multiple lines of merchandise. These stores and lines of merchandise include but are not limited to art galleries, bakeries (all production in support of on-site, sales), clothing and accessories, collectibles, department stores, drug and discount stores, dry goods, fabrics and sewing supplies, florists and houseplant stores, furniture, home furnishings and equipment, general stores, gift shops, hardware, hobby materials, musical instruments, newsstands, pet supplies, specialty shops, sporting goods and equipment, stationery, and variety stores.

Schools, Charter. A private school operating under a charter from the local school district providing primary/secondary education to students at the elementary, middle, or high school level and not managed directly by the governing body of the public school district (e.g. school board).

Schools, Private and Special/Studio. Includes private educational institutions (e.g. boarding schools, business, secretarial, and vocational schools, colleges and universities, establishments providing for courses by mail or on-line) and special schools/studios (e.g., art, ballet and other dance, computers and electronics, drama, driver education, language, music, photography). Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, (e.g. fitness training studios, gymnastics instructions and aerobics and gymnastics studios, environmental awareness, arts, communications, management). Also see "indoor fitness and sports facilities."

Schools, Public. Public educational institutions such as community colleges, universities, elementary, middle/junior high schools, high schools, and military academies.

Service Station. A retail business selling gasoline or other motor vehicle fuels. Vehicle services which are incidental to fuel services are included under "vehicle services, minor."

Preliminary DRAFT Title 17 - Zoning

Single Room Occupancy (SRO) Facilities. Multi-unit housing for very low income persons that typically consists of a single room and shared bath and also may include a shared common kitchen and common activity area. SROs may be restricted to seniors or be available to persons of all ages. Subsidized versions may be supervised by a government housing agency.

Smoke Shops. An establishment that either devotes more than 15 percent of its total floor area to smoking, drug, and/or tobacco paraphernalia or devotes more than a two foot by four foot section of shelf space for display for sale of smoking, drug, and/or tobacco paraphernalia.

Storage, Personal Storage Facility. A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Storage, Warehouse. Facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see "storage, personal storage facility") or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "wholesaling and distribution").

Storage, Yards. The storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.~~A combination of affordable housing and services. Supportive housing is typically for individuals and families confronted with homelessness and who also have very low incomes and/or serious, persistent issues that may include substance abuse, addiction, or alcoholism, mental illness, HIV/AIDS, or other serious life challenges. Supportive housing can be coupled with such social services as job training, life skills training, alcohol and drug abuse programs, and case management to populations in need of assistance, including the developmentally disabled, those suffering from dementia, including Alzheimer's disease, and the frail elderly.~~

Tattoo Parlors. Any establishment that engages in the business of tattooing and/or branding human beings.

Theaters and Auditoriums. Indoor facilities for public assembly and group entertainment, other than sporting events (e.g. civic theaters, facilities for "live" theater and concerts, exhibition and convention halls, motion picture theaters, auditoriums). Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "outdoor commercial recreation."

Thrift and Consignment Stores and Pawn Shops. Includes any establishment, as a regular and substantial portion of conduct, sells secondhand goods that are donated or provided by the public. Includes any establishment in which the business of pawn brokering, or the business of lending money upon personal property, pawns or pledges, or the business of purchasing articles from vendors or their assignees at prices agreed upon at or before the time of such purchase, is engaged in, carried on, or conducted. A regular and substantial portion of conduct shall mean that 25 percent

Preliminary DRAFT Title 17 - Zoning

or more of the establishment's gross revenue is derived from secondhand goods, or that 25 percent or more of the floor space of the area of the building is used for the display of secondhand goods.

Transit Facilities. Maintenance and service centers for the vehicles operated in a mass transportation system. Includes buses, taxis, railways, etc.

Transit Stations and Terminals. Passenger stations for vehicular and rail mass transit systems.

Transitional Housing. Includes both:

1. Housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons.
2. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. ~~Housing containing sleeping, kitchen, and bathroom facilities that are used to ease the transition of homeless individuals to independent living within 24 months.~~ Usually provided with supportive services to assist in finding and keeping permanent housing.

Utility Facility and Infrastructure. Includes the following:

1. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091: electrical substations and switching stations, natural gas regulating and distribution facilities, public water system wells, treatment plants and storage, telephone switching facilities, wastewater treatment plants, settling ponds and disposal fields. These uses do not include office or customer service centers (classified in "offices"), or equipment and material storage yards.
2. Pipelines for potable water, reclaimed water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits.

Vehicle Services, Major. The repair, alteration, restoration, towing, painting, cleaning (e.g., self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work—repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.

Preliminary DRAFT Title 17 - Zoning

Vehicle Services, Minor. Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, smog check). Does not include repair shops that are part of a vehicle dealership on the same site (see "auto and vehicle sales") or automobile dismantling yards, which are included under "recycling—scrap and dismantling yards."

Veterinary Facility. Veterinary facility that is primarily enclosed, containing only enough cage arrangements as necessary to provide services for domestic and exotic animals requiring acute medical or surgical care with accessory outdoor use that provides long term medical care. Grooming and boarding of animals is allowed only if accessory to the facility use.

Wireless Communication Facility. Facility designed and/or used for the purpose of transmitting, receiving, or relaying voice and/or data signals from various wireless communication devices, including transmission tower, antenna, and or other facility designed or used for that purpose. Amateur radio transmission facilities, facilities operated exclusively as part of a public safety network, and facilities used exclusively for the transmission of television and/or radio broadcasts are not "wireless communication facilities."

Wholesaling and Distribution. Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

(Ord. No. 497 , § 3, 12-5-2017; Ord. No. 493 , § 3, 7-18-17; Ord. No. 475 , § 5, 12-15-2015; Ord. No. 435, § 3, 7-20-2010; Ord. No. 430, § 2, 10-20-2009; Ord. No. 423, § 2, 4-21-2009)