

# **CITY OF ETNA ZONING ORDINANCE**

## **Title 17 of the Etna Municipal Code**



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## **TITLE 17**

### **ZONING**

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#### **17.04.010 Adoption.**

There is hereby adopted a precise zoning plan for the City of Etna.

#### **17.04.020 Short title.**

This title shall be known as "The City of Etna Zoning Code."

#### **17.04.030 Purpose.**

The purpose of this title is to: promote and protect the public health, safety, peace, comfort, and general welfare; promote the orderly growth of the city; protect the character and stability of residential, commercial, mixed-use, industrial, and open space areas; prevent overcrowding and undue congestion of population; provide adequate privacy and convenience of access to property; and to secure for the city and its residents safety from fire and other hazards.

#### **17.04.040 Establishment of districts.**

The zoning or districting plan effectuated by this title consists of the establishment of various districts, including all territory within which the use of land, buildings, the space for buildings, and the height and bulk of buildings are regulated.

#### **17.04.050 Application.**

- A. No building or structure shall be erected, reconstructed, or structurally space altered in any manner, nor shall any building or land, the space above or beneath, be used for any purpose other than as permitted by, and in conformance with this title and all other ordinances, laws, and maps referred to in this title.
- B. This title shall apply to all property whether owned by private persons, firms, corporations, or organizations, and to the extent permitted by law, property of the United States of America or any of its agencies, by the State of California or any of its agencies or political subdivisions, by any authority or district organized under the law of the State of California, all subject to the following exceptions:
  - 1. Public streets and alleys,
  - 2. Underground utility lines and facilities,
  - 3. Underground communication lines,
  - 4. Overhead communication lines,
  - 5. Overhead electric distribution and transmission facilities, and
  - 6. Railroad rights-of-way.

#### **17.04.060 Interpretation.**

When interpreting and applying the provisions of this title, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, peace, comfort, convenience, and general welfare. Except as specifically herein provided, it is not intended by the adoption of the ordinance codified herein to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the erection, construction, maintenance, establishment, moving, alteration, or enlargement of any building or improvement. Nor is it intended by this title to interfere with or abrogate or annul any easement, covenant, or other agreement between parties, provided, however, that in cases in which this title imposes a greater restriction upon the erection, construction, maintenance, establishment, moving, alteration, or enlargement of buildings, or the use of any such buildings or premises in said several districts or any of them, than is imposed or required by such existing provisions of law or ordinance or by such rules, regulations, or permits or by such easements, covenants, or agreements then in such case the provisions of this title shall control.

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#### **17.08.010 Generally.**

For the purposes of this title certain terms are defined in this chapter. If any of the definitions in this chapter conflict with definitions in other chapters of the Etna Municipal Code, these definitions shall prevail for the purposes of this title. If a word used in this title is not defined in this chapter,

or other titles of the Etna Municipal Code, the most common dictionary definition is assumed to be correct.

- A. The present tense shall include the future, the singular number shall include the plural, and the plural the singular.
- B. The words "shall," "will," "must," and "is" denote a mandatory action. The word "may" or "should" indicate a permissive action.

**17.08.020 Abut, abutting, adjoining.**

"Abut," "abutting," or "adjoining" all mean contiguous to or touching.

**17.08.030 Accessory dwelling unit.**

As defined in Chapter 17.96 (Accessory Dwelling Units).

**17.08.040 Accessory structure.**

A structure that is physically detached from, secondary, and incidental to, and commonly associated with the existing primary structure. Does not include any tent, trailer, recreational vehicle, or other vehicle, or any building designed or used for human habitation.

**17.08.050 Accessory use.**

A use that is conducted on the same parcel as the principal use or structure to which it is related, and which is clearly subordinate and incidental to the principal use.

**17.08.060 Acre.**

An area of land measuring forty-three thousand five hundred sixty (43,560) square feet.

**17.08.070 Administrative permit.**

Any permit issued as a ministerial act by the city.

**17.08.080 Adult day programs.**

Facilities licensed by the California Department of Social Services as an Adult Day Program that provide non-medical care and supervision to persons eighteen (18) years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals, in a day care setting, on less than a sixteen (16)-hour basis.

- A. Small adult day programs provide supervision and non-medical care to six (6) or fewer adults.
- B. Large adult day programs provide supervision and non-medical care to more than six (6) adults.

**17.08.090 Adult-oriented business.**

A business whose primary purpose is the sale or display of matter 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 eighteen (18) years.



**17.08.100 Aggrieved applicant, person, or party.**

A person, organization, corporation, concerned citizen, or any individual or group that demonstrates to the city council that they have an interest, either financial or otherwise, in property affected by the decision of the original decision maker. This definition is not intended to and does not confer standing to maintain an action in a court of law where standing would not otherwise exist.

**17.08.110 Agricultural product processing plant.**

A building, facility, area, or location for the refinement, treatment, or conversion of agricultural products where physical, chemical, or similar change of an agricultural product occurs. Examples of agricultural processing include, but are not limited to, fruit dehydrators, cold storage houses, hulling operations, and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale and/or shipment in their natural form including all uses customarily incidental thereto.

**17.08.120 Airport.**

A place on land or water, where aircraft may land and take off, receive and disembark passengers or cargo, take on fuel, purchase accessories, or obtain service or repair. Includes appurtenant areas, buildings, facilities, and rights-of-way necessary to facilitate such use or intended use.

**17.08.130 Alcoholic beverage sales.**

- A. "On-sale alcoholic beverage sales" means the retail sale of beer, wine, liquor, and/or other alcoholic beverages for on-site consumption as the principal use, typically with a Type 42 or 48 ABC license. This definition shall not include uses wherein the sale, offer, or dispensing of alcohol is incidental to the conduct of a permitted or conditionally permitted use, such as hotels, restaurants, theaters, and playhouses.
- B. "Off-sale alcoholic beverage sales" means the retail sale of beer, wine, liquor, and/or other alcoholic beverages for off-site consumption as the principal use. This definition shall not include uses wherein the sale of alcohol is incidental to the conduct of a permitted or conditionally permitted use, such as grocery stores and supermarkets.

**17.08.140 Alley.**

A public way permanently reserved as a secondary means of access to abutting property at the rear or sides thereof.

**17.08.150 Ambulance service.**

Emergency medical care and transportation, including incidental storage and maintenance of vehicles.

**17.08.160 Animal boarding.**

A facility where more than two (2) domestic animals are housed, fed, and cared for, excluding an animal hospital or veterinary clinic, for a period greater than twenty-four (24) hours for commercial purposes.

**17.08.170 Animal grooming.**

A fixed or mobile facility where domestic animals are trimmed, bathed, or groomed other than by the owner on a regular basis for compensation (no boarding).

**17.08.180 Animal hospital.**

An enclosed building or buildings where animals are brought for medical and surgical treatment and are held during the time of such treatment, including overnight. Grooming of animals and pet food sales are permitted as accessory to the medical use.

**17.08.190 Applicant.**

A person who is required to file an application for a permit or license under this title.

**17.08.200 Area.**

A piece of land that can be definitively described and located with specific boundaries.

**17.08.210 Artisan crafts manufacturing and sales.**

Manufacture of crafts, art, sculpture, jewelry, apparel, candles, and similar items using hand tools and small mechanical devices (e.g., drills and saws, hammers and chisels, paint brushes and sprayers, pottery wheels and kilns, sewing machines, spinning wheels, etc.) and the incidental direct sale to consumers of only those goods produced on-site. Where there are no incidental direct sales to customers, the use may be considered an “artist studio” or “handcraft industries.”

**17.08.220 Artist studio.**

An establishment engaged in the creation of art or crafts that requires artistic skill. Such an establishment may participate in periodic open studios (a maximum of six (6) days per year) but is otherwise subject to the applicable zoning district’s limitations on retail sales. Artist studios may include rehearsal spaces not designed for public performances. Examples of persons typically engaged in this work include woodworkers, potters/ceramicists, costume makers, set designers, stained-glass makers, glassblowers, textile artists and weavers, jewelry makers, painters, fine art printmakers, photographers/filmmakers, leather workers (no tanning), metal workers, musical instrument makers, model makers, papermakers, installation artists, sculptors, video artists, and other makers of art and crafts consistent with this definition. The use of computers in an activity does not by itself prevent its classification as an artist studio. This use excludes architectural and landscape services, industrial or graphic design services, computer systems design services, and other commercial activities normally conducted in an office environment. See “artisan crafts manufacturing” for artist studios that include the incidental sale of goods made on-site.

**17.08.230 Automated teller machines (ATMs).**

Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals, and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with allowed use provisions.

**17.08.240 Automobile and vehicle sales and rental.**

Retail establishments selling and/or renting automobiles, trucks, vans, motorbikes, recreation vehicles, and motorized boats. May also include repair shops and the sales of parts and accessories incidental to vehicle dealerships.

**17.08.250 Automobile parts and supplies sales.**

Stores that sell new and reconditioned automobile parts and accessories. Does not include installation of parts or vehicle repair.

**17.08.260 Automobile service stations.**

A retail place of business engaged in supplying goods and services essential to the normal operation of automobiles, such as: dispensing of automotive fuel and motor oil; tire sales and service, not including recapping; battery service, charging, and replacement, not including repair and rebuilding; lubrication of motor vehicles; brake servicing; wheel balancing; and minor automotive repair. May include drive-through car washes as an accessory use to fuel sales. Does not include the storage or repair of abandoned, wrecked, or dismantled vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

**17.08.270 Awning.**

Any structure made of a flexible fabric or similar material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

**17.08.280 Banks and financial services.**

Financial institutions including: banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, other investment companies, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity), and leasing agencies.

**17.08.290 Bed and breakfast inn.**

A single residential property with up to five (5) bedrooms rented for overnight lodging, where at least one (1) meal is provided to overnight guests only subject to applicable Health Department regulations. A bed and breakfast inn with more than five (5) guest rooms is considered a hotel or motel.

**17.08.300 Billiard parlor.**

A building, structure, or portion thereof in which are located three (3) or more tables designed or used for pool, billiards, bagatelle, snooker, bumper pool, or similar games.

**17.08.310 Block.**

All property fronting upon one side of a street, between intersecting and intercepting street, or between a street and a railroad right-of-way, waterway, dead-end street or unsubdivided land. An intercepting street shall determine only the boundary of the block on the side of a street that it intercepts.

**17.08.320 Brewpub.**

A restaurant with an on-site brewery that sells a minimum of twenty-five (25) percent of the beer brewed on-site for on-premises consumption.

**17.08.330 Building.**

Any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal, or property.

**17.08.340 Building footprint.**

The land area covered by a building as measured at its perimeter foundation walls including any roofed area that may not have perimeter foundation walls.

**17.08.350 Building frontage.**

The exterior building wall of a ground floor business establishment on the side of the building that fronts or is oriented towards a public street, highway, or parkway. "Building frontage" shall be measured continuously along the building wall for the entire length of the business establishment, including any portion not parallel to the remainder of the wall.

**17.08.360 Building height.**

The vertical distance from the average base elevation to the highest point on the structure, excluding chimneys, antennae, and similar nonstructural elements. Average base elevation is determined by taking the elevation of the lowest point at the ground and the elevation of the highest point at the ground and finding the average. This definition is not intended to preclude applicable usage of the definition in the building code(s) adopted by the city.

**17.08.370 Building intensity.**

The percentage of land area covered over by the building footprint or land use.

**17.08.380 Building materials stores and yards.**

Retail establishments selling lumber and other large building materials, where most display and sales occur indoors but outdoor storage is typically required. Includes paint, wallpaper, glass, and fixtures. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Hardware stores are considered "retail sales."

**17.08.390 Building official, building inspector**

The individual in charge of the City of Etna Building Department or responsible for performing the city's building inspections.

**17.08.400 Building site.**

The portion of a parcel of land, in a single or joint ownership, occupied or to be occupied by a building, together with such setbacks as are required by the terms of this zoning ordinance and having its principal frontage on a public street, road, or highway.

**17.08.410 Bus shelter.**

A small structure designed for the protection and convenience of waiting transit passengers that has a roof and usually two (2) or three (3) sides.

**17.08.420 Business.**

A land use or activity established for the purposes of commerce and as a means of generating revenue or income.

**17.08.430 Business day.**

Any day the city's offices located at 442 Main Street, Etna, California, are open to the public.

**17.08.440 Business office.**

An office where common business services are provided to the general public, such as consumer services, insurance, real estate, tax preparation, travel, utility company offices, etc. These uses

typically have a higher rate of walk-in traffic than a professional office and visits are often made without an appointment.

**17.08.450 Business support services.**

Establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes: blueprinting business; equipment repair services; commercial art and design (including production); computer-related services (rental, repair); copying, quick printing, and blueprinting services; equipment rental businesses located entirely within buildings; heavy equipment repair services where repair occurs on the client site; janitorial services; mail advertising services (reproduction and shipping); mail box services; notary services; advertising services; photocopying and photofinishing; soils and materials testing laboratories; and window cleaning.

**17.08.460 Car washing and detailing.**

Permanent, drive-through, self-service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Does not include temporary car washes which are fundraising activities typically 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 (1) day.

**17.08.470 Caretaker housing.**

A residence that is accessory to a non-residential primary use of the site, where needed for security, twenty-four (24)-hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

**17.08.480 Cargo container.**

A metal or similar rectangular container designed for the temporary storage and transportation of goods on rail cars, truck beds, and ships.

**17.08.490 Carport.**

A structure that is attached or detached from another building, and that is open on at least two (2) sides with a covering for vehicle storage.

**17.08.500 Cemetery.**

Land used for the storage of the deceased, and dedicated for cemetery purposes, including crematories, columbaria, and mausoleums.

**17.08.510 Centerline.**

The line located equidistant from the edges of an easement or right-of-way. Centerline of a road right-of-way or easement does not necessarily mean the center of the physical location of the road.

**17.08.520 Certified farmers' market.**

A temporary outdoor gathering of individual retailers primarily focused on the sale of fresh produce, but also including other foods, beverages, handicrafts, art objects, and similar items.

#### **17.08.530 Chemical product manufacturing.**

Manufacturing facilities that produce or use basic chemicals, and other establishments creating products predominantly by chemical processes. Facilities included in this definition manufacture three general classes of products: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives.

#### **17.08.540 City property.**

Real property over which the City of Etna: (1) has fee title, an easement (including a public right-of-way), a leasehold interest, or other legal interest; and (2) has the present right of possession and control.

#### **17.08.550 Clear vision triangle, clear vision distance.**

The clear vision area (sometimes called the “sight triangle”) formed by measuring twenty (20) feet along two intersecting streets from the point of intersection, and diagonally connecting the ends of the two lines (see Figure 17.08-1). Visual obstructions within this area are strictly managed so that drivers stopped at or approaching an intersection can see pedestrians and oncoming traffic.

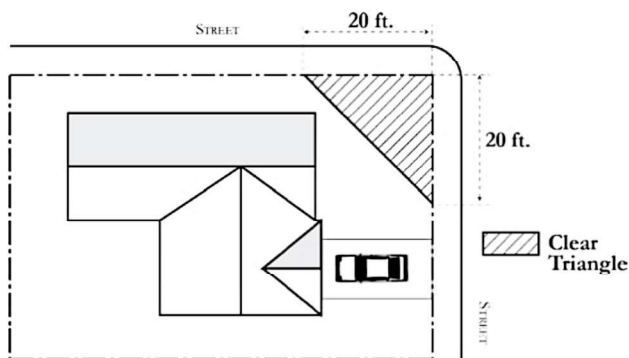


Fig. 17.08-1, Clear Vision Triangle

#### **17.08.560 Clothing and fabric product manufacturing.**

An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics and related materials, including fur, leather, plastics, and rubberized fabrics, and which does not include the on-site sale of products to the end consumer. Does not include custom tailors and dressmakers not operating as a factory.

#### **17.08.570 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.

**17.08.580 Collectibles.**

Any tangible personal property which has an enhanced value because of its rarity and which is commonly bought, sold, or exchanged among collectors and shall include such things as rare coins, stamps, and jewelry.

**17.08.590 Commercial vehicle.**

A motor vehicle used for commercial, industrial, or agricultural purposes and rated more than one (1) ton capacity. Examples of commercial use vehicles include but are not limited to; tow trucks, flat-bed trucks, mobile food preparation vehicles including large trucks converted as food vehicles, street sweepers, buses, utility trucks with hydraulic arms or lifts, and tractors and semi-trailers, etc.

**17.08.600 Common area.**

A parcel or parcels that are part of a subdivision, which are retained in the common ownership of the property owners of the subdivisions for common use or development.

**17.08.610 Community center.**

Multipurpose meeting and recreational facilities owned and maintained by a public agency and typically consisting of one (1) or more meeting or multipurpose rooms, kitchen, and/or outdoor barbecue facilities that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

**17.08.620 Community garden.**

A site where flowers, fruits, herbs, nuts, seeds, and/or vegetables are cultivated by individuals of a neighborhood.

**17.08.630 Community resource center.**

Any building maintained by a governmental authority or not-for-profit agency used for supplementary educational services, employment assistance, food services, and/or constructive recreational activities.

**17.08.640 Concession facilities.**

Food service establishments operated from permanent structures, and generally associated with athletic and recreational facilities.

**17.08.650 Concrete batching or ready-mix concrete manufacturing.**

A facility used for the delivery of limestone aggregate, sand or screenings, cement and water into mixer trucks as part of the concrete manufacturing process. This facility may contain a system of conveyor belts, chutes, storage silos, stockpile areas, water and air systems, and weight scales and meters for the accurate dispensing of the raw materials to produce the desired strength and type of concrete. A concrete batching plant or ready-mix concrete plant facility includes queuing and parking spaces for trucks, materials handling equipment, and administrative, control and office buildings.

**17.08.660 Conditional use permit.**

A land use permit issued in a zone for uses that have the potential to be incompatible with neighboring land uses and zoning, and are to be permitted, but may be denied, following a public hearing in which interested parties have the opportunity to comment.

**17.08.670 Condominium.**

An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building on such real property.

**17.08.680 Construction.**

The physical development of a parcel, including site excavation and grading, framing, and finishing, up to the point of final inspection, use, or occupancy, whichever occurs first.

**17.08.690 Consumer electronics.**

Analog or digital electronic equipment intended for everyday entertainment, communications, and recreation use. Consumer electronics include but are not limited to home or portable audio and video equipment, audio and video equipment for boats and automobiles, camcorders, cameras, drones, electronic musical instruments, karaoke machines, game consoles, GPS instruments and software, personal computers, mobile phones, smart appliances, smart watches, virtual reality goggles, and other wearable technology.

**17.08.700 Convenience stores.**

Easy access retail stores of five thousand (5,000) square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs.

**17.08.710 Corner lot.**

A lot that has two (2) or more parcel lines contiguous to a public street.

**17.08.720 Cottage food operation.**

As defined in Chapter 17.80 (Live Work Units and Home-Based Businesses).

**17.08.730 Craft food and beverage production.**

A business, not exceeding ten thousand (10,000) square feet in gross floor area, engaged in on-site commercial production of beverage and/or food products to a final form employing batch-processing or handcrafting using traditional methods, and that distributes to customers on-site via product tasting and direct sales and/or offsite to retailers and wholesalers. Typical uses include but are not limited to artisan cheesemakers, bakeries, chocolatiers, coffee roasters, condiment makers, confectioneries, ice cream shops, microdistilleries, nanobreweries, and any other craft beverage manufacturing. Does not include water bottling.

**17.08.740 Crop and tree farming.**

Raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis. 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 commercial



cannabis and uses for which other garden, nursery, or landscape merchandise are stored and sold on the site.

**17.08.750 Customer area.**

That portion of a structure that is used for the purposes of transacting business, purchasing, or selling products or services, and does not include any portion of the structure used for warehousing or storage that is inaccessible to public use.

**17.08.760 Date of decision.**

Granting or denying a permit under this title means the date on which the decision is announced or a final vote is taken.

**17.08.770 Density.**

- A. For residential use, “density” means the number of dwelling units per acre.
- B. For non-residential development, “density” means the percentage of lot coverage.

**17.08.780 Density bonus.**

A density increase over the otherwise maximum allowable residential density under the applicable land use designation and zoning district.

**17.08.790 Density transfer.**

The exchange of permitted density within a proposed development so that the number of parcels or lots created are equal to the number permitted by the General Plan, but individual lots or parcels are potentially smaller than the minimum parcel size requirement.

**17.08.800 Development agreement.**

Refers to agreements entered between developers and the city pursuant to Government Code Section 65864 et seq. as those sections exist or are hereafter amended or renumbered.

**17.08.810 Dormitory.**

A building providing group living accommodations, occupied by individuals not sharing a common household, characterized by separate sleeping rooms without individual kitchen facilities and containing congregate bath and/or dining facilities or rooms. Dormitory does not include “employee housing.”

**17.08.820 Drive-in and drive-through sales and services.**

Facilities where food, products, or services may be purchased by motorists without leaving their vehicles, including but not limited to drive-thru restaurants and coffee shops, banks, pharmacies, and other businesses with drive-up windows, and automated car washes.

**17.08.830 Duplex residential.**

A single building containing two (2) independent dwelling units separated from each other by a wall, floor, or ceiling; provided, however, that a building containing a single-family dwelling and a lawful accessory dwelling unit or junior accessory dwelling unit shall not be deemed a duplex.

**17.08.840 Dwelling group.**

Three (3) or more detached single-family dwellings occupying a parcel of land, in one (1) ownership and having a yard court in common, but not including manufactured home parks, hotels, motels, and transient occupancy uses.

**17.08.850 Dwelling unit.**

A building or portion of a building designed for, or occupied exclusively by, persons living as one (1) household.

**17.08.860 Easement.**

Any legal right defined as an easement in the California Code of Civil Procedure Section 800 et al. Generally, an easement is a right to the use of another's land.

**17.08.870 Efficiency unit.**

A dwelling unit which contains a minimum of one hundred and fifty (150) square feet in living space, a separate closet, kitchen sink, cooking appliance, refrigerator, and a separate bathroom containing a water closet, lavatory, bathtub, or shower.

**17.08.880 Emergency shelter.**

Housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or households may be denied emergency shelter because of an inability to pay. "Emergency shelter" also includes other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

**17.08.890 Employee housing.**

- A. "Small employee housing" means housing for employees consisting of six (6) or fewer persons in a single-family dwelling.
- B. "Large employee housing" means housing of permanent construction for employees consisting of no more than thirty-six (36) beds in group quarters or twelve (12) units or spaces designed for use by a single family or household.

**17.08.900 Encroachment permit.**

A permit issued by a government agency to allow private work within publicly owned property (e.g., to connect with a city street).

**17.08.910 Equipment and material storage yards.**

All uses related to outdoor storage of large construction equipment or machinery, company vehicles, or large quantities of other materials. Excludes storage associated with vehicle service and equipment.

**17.08.920 Equipment sales and rental.**

Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental, including construction equipment.

**17.08.930 Event center.**

Any room, place, or space that the primary business is to routinely rent or make available to members of the public for general social purposes such as weddings and wedding receptions, birthday parties, celebrations, gatherings, and similar events.

**17.08.940 Explosives.**

Includes any chemical compound or mechanical mixture, that is commonly used or intended for the purpose of producing an explosion, and that contains any oxidizing and combustible units, packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing effects on contiguous objects or of destroying life or limb.

**17.08.950 Family.**

See definition of "Household."

**17.08.960 Family childcare home.**

A state licensed facility that provides non-medical care and supervision of minor children for periods of less than twenty-four (24) hours within a single-family residence.

- A. In small family daycare homes, the occupant of the residence provides care and supervision generally to six (6) or fewer children. As described in the California Health and Safety Code, small family daycare homes may provide services for up to eight (8) children when specific conditions are met.
- B. In a large family daycare home, the occupant of the residence provides care and supervision generally for seven (7) to fourteen (14) children. As described in the California Health and Safety Code, large family daycare homes may provide services for up to sixteen (16) children when specific conditions are met.

**17.08.970 Farmworker housing.**

A single-family dwelling occupied by six (6) or fewer persons, at least one (1) of which is an agricultural employee.

**17.08.980 Fence.**

A structurally sound barrier constructed of posts, supports, and cross members that serves as an obstruction to mark property lines or delineate or restrict access to a portion of property.

**17.08.990 Firearms sales.**

Any establishment which sells or offers for sale firearms. Does not include the sale of ammunition, firearms parts and accessories, hunting supplies, reloading equipment and supplies, targets and other shooting supplies, or FFL transfers.

**17.08.1000 Floor area ratio.**

The net floor area of a building or buildings on a lot divided by the lot area or site area.

**17.08.1010 Food and beverage manufacturing.**

Manufacturing establishments that produce or process foods and beverages for human consumption, and certain related products. Includes coffee roasters; dairy products, fats, and oil manufacturing; curing, preserving, and related processing; fruit and vegetable canning; microbreweries; juice and soft drink production; grain mill products and by-products; wholesale bakeries; water bottling plants; and miscellaneous food item preparation from raw products. Uses are predominantly wholesale although may include tasting rooms and accessory retail sales of food or beverages produced on site, such as a taproom. Does not include retail bakeries or the brewing of beer or the distilling of spirits as part of a nanobrewery, brew pub, microdistillery, or restaurant.

**17.08.1020 Front yard.**

A yard extending across the front of the lot between the side lot lines and measured from the front lot line to the building or structure wall.

**17.08.1030 Fuel storage and distribution.**

A large-scale facility where fuel, such as propane and gasoline, is stored and distributed without retail sales.

**17.08.1040 Furniture and fixtures manufacturing.**

Manufacturers producing cabinetry and shelving; draperies, blinds, and shades; household, office, and store furniture; mattresses and foundations; and rugs and carpets. Includes furniture reupholstering businesses, but not sawmills or planing mills.

**17.08.1050 Garage.**

A covered space that can be accessed from a public or private roadway for the storage of automobiles. Each parking space shall have a minimum area of ten (10) feet by twenty (20) feet. If attached to the main building, such garage shall meet the requirements of this title applicable to the main building. If detached from the main building, the garage shall meet the requirements for an accessory structure. This definition does not replace the definition of a garage in the California Building Code.

**17.08.1060 Garage sale, yard sale.**

A temporary garage, yard, lawn, patio, or similar-type sale held anywhere on the premises in a residential zone or when incidental to residential use in a mixed-use zone for the purpose of disposing of personal property.

**17.08.1070 Garden center, plant nursery.**

Establishments providing for the cultivation and sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials), yard tools, and equipment.

**17.08.1080 General Plan.**

The City of Etna General Plan as currently adopted, including all amendments.

**17.08.1090 General vicinity, proximity.**

The parcels of land surrounding or near a subject property that have the potential to be affected by the proposed land use or land usage of the subject property. General vicinity or proximity cannot be defined by a specific distance or direction in that one type of land use may impact a greater area than another type of land use.

**17.08.1100 Glass product manufacturing.**

Manufacturing establishments larger than ten thousand (10,000) square feet that produce flat glass and other glass products which are pressed, blown, or shaped from glass produced in the same establishment.

**17.08.1110 Grocery store, supermarket.**

A retail business where a 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.

**17.08.1120 Gross density.**

The total number of dwelling units per acre, based on the minimum lot size, using the total acreage of the undeveloped site before public rights-of-way or other dedications are factored in.

**17.08.1130 Gross floor area.**

The total square footage of a structure as measured around the exterior perimeter including any non-walled areas under roof and any outside storage or sales areas.

**17.08.1140 Group home.**

Housing shared by unrelated persons with disabilities that provide peer and other support for their residents' disability related needs and in which residents share cooking, dining, and living areas, and may, in some group homes, participate in cooking, housekeeping, and other communal living activities. This classification includes residential care homes, residential care facilities, rest homes, adult residential facilities, shared living residences, licensed group homes, unlicensed group homes, recovery residences, sober living homes, alcohol or other drug facilities, and other similar facilities licensed by the State of California. Licensed group homes provide services that require licenses under state law, and unlicensed group homes may provide some supportive services for their residents but not services that require licenses under state law. Uses that otherwise meet this definition, but which do not provide licensable services, are allowed as a single-family residential use of property subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residential uses.

**17.08.1150 Handcraft industries.**

Small-scale manufacturing establishments that manufacture and/or assemble small products primarily by hand, including but not limited to jewelry, pottery and other ceramics, art and craft products, musical instruments, brooms and brushes, pens, pencils, and stationary, costume novelties, toys, sporting goods, and taxidermy.

**17.08.1160 Health clinics, medical offices, and laboratories.**

Facilities primarily engaged in furnishing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including: medical and dental laboratories, medical, dental, psychologists, and psychiatrists, out-patient care facilities, other

allied health service. Includes complementary and alternative medical services such as acupuncture, chiropractic medicine, energy therapies, herbal medicine, and ayurvedic medicine.

**17.08.1170 Hedges and equivalent screening.**

Vegetation other than trees that block at least fifty (50) percent of light passage, is four (4) feet or more in diameter or width within two (2) feet of ground level, and has the purpose or effect of obscuring or blocking casual viewing through it.

**17.08.1180 Heliport.**

A designated, marked area on the ground or the top of a structure where helicopters may land at any time.

**17.08.1190 Highway**

A state or federal route as defined by the State of California Department of Transportation (Caltrans) or the Federal Highway Administration.

**17.08.1200 Home occupation.**

As defined in Chapter 17.80 (Live Work Units and Home-Based Businesses).

**17.08.1210 Hospice care.**

A facility or program designed to provide a caring environment for supplying the physical and emotional needs of the terminally ill.

**17.08.1220 Hospitals.**

Medical centers and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other health 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, and emergency heliports. Does not include "ambulance service", which is defined separately.

**17.08.1230 Hostel.**

Any building, portion thereof, or group of buildings licensed or otherwise recognized by a national or international hostel organization that contains five (5) or more guest rooms or suites, or that provides dormitory sleeping accommodations for five (5) or more overnight guests for the purpose of providing low-cost accommodations for recreational travelers. The hostel shall contain a kitchen, communal eating facilities, and sanitary facilities for use by the guests.

**17.08.1240 Hotels and motels.**

Commercial facility that contains five (5) or more guest rooms, suites, cabins, and/or chalets provided with or without kitchen facilities, rented to the general public for transient lodging (less than thirty (30) days). Often includes a variety of guest services in addition to lodging (e.g., restaurant, swimming pool, meeting facilities, personal services, etc.). Hotels typically provide access to guest rooms from an interior walkway, and motels typically provide access to guest rooms from an exterior walkway.

**17.08.1250 Household.**

One or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit.

**17.08.1260 Indemnification.**

Compliance with a request to relieve the city of liability, or to accept the costs for defending the city, from any action brought as a result of the project.

**17.08.1270 Indoor entertainment facility.**

Establishments providing indoor entertainment services for a fee or charge, including but not limited to billiard parlors, bingo parlors, bowling alleys, and electronic game arcades as a primary use. An establishment or premises with more than ten (10) electronic games or coin-operated amusements and/or where fifty (50) percent or more of the floor area is occupied by amusement devices is considered an electronic game arcade as described above. Ten (10) or fewer machines are not considered a land use separate from the primary use of the site.

**17.08.1280 Indoor sports and fitness facility.**

A center where exercises and related activities are performed entirely within an enclosed building for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Typical uses include athletic clubs, gyms, indoor ball courts, fitness centers, indoor climbing facilities, and yoga studios.

**17.08.1290 Junior accessory dwelling unit.**

As defined in Chapter 17.96 (Accessory Dwelling Units).

**17.08.1300 Junk.**

Includes but is not limited to, trash; refuse; paper; glass; cans; bottles; rags; ashes; trimming from lawns, yards, trees, and shrubbery, including plants and leaves; and other solid waste or salvageable materials other than garbage; inoperable appliances, parts, tools; inoperable and unregistered vehicles; vehicle parts; vehicle hulks; discarded furniture; dirt; rocks; and materials from the demolition, alteration or construction of buildings or structures, unless such dirt, rocks, or other materials from demolition, alteration or construction are being used for purposes of fill.

**17.08.1310 Kitchen.**

Any room or portion thereof containing facilities designed or used for the preparation of food, including but not limited to stoves, ranges, or hotplates.

**17.08.1320 Landscaping.**

The replacement of developed or excavated areas of a parcel with introduced new living vegetation, shrubbery, trees, ground cover and combinations thereof.

**17.08.1330 Legal description.**

The terminology, words, mapping, or language contained in a deed or other legal document describing the location of a parcel of land or location of an easement.

**17.08.1340 Library.**

A public, nonprofit facility, room, or building containing printed information, electronic information, and pictorial material, such as books, manuscripts, computers, recordings, or films, which are kept for use by or loaning to patrons of the facility but are not normally offered for sale.

**17.08.1350 Live/work unit.**

As defined in Chapter 17.80 (Live/Work Units and Home-Based Businesses).

**17.08.1360 Living area.**

The interior habitable area for a dwelling unit, including basements and attics.

**17.08.1370 Lot, parcel.**

A legally established parcel of land mapped or otherwise described. May also mean a parcel established for tax purposes, sometimes called an assessor's parcel.

**17.08.1380 Lot coverage.**

The percent of lot area covered by all building footprints.

**17.08.1390 Lot depth.**

The average distance from the property line fronting a road or road easement to the rear or opposite property line.

**17.08.1400 Lot frontage, street frontage.**

The length of a lot or parcel of land along or fronting on a street or other principal thoroughfare but not including such length along an alley, watercourse, railroad right-of-way or limited access roadway or interstate.

**17.08.1410 Lot line.**

A. Any legally described parcel line, as follows:

1. "Front lot line" is the shortest property line along the road or road easement.
2. "Side lot line" is the property line intersecting with the front lot line and dividing the parcel from other adjacent parcels or another public street.
3. "Exterior lot line" is the property line intersecting with the front lot line and contiguous with a public street on a corner lot.
4. "Interior lot line" is any property line dividing the parcel from other adjacent parcels.
5. "Rear lot line" is the property line opposite the front lot line.

B. In the case of an irregularly shaped lot, the city planner shall determine the front and side lot lines in such a manner as to best promote the orderly development of the immediate area.

**17.08.1420 Lot width.**

The distance from one side property line to the other side property line measured along the building setback line.



**17.08.1430 Low barrier navigation center.**

As defined in Section 17.88.260 (Low barrier navigation centers).

**17.08.1440 Lumber and wood product processing facility.**

Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

**17.08.1450 Major transit stop.**

A site containing any of the following: an existing rail or bus rapid transit station; a ferry terminal served by either a bus or rail transit service; or the intersection of two (2) or more major bus routes with a frequency of service interval of twenty (20) minutes or less during the morning and afternoon peak commute periods.

**17.08.1460 Main building.**

A building that is designed for or in which is conducted the principal use of the lot and/or building site on which it is situated.

**17.08.1470 Manufactured home.**

As defined in the California Health and Safety Code Section 18007, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight (8) body feet or more in width, or forty (40) body feet or more in length, in the traveling mode, or, when erected on site, is three hundred and twenty (320) or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Manufactured home includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974.

**17.08.1480 Manufactured home park.**

Any area of land or property that has at least two (2) mobile homes, manufactured homes, recreational vehicles, and/or lots that are held out for rent or lease.

**17.08.1490 Media production.**

Commercial arts and art-related business services including audio and film recording and editing studios and services, film and video production, photographers and photography studios, radio and television broadcast, special effects production, titling, video and film libraries, and similar uses.

**17.08.1500 Metal products fabrication, machine/welding shops.**

Establishments engaged primarily in the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets, and enclosures, metal doors, and gates, and similar products, blacksmith, and welding shops, sheet metal shops, machine shops, and boiler shops.

**17.08.1510 Microbrewery.**

A brewery that produces less than fifteen thousand (15,000) barrels of beer per year and sells seventy-five (75) percent or more of its beer off-site.

**17.08.1520 Microdistillery.**

A business where less than fifty thousand (50,000) proof gallons of distilled spirits are manufactured (distilled, rectified, or bottled, blended), packaged, and distributed for wholesale and/or retail distribution annually and which includes the incidental direct sale to consumers of only those goods produced on-site.

**17.08.1530 Mixed-use building.**

A type of mixed-use development that has at least two (2) uses, each occupying a minimum of thirty (30) percent of the gross floor area of the building.

**17.08.1540 Mixed-use development.**

More than one type of land use within a building, set of buildings, or area. See also “vertical mixed-use development.”

**17.08.1550 Mobile food commissary.**

As defined in Chapter 17.92 (Mobile Food Sales).

**17.08.1560 Mobile food court.**

As defined in Chapter 17.92 (Mobile Food Sales).

**17.08.1570 Mobile food vendor.**

As defined in Chapter 17.92 (Mobile Food Sales).

**17.08.1580 Mobile home.**

As defined in the California Health and Safety Code Section 18008, a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight (8) body feet or more in width, or forty (40) body feet or more in length, in the traveling mode, or, when erected on-site, is three hundred and twenty (320) or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Mobile home includes any structure that meets all the requirements of this paragraph and complies with the state standards for mobile homes in effect at the time of construction. Mobile home does not include a commercial modular, as defined in Health and Safety Code (HSC) Section 18001.8, factory-built housing, as defined in HSC Section 19971, a manufactured home, as defined in HSC Section 18007, a multifamily manufactured home, as defined in HSC Section 18008.7, or a recreational vehicle, as defined in HSC Section 18010.

**17.08.1590 Mortuaries and funeral homes.**

Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted.

**17.08.1600 Multifamily residential.**

A building or a portion of a building designed and intended for occupancy by two (2) or more households 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, duplex, townhouse, condominium).

**17.08.1610 Nanobrewery.**

A brewery that produces no more than three (3) barrels of beer in one batch and no more than two thousand (2,000) barrels annually.

**17.08.1620 Net density.**

The total number of dwelling units per acre, based on the minimum lot size and acreage of the site, but excluding land area devoted to public rights-of-way and other dedications.

**17.08.1630 Net land area.**

The area or land remaining after any required public dedication.

**17.08.1640 Nonconforming building or use.**

- A. "Non-conforming building" means a structure that does not conform to present regulations.
- B. "Nonconforming use" means a land use which does not conform to present regulations.
- C. "Legally existing" means a use that predates present regulations but was legally constructed or established at the time the use or construction first commenced.
- D. "Grandfathered" is a colloquial term means the same as "legally existing" non-conforming building or use as described in subsection (C) above.

**17.08.1650 Occupancy.**

The establishment of a use within a structure or upon a parcel of land, including and not limited to installing display fixtures in a completed structure, stocking of inventory, or commencing temporary or permanent residency, whether or not a structure has been subject to an approved final inspection or a certificate of occupancy. Each separate use of property carried on at all or a portion of a building parcel is a separate occupancy.

**17.08.1660 Official plan line.**

The boundaries and limits of a planned right-of-way, including the future right-of-way of an existing street as it is proposed to be widened and including all lands necessary for the building, widening or maintenance of any road, street, highway or any other type of public way which planned right-of-way is based on the general plan of the city.

**17.08.1670 Off-site.**

An improvement, feature, or action located or occurring on property separate from the property under discussion.

**17.08.1680 On-site.**

An improvement, feature, or action located or occurring on the property under discussion.

**17.08.1690 Open space.**

The portion of the lot or parcel from the ground upward that is unoccupied by buildings, structures, parking lots and driveways, except as otherwise permitted by city code. Clubhouses, recreation buildings, pools, saunas, interior walkways, paths, and similar amenities may be included in open space.

**17.08.1700 Outdoor commercial recreation facility.**

Facility for various outdoor sports and recreation activities where a fee is charged for use, including amusement and theme parks, golf driving ranges, miniature golf courses, skateboard parks, swim and tennis clubs, waterparks, and similar uses.

**17.08.1710 Paper product manufacturing.**

An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard.

**17.08.1720 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.

**17.08.1730 Parking space or facility.**

An area or structure used for the temporary storage of vehicles.

- A. "Parking space" means an unobstructed space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of one (1) motor vehicle.
- B. "Public parking" means a parking lot or parking space located on public or private property, which generally is advertised, designated, or otherwise available for public use.
- C. "Private parking" means a parking lot or parking space located on private property, which, generally, is not available for public use, except with the specific permission of the property owner.

**17.08.1740 Parks, picnic areas, and playgrounds.**

Public parks, play lots, playgrounds, and athletic fields for neighborhood or community use, including swimming pools, ball fields, bocce courts, basketball, tennis, pickleball, and handball courts.

**17.08.1750 Pending application.**

Means any formal application submitted to the city for land use or development permit or action that has been deemed complete but has not yet been acted upon/finally decided by the designated authority, including any appeal determination.

**17.08.1760 Permit.**

An authorization to proceed issued by the city for a specific activity.

**17.08.1770 Personal services.**

Establishments providing non-medical services as a primary use, including barber shops and beauty salons, catering (excluding onsite mobile food sales and commissaries), cleaning services, costume and clothing rental, day spas, guide services, shoe and small item repair, locksmiths, licensed massage therapy, self-service laundromats, small equipment maintenance and repair, and tailors. These uses may also include limited accessory retail sales of products related to the services provided.

**17.08.1780 Pharmacy.**

A retail store engaged in the sale of prescription drugs and medicine, carrying related items such as vitamins, cosmetics, personal care, and toiletries and such unrelated items as tobacco, alcohol, and novelty merchandise.

**17.08.1790 Places of worship and spiritual assembly.**

Facility operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc.; and accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations are classified according to their respective activities.

**17.08.1800 Principally permitted use.**

A use which does not require the issuance of a conditional use permit, but which may be subject to a building permit, business license, and other required permits. Where more than one use is located on the parcel, the principal use is that activity to which the greatest amount of floor and/or ground space is devoted.

**17.08.1810 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.

**17.08.1820 Private schools.**

Private educational institutions, including but not limited to preschools, elementary, middle, junior high, and high schools, homeschooling cooperatives, business, secretarial, and vocational schools, folk schools, colleges and universities, establishments providing courses by mail or online, professional schools (law, medicine, etc.), and seminaries/religious ministry training facilities. Includes schools offering specialized programs in art, communication, dance, design, drama, driver education, emergency response and preparedness, environmental education, health and fitness, finances, flight training, food preparation, gardening, language, management, massage, music, self-defense, outdoor recreation, technology, and wilderness survival. Does not include boarding.

**17.08.1830 Professional office.**

An office-type facility occupied by a business that provides direct professional services and/or is engaged in the production of intellectual property. Examples of these uses include, but are not

limited to accounting, auditing, and bookkeeping services, advertising agencies, architects, attorneys, commercial artists and graphic designers, construction contractors (office only), consultants, counselors, designers, engineers, financial counseling, management and public relations services, private investigators, social workers, surveyors, therapists, and title and escrow companies.

**17.08.1840 Project.**

Proposed development or a new land use.

**17.08.1850 Property line.**

A legal boundary of parcel land.

**17.08.1860 Public agency.**

A political subdivision of the federal, state, or local government or its departments, or governmental jurisdictions or districts.

**17.08.1870 Public and quasi-public facilities.**

A land use maintained by a public agency or private non-profit organization that provides a service to and benefits the public, including but not limited to animal shelters, bus shelters, chamber of commerce, city hall, community center, community resource center, corporation yards, historical society, library, museums, municipal offices, park and ride facilities, public parking, public safety facilities, public restrooms, public schools, and visitor centers. Does not include wastewater treatment plants or airports.

**17.08.1880 Public nuisance.**

A nuisance that unreasonably interferes with a right that is common to the general public.

**17.08.1890 Public right-of-way.**

A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer, and/or other public uses.

**17.08.1900 Public safety facility.**

A facility operated by a public agency, including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. Does not include airports or firearms qualification and training facilities.

**17.08.1910 Public schools.**

Public educational institutions including, but not limited to elementary, middle, junior high, and high schools, community colleges, colleges and universities, and military academies.

**17.08.1920 Public services.**

Services needed for development of a parcel of land. This may include, but is not limited to water, wastewater, phone, electricity, gas, and internet.

**17.08.1930 Public utility.**

A public agency or private business that provides a general service to the public, such as telecommunications, electricity, water, or other services.

**17.08.1940 Rear yard.**

A yard extending across the full width of the rear portion of the lot and measured between the rear line of the lot to the building or structure wall.

**17.08.1950 Recreational vehicle.**

A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than three hundred and twenty (320) square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains four hundred (400) square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

**17.08.1960 Recreational vehicle park.**

A site where two (2) or more spaces 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 RV space. May include accessory retail uses when such retail is clearly incidental and intended to serve recreational vehicle park patrons only.

**17.08.1970 Recycling facility.**

A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that may occupy more than five hundred (500) square feet and include permanent structures. Facility does not use power-driven processing equipment except for compacting, baling, plastic shredding, and other activities necessary for efficient temporary storage and material shipment. Does not include automobile dismantling or processing of hazardous materials.

**17.08.1980 Residential care facility.**

A facility licensed by the State of California that provides twenty-four (24)-hour non-medical care for more than six (6) persons eighteen (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.

**17.08.1990 Residential care home.**

A home licensed by the State of California that provides twenty-four (24)-hour non-medical care for six (6) or fewer persons eighteen (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.

**17.08.2000 Resource protection and restoration.**

Activities and management of an area to preserve, recreate, and enhance natural resource values such as fish and wildlife habitat, rare and endangered plants, erosion control, and floodwater conveyance.

**17.08.2010 Resource-related recreation.**

Facility related to active or passive recreation in open space areas including bicycle and pedestrian trails, picnic areas, parking areas, and interpretive centers.

**17.08.2020 Restricted personal services.**

Personal service establishments that are dispersed to minimize their potentially blighting impact on surrounding land uses, including: check cashing services; fortune tellers, palm readers, psychics, and similar services; and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

**17.08.2030 Restricted retail sales.**

Stores and shops that are dispersed to minimize their potentially blighting impact on surrounding land uses, including firearm sales, alcoholic beverage sales, secondhand sales, thrift stores, and tobacco and vape shops.

**17.08.2040 Retail food establishment.**

A restaurant, brewpub, delicatessen, bakery, coffee shop, or other retail business selling food and beverages prepared and/or served on the site, for on- or off-premise consumption. Outdoor dining is permitted pursuant to Section 17.76.160 (Commercial outdoor dining and seating) as an incidental activity to a retail food establishment.

**17.08.2050 Retail sales.**

Stores and shops selling multiple lines of merchandise (indoor sales only, except as otherwise permitted). These stores and lines of merchandise include: apparel, art galleries, art supplies, automobile parts and supplies, bakeries (including production), bicycles, books, cameras, clothing and accessories, craft and hobby supplies, dry goods, fabrics and sewing supplies, florists and houseplant stores, furniture, home furnishings, household supplies, general stores, gift and souvenir shops, hardware stores, jewelry, leather goods, luggage, musical instruments, orthopedic supplies, personal electronics, pet food and supplies (no pets), pharmacies, small wares, specialty shops, sporting goods and equipment, stationery, toys and games, and variety stores.

**17.08.2060 Salvage yard.**

A place in which junk, salvaged materials, or products, scrap, or other waste materials are stored, broken up, dismantled, sorted, distributed, or sold privately or commercially.

**17.08.2070 Second dwelling unit.**

An attached or detached dwelling unit constructed prior to January 1, 2017, 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. Includes granny flats.

**17.08.2080 Secondhand sales.**

Indoor retail establishments that require a secondhand dealer license from the state, as provided in the California Business and Professions Code Sections 21625 - 21647, or where at least ten (10) percent of the products offered for sale are used.

**17.08.2090 Setback.**

The distance by which a structure, parking area, or other development feature must be separated from a lot line, other structure, or development feature, or street centerline.

**17.08.2100 Shopping center.**

A retail commercial business consisting of three (3) or more retail tenants having shared parking facilities.

**17.08.2110 Short-term rental.**

As defined in Chapter 17.84 (Short-Term Rentals).

**17.08.2120 Side yard.**

A yard between the sideline of the lot and the building or structure wall and extending from the required front setback to the required rear setback.

- A. "Exterior side yard" means the side yard that is adjacent to a public street on a corner lot.
- B. "Interior side yard" means the side yard that is adjacent to another lot on an interior or corner lot.

**17.08.2130 Sign.**

As defined in Chapter 17.64 (Signs).

**17.08.2140 Single-family residential.**

A building designed exclusively for occupancy by one household on a single lot. This classification includes manufactured homes, small employee housing, farm worker housing, group homes that operate as single-family residences and do not provide licensable services, and group homes that operate as single-family residences and provide licensable services to six or fewer residents.

**17.08.2150 Small acreage agriculture.**

Agricultural uses, including crop and tree farming and the raising of livestock, that are not detrimental to the public health, safety, and general welfare by reason of odor, smoke, gas, dust, traffic, vibration, or noise; are not deemed to be exceptional fire or explosion hazards; and do not involve commercial cannabis, chicken, poultry, egg, hog farms, dairies, or animal processing operations (e.g., animal slaughter and/or meat cutting and packing). Also excludes rodeos, commercial stables, horse rentals, and retail plant nurseries.

**17.08.2160 Small equipment maintenance and repair.**

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.

**17.08.2170 Special event.**

An event, or series of related events, of cultural, civic, economic, social, recreational, or educational nature sponsored by an individual or individuals, a non-profit organization or community group, charitable organization, or for-profit organization or group, that is: (1) held wholly or partially on property owned or maintained by the city; or (2) held on any other property, and that requires for its successful execution, the partial or complete closure of streets or sidewalks or the provision and coordination of municipal services to a degree over and above the level that the city normally provides. Special event also includes any other organized activity that involves the use of, or has a direct or indirect impact on, public property or facilities or that can reasonably be foreseen to have such an impact on, or to require a higher level of, public safety services or other municipal services, including advance planning services, than that normally provided by the city.

**17.08.2180 Split zoning.**

A split-zoned parcel is a parcel to which two or more zoning districts apply. This does not include overlay zones.

**17.08.2190 Sporting goods.**

Equipment commonly used by a participant in a sporting or recreational event or activity, not including motorized vehicles or firearms.

**17.08.2200 Stone product manufacturing.**

An establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones.

**17.08.2210 Storage facility.**

- A. Indoor storage. The storage of various materials entirely within a structure as the primary use of the structure. The storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.
- B. Outdoor storage. The storage of various equipment and materials outside of a structure as a principal use, such as vehicle storage. The storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

**17.08.2220 Structure.**

Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For purposes of this title, the term "structure" includes "buildings".

**17.08.2230 Supportive housing.**

Housing with no limit on length of stay that is occupied by the target population, as defined in subdivision (o) Section 65582 of the California Government Code, that is linked to on-site or off-site services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

**17.08.2240 Taproom brewery.**

A brewery that sells twenty-five (25) percent or more of its beer for on-premises consumption and does not operate full food service. The beer is brewed primarily for sale in the taproom and is often dispensed directly from the brewery's storage tanks.

**17.08.2250 Temporary structure.**

A building or structure to be utilized for a permitted use applicable to a parcel of land, which is crafted of impermanent materials, such as poles and awning or similar materials.

**17.08.2260 Temporary Use.**

A land use defined as accessory to a permitted or conditionally permitted land use that: does not permanently change the character or physical facilities of the premises or property; is in keeping with the purposes of the zoning district where it is located; and which may occur on the property for a period not to exceed twelve (12) calendar months. Some provisions of this title may provide more precise land use standards for longer or shorter temporary uses in accordance with the provisions of the applicable chapter of this code. In no case shall a temporary use be permitted for any period to exceed a total of twenty-four (24) calendar months unless overall public health and safety are clearly demonstrated to the city at the time of initial issuance.

**17.08.2270 Theaters and playhouses.**

Indoor facilities for public assembly and group entertainment, where seats are arranged so that spectators have an unobstructed view of performers on a stage or movie screen(s). Includes concert halls, auditoriums, movie theaters, playhouses, and similar facilities devoted to the live performances of music, dance, plays, orations, and other stage performances and/or the showing of projected motion pictures and videotapes. Does not include adult-oriented businesses.

**17.08.2280 Townhouse.**

A single-family dwelling of two (2) or sometimes three (3) stories that is typically connected to a similar dwelling or dwellings by a common sidewall.

**17.08.2290 Transient occupancy.**

A dwelling unit, room, or space occupied by paying guests for periods of less than thirty (30) days.

**17.08.2300 Transitional housing.**

Buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted units to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months.

**17.08.2310 Uplighting.**

The placement of individual light sources at the base of architectural details or points of interest, typically around the perimeter of a space, to draw attention to those details.

**17.08.2320 Utility infrastructure.**

Pipelines for water, 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. Does not include offices, service centers, or distribution substations.

**17.08.2330 Variance.**

A discretionary entitlement that permits the departure from the strict application of the development standards contained in this title.

**17.08.2340 Vehicle storage.**

Storage of operative and inoperative vehicles for limited periods of time. Includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, vans, boats, and recreational vehicles. Does not include vehicle dismantling or retail sales.

**17.08.2350 Vehicles for hire.**

A business specializing in the provision of two (2) or more vehicles and drivers to the general public for the purpose of transportation (e.g., taxi service). May also include a business office and the maintenance, minor repair, and on-site storage of vehicles for hire. Does not include automobile rental services.

**17.08.2360 Vehicular access.**

The physical means by which an individual in a vehicle is able to enter upon or exit public or private property from a street. "Ingress" (to enter) and "egress" (to exit) are words describing the type of access.

**17.08.2370 Vertical mixed-use development.**

A multistory mixed-use building that contains one (1) or more nonresidential use at street level and residential use on the upper floor(s).

**17.08.2380 Veterinary office.**

An enclosed building or buildings where medical care is provided for animals. Does not include overnight accommodations or outside runs or kennels. Grooming of animals and pet food sales are permitted as accessory to the medical use.

**17.08.2390 Wholesale business.**

The selling of commodities in large quantities to retailers rather than directly to consumers, but not including the storing and/or sale of any material or commodity, and not including the processing or manufacture of any product or substance.

**17.08.2400 Wireless telecommunications facility.**

Equipment installed for the purpose of providing wireless transmission of voice, data, images, or other information including but not limited to, cellular telephone service, personal communications services, and paging services, consisting of equipment, antennas, and network components such as towers, utility poles, transmitters, base stations, conduits, pull boxes, electrical meters, and emergency power systems. "Wireless telecommunications facility" does not include radio or television broadcast facilities, nor radio communications systems for government or emergency services agencies.

**17.08.2410 Yard.**

The area between a property line and structures on residential lots.

**17.08.2420 Zero lot line.**

The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.

**17.08.2430 Zoning district.**

A portion of the territory in the city within which territory certain uniform regulations and requirements, or various combinations thereof, apply pursuant to this title.

## **CHAPTER 17.12**

### **DISTRICTS GENERALLY**

#### **Sections:**

- 17.12.010 Districts designated.
- 17.12.020 Zoning map.
- 17.12.030 Determination of uncertain boundaries.
- 17.12.040 Prezoning.
- 17.12.050 Split zoning.

#### **17.12.010 Districts designated.**

A. Zoning Districts. The districts established by this title are as follows:

R-R	Rural Residential
R-1-10	Low Density Residential 10
R-1-12	Low Density Residential 12
R-2	Medium Density Residential
R-3	High Density Residential
M-H	Mobile Home Residential
T-C	Town Center
G-C	General Commercial
M	Manufacturing
O-S	Open Space
P-F	Public Facilities

B. The permitted uses and development standards for each zoning district and combining district are set forth in this title.

#### **17.12.020 Zoning map.**

The designations, locations, and boundaries of the districts established are delineated upon the map entitled “City of Etna Zoning Map”, which map and all notations and information thereon are made a part of this title by reference. The zoning map is on file in the office of the city clerk. Any land within the incorporated limits of the city, now or in the future, and not designated or indicated on the zoning map shall be placed in the proper zoning district by initiation of amendment procedure as set forth in Chapter 17.116 (Amendments).

#### **17.12.030 Determination of uncertain boundaries.**

Where any uncertainty exists as to the correct location of any zoning district boundary shown on the zoning map referred to under Section 17.12.020 (Zoning map), the following rules apply:

1. Zoning district boundaries shown as approximately following the property line of a parcel shall be construed to follow the property line.
2. Zoning district boundaries shown as following roads or other rights-of-way, or natural features such as creeks shall be construed to follow the centerline of the roads, rights-of-way, or creeks.
3. When zoning district boundaries do not follow property lines, roads, rights-of-way, or natural features, the city council shall establish and clarify the correct location of uncertain zoning district boundaries according to the purpose of this title.

**17.12.040      Prezoning.**

Territory annexed to the city and not shown as part of the city by the zoning map herein, shall upon the effective date of such annexation be classified and zoned as Rural Residential (R-R), unless the city council has prior to such effective date zoned said territory to another classification, subject to annexation.

**17.12.050      Split zoning.**

No parcel shall be created, reconfigured, or zoned to have split zoning.

## **CHAPTER 17.16**

### **RURAL RESIDENTIAL, R-R**

#### **Sections**

- 17.16.010 Purpose and applicability.
- 17.16.020 Permitted uses.
- 17.16.030 Accessory uses.
- 17.16.040 Conditional uses.
- 17.16.050 Lot requirements.
- 17.16.060 Development standards.

#### **17.16.010 Purpose and applicability.**

The Rural Residential (R-R) zoning district is intended to be applied to areas suitable for low density residential development and limited, compatible agricultural use on larger parcels consistent with the Rural Residential land use designation.

#### **17.16.020 Permitted uses.**

Subject to issuance of a building permit, business license, and/or other required permit(s), none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as a principally permitted use in the R-R zoning district:

- A. Single-family residential.
- B. Small acreage agriculture.
- C. Supportive housing.
- D. Transitional housing.

#### **17.16.030 Accessory uses.**

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the R-R district subject to issuance of a building permit, business license, or other required permit(s):

- A. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.96 (Accessory Dwelling Units).
- B. Cottage food operations and home occupations pursuant to Chapter 17.80 (Live/Work Units and Home-Based Businesses).
- C. Family childcare homes.
- D. Roadside stands two hundred (200) square feet or less limited to agricultural products produced onsite.
- E. Second dwelling units pursuant to Section 17.76.040 (Second dwelling units).
- F. Short-term rentals pursuant to Chapter 17.84 (Short-Term Rentals).
- G. Signs pursuant to Chapter 17.64 (Signs).
- H. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.76.120 (Fences, walls, hedges, and equivalent screening).



**17.16.040 Conditional uses.**

The following uses are permitted in the R-R district upon approval and validation of a conditional use permit in addition to any other permits or licenses required for the use:

- A. Bed and breakfast inns pursuant to Chapter 17.88 (Bed and breakfast inns).
- B. Commercial stables.
- C. Parks, picnic areas, and playgrounds (no use permit when associated with development approved by city council).
- D. Public and quasi-public facilities.
- E. Residential uses.
  - 1. Group homes that provide licensable services to more than six (6) residents.
  - 2. Manufactured home parks pursuant to Section 17.76.060 (Manufactured home parks).
- F. Roadside stands exceeding two hundred (200) square feet and/or which include sale of agricultural products produced offsite.
- G. Other uses similar to those listed in this section.

**17.16.050 Lot requirements.**

- A. Minimum parcel size. One (1) acre.
- B. Minimum width. One hundred (100) feet.
- C. Minimum depth. Two hundred (200) feet.

**17.16.060 Development standards.**

- A. Dwelling units per acre: One (1) unit.
- B. Maximum building height.
  - 1. All uses, except as specified herein: Thirty-five (35) feet.
  - 2. Accessory structures: Twenty (20) feet.
  - 3. Building and structures taller than established height limits may be permitted pursuant to Section 17.76.190 (Height limits).
- C. Maximum lot coverage. Twenty (20) percent.
- D. Minimum front yard setback: Twenty (20) feet.
- E. Minimum rear yard setback.
  - 1. All uses, except as specified herein: Ten (10) feet.
  - 2. Structures that house livestock, when adjacent to district other than R-R: Fifty (50) feet.
- F. Minimum side yard setback.
  - 1. All uses, except as specified herein: Ten (10) feet.
  - 2. Structures that house livestock, when adjacent to district other than R-R: Fifty (50) feet.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.60 (Off-Street Parking).

## **CHAPTER 17.16**

### **LOW DENSITY RESIDENTIAL 10, R-1-10**

#### **Sections**

- 17.16.010 Purpose and applicability.
- 17.16.020 Permitted uses.
- 17.16.030 Accessory uses.
- 17.16.040 Conditional uses.
- 17.16.050 Lot requirements.
- 17.16.060 Development standards.

#### **17.16.010 Purpose and applicability.**

The Low Density Residential 10 (R-1-10) zoning district is intended to be applied to areas suitable for low density residential development consistent with the Low Density Residential land use designation.

#### **17.16.020 Permitted uses.**

Subject to issuance of a building permit, business license, and/or other required permit(s), none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as a principally permitted use in the R-1-10 district:

- A. Single-family residential.
- B. Supportive housing.
- C. Transitional housing.

#### **17.16.030 Accessory uses.**

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the R-1-10 district subject to issuance of a building permit, business license, or other required permit(s):

- A. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.96 (Accessory Dwelling Units).
- B. Cottage food operations and home-based businesses pursuant to Chapter 17.80 (Live/Work Units and Home-Based Businesses).
- C. Family childcare homes.
- D. Second dwelling units pursuant to Section 17.76.040 (Second dwelling units).
- E. Short-term rentals pursuant to Chapter 17.84 (Short-Term Rentals).
- F. Signs pursuant to Chapter 17.64 (Signs).
- G. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.76.120 (Fences, walls, hedges, and equivalent screening).

#### **17.16.040 Conditional uses.**

The following uses are permitted in the R-1-10 district upon approval and validation of a conditional use permit in addition to any other permits or licenses required for the use:

- A. Bed and breakfast inns pursuant to Chapter 17.88 (Bed and breakfast inns).

- B. Community gardens pursuant to Section 17.76.170 (Community gardens).
- C. Clubs, lodges, and private meeting halls.
- D. Hotels and motels.
- E. Parks, picnic areas, and playgrounds (no use permit when associated with development approved by city council).
- F. Places of worship and spiritual assembly.
- G. Public and private schools.
- H. Public and quasi-public facilities.
- I. Residential uses.
  - 1. Group homes that provide licensable services to more than six (6) residents.
  - 2. Manufactured home parks pursuant to Section 17.76.060 (Manufactured home parks).
- J. Other uses similar to those listed in this section.

**17.16.050 Lot requirements.**

- A. Minimum parcel size. Ten thousand (10,000) square feet.
- B. Minimum width.
  - 1. Interior and corner lots: Sixty (60) feet.
  - 2. Corner lots: Seventy (70) feet.
  - 3. Cul-de-sac lot: Sixty (60) feet at front yard setback.
- C. Minimum depth.
  - 1. Interior and corner lots: One hundred (100) feet.
  - 2. Cul-de-sac lot: Ninety (90) feet.

**17.16.060 Development standards.**

- A. Dwelling units per acre: One (1) to four (4) units.
- B. Maximum building height.
  - 1. All uses, except as specified herein: Thirty-five (35) feet.
  - 2. Accessory structures: Twenty (20) feet.
  - 3. Building and structures taller than established height limits may be permitted pursuant to Section 17.76.190 (Height limits).
- C. Maximum lot coverage: Forty (40) percent.
- D. Minimum front yard setback: Twenty (20) feet.
- E. Minimum rear yard setback.
  - 1. All uses, except as specified herein: Ten (10) feet.
  - 2. Accessory structures: Five (5) feet.
- F. Minimum side yard setback.
  - 1. Interior side yard. Ten (10) feet.

- 2. Exterior side yard. Fifteen (15) feet.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.60 (Off-Street Parking).

## **CHAPTER 17.16**

### **LOW DENSITY RESIDENTIAL 12, R-1-12**

#### **Sections**

- 17.16.010 Purpose and applicability.
- 17.16.020 Permitted uses.
- 17.16.030 Accessory uses.
- 17.16.040 Conditional uses.
- 17.16.050 Lot requirements.
- 17.16.060 Development standards.

#### **17.16.010 Purpose and applicability.**

The Low Density Residential 12 (R-1-12) zoning district is intended to be applied to areas that are suitable for low density residential development consistent with the Low Density Residential land use designation.

#### **17.16.020 Permitted uses.**

Subject to issuance of a building permit, business license, and/or other required permit(s), none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as a principally permitted use in the R-1-12 district:

- A. Single-family residential.
- B. Supportive housing.
- C. Transitional housing.

#### **17.16.030 Accessory uses.**

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the R-1-12 district subject to issuance of a building permit, business license, or other required permit(s):

- A. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.96 (Accessory Dwelling Units).
- B. Cottage food operations and home-based businesses pursuant to Chapter 17.80 (Live/Work Units and Home-Based Businesses).
- C. Family childcare homes.
- D. Second dwelling units pursuant to Section 17.76.040 (Second dwelling units).
- E. Short-term rentals pursuant to Chapter 17.84 (Short-Term Rentals).
- F. Signs pursuant to Chapter 17.64 (Signs).
- G. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.76.120 (Fences, walls, hedges, and equivalent screening).

#### **17.16.040 Conditional uses.**

The following uses are permitted in the R-1-12 district upon approval and validation of a conditional use permit in addition to any other permits or licenses required for the use:

- A. Bed and breakfast inns pursuant to Chapter 17.88 (Bed and breakfast inns).

- B. Clubs, lodges, and private meeting halls.
- C. Hotels and motels.
- D. Parks, picnic areas, and playgrounds (no use permit when associated with development approved by city council).
- E. Places of worship and spiritual assembly.
- F. Public and private schools.
- G. Public and quasi-public facilities.
- H. Residential uses.
  - 1. Group homes that provide licensable services to more than six (6) residents.
  - 2. Manufactured home parks pursuant to Section 17.76.060 (Manufactured home parks).
- I. Small acreage agriculture.
- J. Other uses similar to those listed in this section.

**17.16.050 Lot requirements.**

- A. Minimum parcel size. Twelve thousand (12,000) square feet.
- B. Minimum width.
  - 1. Interior lots: Seventy (70) feet.
  - 2. Corner lots: Eighty (80) feet.
  - 3. Cul-de-sac lots: Seventy (70) feet at front yard setback.
- C. Minimum depth.
  - 1. Interior and corner lots: One hundred (100) feet.
  - 2. Cul-de-sac-lots: Ninety (90) feet.

**17.16.060 Development standards.**

- A. Dwelling units per acre: One (1) to three (3) units.
- B. Maximum building height.
  - 1. All uses, except as specified herein: Thirty-five (35) feet.
  - 2. Accessory structures: Twenty (20) feet.
  - 3. Building and structures taller than established height limits may be permitted pursuant to Section 17.76.190 (Height limits).
- C. Maximum lot coverage: Thirty-five (35) percent.
- D. Minimum front yard setback: Twenty (20) feet.
- E. Minimum rear yard setback.
  - 1. All uses, except as specified herein: Fifteen (15) feet.
  - 2. Accessory structures: Five (5) feet.
- F. Minimum side yard setback.
  - 1. Interior side yard. Ten (10) feet.

- 2. Exterior side yard. Fifteen (15) feet.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.60 (Off-Street Parking).

## **CHAPTER 17.24**

### **MEDIUM DENSITY RESIDENTIAL, R-2**

#### **Sections**

- 17.24.010 Purpose and applicability.
- 17.24.020 Permitted uses.
- 17.24.030 Accessory uses.
- 17.24.040 Conditional uses.
- 17.24.050 Lot requirements.
- 17.24.060 Development standards.

#### **17.24.010 Purpose and applicability.**

The Medium Density Residential (R-2) zoning district is intended to be applied to areas suitable for low and medium density residential development and compatible nonresidential uses consistent with the Medium Density Residential land use designation.

#### **17.24.020 Permitted uses.**

Subject to issuance of a building permit, business license, and other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as a principally permitted use in the R-2 district:

- A. Multifamily residential, three units or fewer.
- B. Single-family residential.
- C. Supportive housing.
- D. Transitional housing.

#### **17.24.030 Accessory uses.**

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the R-2 district subject to issuance of a building permit, business license, or other required permit(s):

- A. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.96 (Accessory Dwelling Units).
- B. Cottage food operations and home-based businesses pursuant to Chapter 17.80 (Live/Work Units and Home-Based Businesses).
- C. Family childcare homes.
- D. Second dwelling units pursuant to Section 17.76.040 (Second dwelling units).
- E. Short-term rentals pursuant to Chapter 17.84 (Short-Term Rentals).
- F. Signs pursuant to Chapter 17.64 (Signs).
- G. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.76.120 (Fences, walls, hedges, and equivalent screening).

#### **17.24.040 Conditional uses.**

The following uses are permitted in the R-2 district upon approval and validation of a conditional use permit, in addition to any other permits or licenses required for the use:



- A. Bed and breakfast inns pursuant to Chapter 17.88 (Bed and Breakfast Inns).
- B. Clubs, lodges, and private meeting halls.
- C. Community gardens pursuant to Section 17.76.170 (Community gardens).
- D. Hostels, hotels and motels.
- E. Parks, picnic areas, and playgrounds (no use permit when associated with development approved by city council).
- F. Places of worship and spiritual assembly.
- G. Public and private schools.
- H. Public and quasi-public facilities.
- I. Residential uses:
  - 1. Group homes that provide licensable services to more than six (6) residents.
  - 2. Manufactured home parks pursuant to Section 17.76.060 (Manufactured home parks).
  - 3. Multifamily residential, four or more units.
  - 4. Single-room occupancy units pursuant to Section 17.76.100 (Single-room occupancy).
- J. Other uses similar to those listed in this section.

**17.24.050 Lot requirements.**

- A. Minimum parcel size. Seven thousand two hundred (7,200) square feet.
- B. Minimum width.
  - 1. Interior lots: Sixty (60) feet.
  - 2. Corner lots: Seventy (70) feet.
  - 3. Cul-de-sac lots: Sixty (60) feet at front yard setback.
- C. Minimum depth.
  - 1. Interior and corner lots: One hundred (100) feet.
  - 2. Cul-de-sac lot: Ninety (90) feet).

**17.24.060 Development standards.**

- A. Dwelling units per acre: One (1) to ten (10) units.
- B. Maximum building height.
  - 1. All uses, except as specified herein: Thirty-five (35) feet.
  - 2. Accessory structures: Twenty (20) feet.
  - 3. Building and structures taller than established height limits may be permitted pursuant to Section 17.76.190 (Height limits).
- C. Maximum lot coverage: Sixty (60) percent.
- D. Minimum front yard setback: Twenty (20) feet.
- E. Minimum rear yard setback.
  - 1. All uses, except as specified herein: Ten (10) feet.

- 2. Accessory structures: Five (5) feet.
- F. Minimum side yard setback.
  - 1. Interior side yard: Ten (10) feet.
  - 2. Exterior side yard: Fifteen (15) feet.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.60 (Off-Street Parking).

**CHAPTER 17.28**  
**HIGH DENSITY RESIDENTIAL, R-3**

Sections

- 17.28.010 Purpose and applicability.
- 17.28.020 Permitted uses.
- 17.28.030 Accessory uses.
- 17.28.040 Conditional uses.
- 17.28.050 Lot requirements.
- 17.28.060 Development standards.

**17.28.010 Purpose and applicability.**

The High Density Residential (R-3) zoning district is intended to be applied to areas suitable for low, medium, and high density residential development and compatible nonresidential uses consistent with the High Density Residential land use designation.

**17.28.020 Permitted uses.**

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as a principally permitted use in the R-3 district:

- A. Community gardens pursuant to Section 17.76.170 (Community gardens).
- B. Dormitories.
- C. Dwelling groups.
- D. Large employee housing.
- E. Multifamily residential.
- F. Single-family residential.
- G. Supportive housing.
- H. Transitional housing.

**17.28.030 Accessory uses.**

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the R-3 district subject to issuance of a building permit, business license, or other required permit(s):

- A. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.96 (Accessory Dwelling Units).
- B. Cottage food operations and home-based businesses pursuant to Chapter 17.80 (Live/Work Units and Home-Based Businesses).
- C. Family childcare homes.
- D. Second dwelling units pursuant to Section 17.76.040 (Second dwelling units).
- E. Short-term rentals pursuant to Chapter 17.84 (Short-Term Rentals).
- F. Signs pursuant to Chapter 17.64 (Signs).

- G. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.76.120 (Fences, walls, hedges, and equivalent screening).

**17.28.040 Conditional uses.**

The following uses are permitted in the R-3 district upon approval and validation of a conditional use permit, in addition to any other permits or licenses required for the use:

- A. Adult day programs.
- B. Bed and breakfast inns pursuant to Chapter 17.88 (Bed and Breakfast Inns).
- C. Business and professional offices.
- D. Clubs, lodges, and private meeting halls.
- E. Hostels, hotels and motels.
- F. Off-site parking and shared parking facilities pursuant to Chapter 17.60 (Off-street parking).
- G. Parks, picnic areas, and playgrounds (no use permit when associated with development approved by city council).
- H. Places of worship and spiritual assembly.
- I. Public and private schools.
- J. Public and quasi-public facilities.
- K. Residential uses.
  - 1. Group homes that provide licensable services to more than six (6) residents (no use permit for residential care for the elderly).
  - 2. Manufactured home parks pursuant to Section 17.76.060 (Manufactured home parks).
  - 3. Single-room occupancy units pursuant to Section 17.76.100 (Single-room occupancy).
- L. Other uses similar to those listed in this section.

**17.28.050 Lot requirements.**

- A. Minimum parcel size. Seven thousand two hundred (7,200) square feet.
- B. Minimum width.
  - 1. Interior lots: Sixty (60) feet.
  - 2. Corner lots: Seventy (70) feet.
  - 3. Cul-de-sac lots: Sixty (60) feet at front yard setback.
- C. Minimum depth.
  - 1. Interior and corner lots: One hundred (100) feet.
  - 2. Cul-de-sac lot: Ninety (90) feet.

**17.28.060 Development standards.**

- A. Dwelling units per acre: One (1) to twenty (20) units.
- B. Maximum lot coverage: Seventy-five (75) percent.

- C. Maximum building height.
  - 1. All uses, except as specified herein: Forty-five (45) feet.
  - 2. Accessory structures: Twenty (20) feet.
  - 3. Building and structures taller than established height limits may be permitted pursuant to Section 17.76.190 (Height limits).
- D. Minimum front yard setback: Twenty (20) feet.
- E. Minimum rear yard setback.
  - 1. All uses, except as specified herein: Ten (10) feet.
  - 2. Accessory structures: Five (5) feet.
- F. Minimum side yard setback.
  - 1. Interior side yard: Ten (10) feet.
  - 2. Exterior side yard: Fifteen (15) feet.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.60 (Off-Street Parking).

## **CHAPTER 17.32**

### **MOBILE HOME RESIDENTIAL, M-H**

#### **Sections**

- 17.32.010 Purpose and applicability.
- 17.32.020 Permitted uses.
- 17.32.030 Accessory uses.
- 17.32.040 Conditional uses.
- 17.32.050 Lot requirements.
- 17.32.060 Development standards.

#### **17.32.010 Purpose and applicability.**

The Mobile Home Residential (M-H) zoning district is intended to be applied to areas of the City developed with and/or capable of supporting low, medium, and high density residential development, manufactured home parks, and compatible nonresidential uses consistent with the High Density Residential land use designation.

#### **17.32.020 Permitted uses.**

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as principally permitted uses in the M-H district:

- A. Community gardens pursuant to Section 17.76.170 (Community gardens).
- B. Dormitories.
- C. Dwelling groups.
- D. Large employee housing.
- E. Manufactured home parks of three or fewer mobile homes, manufactured homes, and/or recreational vehicles pursuant to subsections (C), (D), (E), (F), and (G) of Section 17.76.060 (Manufactured home parks).
- F. Multifamily residential, three units or fewer.
- G. Single-family residential.
- H. Supportive housing.
- I. Transitional housing.

#### **17.32.030 Accessory uses.**

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the M-H district subject to issuance of a building permit, business license, or other required permit(s):

- A. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.96 (Accessory Dwelling Units).
- B. Cottage food operations and home-based businesses pursuant to Chapter 17.80 (Live/Work Units and Home-Based Businesses).
- C. Family childcare homes.

- D. Second dwelling units pursuant to Section 17.76.040 (Second dwelling units).
- E. Short-term rentals pursuant to Chapter 17.84 (Short-Term Rentals).
- F. Signs pursuant to Chapter 17.64 (Signs).
- G. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.76.120 (Fences, walls, hedges, and equivalent screening).

**17.32.040 Conditional uses.**

The following uses are permitted in the M-H district upon approval and validation of a conditional use permit in addition to any other permits or licenses required for the use.

- A. Adult day programs.
- B. Bed and breakfast inns pursuant to Chapter 17.88 (Bed and Breakfast Inns).
- C. Business and professional offices.
- D. Clubs, lodges, and private meeting halls.
- E. Hostels, hotels and motels.
- F. Off-site parking and shared parking facilities pursuant to Chapter 17.60 (Off-street parking).
- G. Parks, picnic areas, and playgrounds (no use permit when associated with development approved by city council).
- H. Places of worship and spiritual assembly.
- I. Public and private schools.
- J. Public and quasi-public facilities.
- K. Recreational vehicle parks pursuant to Section 17.76.080 (Recreational vehicle parks).
- L. Residential uses.
  - 1. Group homes that provide licensable services to more than six (6) residents (no use permit for residential care for the elderly).
  - 2. Manufactured home parks of four or more mobile homes, manufactured homes, and/or recreational vehicles pursuant to subsections (C), (D), (E), (F), and (G) of Section 17.76.060 (Manufactured home parks).
  - 3. Multifamily residential, four or more units.
- M. Other uses similar to those listed in this section.

**17.32.050 Lot requirements.**

- A. Minimum parcel size.
  - 1. All uses, except as specified herein.
    - a. Interior lots: Eight thousand (8,000) square feet.
    - b. Corner lots: Nine thousand (9,000) square feet.
  - 2. Manufactured homes parks of four or more mobile homes, manufactured homes, and/or recreational vehicles: As specified in Section 17.76.060 (Manufactured homes parks).

- 3. Recreational vehicle parks: As specified in Section 17.76.080 (Recreational vehicle parks).
- B. Minimum width: Eighty (80) feet.
- C. Minimum depth: One hundred (100) feet.

**17.32.060 Development standards.**

- A. Dwelling units per acre: One (1) to twenty (20) units.
- B. Maximum lot coverage: Sixty-five (65) percent.
- C. Maximum building height.
  - 1. All uses, except as specified herein: Forty-five (45) feet.
  - 2. Accessory structures: Fifteen (15) feet.
  - 3. Building and structures taller than established height limits may be permitted pursuant to Section 17.76.190 (Height limits).
- D. Minimum front yard setback: Twenty (20) feet.
- E. Minimum rear yard setback.
  - 1. All uses, except as specified herein: Ten (10) feet.
  - 2. Accessory structures: Five (5) feet.
- F. Minimum side yard setback: Ten (10) feet.
- G. Minimum distance between buildings.
  - 1. All uses, except as specified herein: As required by California Building Code.
  - 2. Manufactured homes parks of four or more mobile homes, manufactured homes, and/or recreational vehicles: Ten (10) feet.
- H. Minimum parking: As specified in Chapter 17.60 (Off-Street Parking).



## **CHAPTER 17.36**

### **TOWN CENTER, T-C**

#### **Sections**

- 17.36.010 Purpose and applicability.
- 17.36.020 Permitted uses.
- 17.36.030 Accessory uses.
- 17.36.040 Conditional uses.
- 17.36.050 Lot requirements.
- 17.36.060 Development standards.

#### **17.36.010 Purpose and applicability.**

The Town Center (T-C) zoning district is intended to be applied to commercial, residential, and mixed-use properties in the historic town center. Its purpose is to encourage a broad array of compatible retail, professional, entertainment, civic, and other uses that contribute to a vibrant, pedestrian-friendly environment consistent with the Central Mixed Use land use designation.

#### **17.36.020 Permitted uses.**

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as principally permitted uses in the T-C district:

- A. Animal grooming and veterinary offices.
- B. Artist studios and artisan crafts manufacturing.
- C. Automobile service stations, no fuel sales.
- D. Banks and financial services.
- E. Business and professional offices.
- F. Business support services.
- G. Community gardens pursuant to Section 17.76.170 (Community gardens).
- H. Convenience stores and pharmacies.
- I. Craft food and beverage production, no coffee roasting.
- J. Garden centers and plant nurseries.
- K. Grocery stores and supermarkets.
- L. Health clinics, medical offices, and laboratories.
- M. Indoor sports and fitness facilities.
- N. Media production.
- O. Mixed-use developments of two (2) or more uses permitted pursuant to this section.
- P. Personal services.
- Q. Printing and publishing.
- R. Public and quasi-public facilities.

- S. Residential uses.
  - 1. Low barrier navigation centers pursuant to Section 17.76.260 (Low barrier navigation centers).
  - 2. Residential uses permitted by right pursuant to Chapter 17.28 (High Density Residential) when included in a vertical mixed-use development.
- T. Retail food establishments.
- U. Retail sales.
- V. Small adult day programs.
- W. Theaters and playhouses.

**17.36.030 Accessory uses.**

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the T-C district subject to issuance of a building permit, business license, or other required permit(s):

- A. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.96 (Accessory Dwelling Units).
- B. Certified farmers' markets.
- C. Cottage food operations, home-based businesses, and live-work units pursuant to Chapter 17.80 (Live/Work Units and Home-Based Businesses).
- D. Mobile food sales pursuant to Chapter 17.92 (Mobile Food Sales).
- E. Short-term rentals pursuant to Chapter 17.84 (Short-Term Rentals).
- F. Signs pursuant to Chapter 17.64 (Signs).
- G. Temporary outside sales such as sidewalk or patio sales not exceeding three (3) days in any thirty (30)-day period.
- H. Usual and customary structures associated with a principally permitted use, including fences and walls pursuant to Section 17.76.120 (Fences, walls, hedges, and equivalent screening).

**17.36.040 Conditional uses.**

The following uses are permitted in the T-C district upon approval and validation of a conditional use permit in addition to any other permits or licenses required for the use.

- A. Automobile service stations that include fuel sales.
- B. Animal boarding and animal hospitals.
- C. Clubs, lodges, and private meeting halls.
- D. Coffee roasters.
- E. Drive-in and drive-through sales and services.
- F. Indoor entertainment facilities.
- G. Large adult day programs.
- H. Mobile food commissaries.
- I. Mobile food courts pursuant to Chapter 17.92 (Mobile Food Sales).

- J. Off-site parking and shared parking facilities pursuant to Chapter 17.60 (Off-Street Parking).
- K. Parks, picnic areas, and playgrounds (no use permit when associated with development approved by city council).
- L. Places of worship and spiritual assembly.
- M. Public and private schools.
- N. Residential uses pursuant to Chapter 17.28 (High Density Residential) when the residential use is located at street level.
- O. Restricted personal services.
- P. Restricted retail sales (alcoholic beverage sales by right).
- Q. Transient occupancy uses:
  - 1. Bed and breakfast inns pursuant to Chapter 17.88 (Bed and Breakfast Inns).
  - 2. Hostels.
  - 3. Hotels and motels.
- R. Other uses similar to those listed in this section.

**17.36.050 Lot requirements.**

- A. Minimum parcel size.
  - 1. Existing parcels: Two thousand five hundred (2,500) square feet.
  - 2. New parcels: Five thousand (5,000) square feet.
- B. Minimum width.
  - 1. Existing parcels: Twenty-five (25) feet.
  - 2. New parcels: Fifty (50) feet.
- C. Minimum depth.
  - 1. Existing parcels: Fifty (50) feet.
  - 2. New parcels: Ninety (90) feet

**17.36.060 Development standards.**

- A. Dwelling units per acre: One (1) to twenty (20) units.
- B. Maximum lot coverage.
  - 1. Existing parcels: One hundred (100) percent.
  - 2. New parcels: Seventy-five (75) percent.
- C. Maximum building height.
  - 1. All uses, except as specified herein: Forty-five (45) feet.
  - 2. Accessory structures: Twenty (20) feet.
  - 3. Building and structures taller than established height limits may be permitted pursuant to Section 17.76.190 (Height limits).
- D. Minimum setbacks.

1. Front yard: None.
  2. Rear yard.
    - a. Adjacent residential district: Ten (10) feet.
    - b. Adjacent mixed-use or nonresidential district: None.
  3. Side yard.
    - a. Adjacent residential district: Ten (10) feet.
    - b. Adjacent mixed-use or nonresidential district: None.
- E. Minimum distance between buildings: As required by California Building Code.
- F. Minimum parking: As specified in Chapter 17.60 (Off-Street Parking).

## **CHAPTER 17.40**

### **GENERAL COMMERCIAL, G-C**

#### **Sections**

- 17.40.010 Purpose and applicability.
- 17.40.020 Permitted uses.
- 17.40.030 Accessory uses.
- 17.40.040 Conditional uses.
- 17.40.050 Lot requirements.
- 17.40.060 Development standards.

#### **17.40.010 Purpose and applicability.**

The General Commercial (G-C) zoning district is intended to be applied to areas suitable for commercial use outside of the historic town center consistent with the Commercial Center land use designation.

#### **17.40.020 Permitted uses.**

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as principally permitted uses in the G-C district:

- A. Animal grooming and veterinary offices.
- B. Artist studios and artisan crafts manufacturing and sales.
- C. Automobile and vehicle sales and rental.
- D. Automobile service stations.
- E. Banks and financial services.
- F. Business and professional offices.
- G. Business support services.
- H. Community gardens pursuant to Section 17.76.170 (Community gardens).
- I. Convenience stores and pharmacies.
- J. Craft food and beverage production.
- K. Grocery stores and supermarkets.
- L. Health clinics, medical offices, and laboratories.
- M. Indoor entertainment facilities.
- N. Indoor sports and fitness facilities.
- O. Media production.
- P. Off-sale alcoholic beverage sales.
- Q. Personal services.
- R. Printing and publishing.
- S. Retail food establishments.

- T. Residential uses.
  - 1. Emergency shelters pursuant to Section 17.76.110 (Emergency shelters).
  - 2. Low barrier navigation centers pursuant to Section 17.76.260 (Low barrier navigation centers).
- U. Restricted retail sales.
- V. Retail sales.
- W. Small adult day programs.

**17.40.030 Accessory uses.**

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the G-C district subject to issuance of a building permit, business license, or other required permit(s):

- A. Certified farmers' markets.
- B. Cottage food operations, home-based businesses, and live-work units pursuant to Chapter 17.80 (Live/Work Units and Home-Based Businesses).
- C. Mobile food sales pursuant to Chapter 17.92 (Mobile Food Sales).
- D. Short-term rentals pursuant to Chapter 17.84 (Short-Term Rentals).
- E. Signs pursuant to Chapter 17.64 (Signs).
- F. Temporary outside sales such as sidewalk or patio sales not exceeding three (3) days in any thirty (30)-day period.
- G. Usual and customary structures associated with a principally permitted use, including fences and walls pursuant to Section 17.76.120 (Fences, walls, hedges, and equivalent screening).

**17.40.040 Conditional uses.**

The following uses are permitted in the G-C district upon approval and validation of a conditional use permit in addition to any other permits or licenses required for the use.

- A. Animal boarding and animal hospitals.
- B. Building material stores and yards.
- C. Car washing and detailing.
- D. Clubs, lodges, and private meeting halls.
- E. Drive-in and drive-through sales and services.
- F. Equipment sales and rental.
- G. Event centers.
- H. Food and beverage manufacturing.
- I. Funeral homes.
- J. Garden centers and plant nurseries.
- K. Hospitals and hospice care.
- L. Large adult day programs.

- M. Mobile food commissaries.
- N. Mobile food courts pursuant to Chapter 17.92 (Mobile Food Sales).
- O. Off-site parking and shared parking facilities pursuant to Chapter 17.60 (Off-street parking).
- P. Outdoor commercial recreation facilities.
- Q. Parks, picnic areas, and playgrounds (no use permit when associated with development approved by city council).
- R. Places of worship and spiritual assembly.
- S. Public and private schools.
- T. Public and quasi-public facilities.
- U. Residential uses:
  - 1. Dormitories.
  - 2. Duplex residential.
  - 3. Dwelling groups.
  - 4. Multifamily residential.
  - 5. Residential care homes and residential care facilities.
  - 6. Single-family residential.
  - 7. Single-room occupancy pursuant to Section 17.76.100 (Single-room occupancy).
  - 8. Small employee housing.
  - 9. Supportive housing.
  - 10. Transitional housing.
- V. Restricted personal services.
- W. Theaters and playhouses.
- X. Transient occupancy uses:
  - 1. Bed and breakfast inns pursuant to Chapter 17.88 (Bed and Breakfast Inns).
  - 2. Hostels.
  - 3. Hotels and motels.
- Y. Other uses similar to those listed in this section.

**17.40.050 Lot requirements.**

- A. Minimum parcel size.
  - 1. Existing parcels: Two thousand five hundred (2,500) square feet.
  - 2. New parcels: Ten thousand (10,000) square feet.
- B. Minimum width: Eighty (80) feet.
- C. Minimum depth: Ninety (90) feet

**17.40.060 Development standards.**

- A. Dwelling units per acre: One (1) to twenty (20) units.
- B. Maximum lot coverage: Eighty (80) percent.
- C. Maximum building height.
  - 1. All uses, except as specified herein: Forty-five (45) feet.
  - 2. Accessory structures: Twenty-five (25) feet.
  - 3. Building and structures taller than established height limits may be permitted pursuant to Section 17.76.190 (Height limits).
- D. Minimum setbacks.
  - 1. Front yard.
    - a. Adjacent residential district: Twenty (20) feet.
    - b. Adjacent mixed-use or nonresidential district: None.
  - 2. Rear yard.
    - a. Adjacent residential district: Ten (10) feet.
    - b. Adjacent mixed-use or nonresidential district: None.
  - 3. Side yard.
    - a. Adjacent residential district.
      - i. Interior side yard: Ten (10) feet.
      - ii. Exterior side yard: Fifteen (15) feet.
    - b. Adjacent mixed-use or nonresidential district: None.
- E. Minimum distance between buildings: As required by California Building Code.
- F. Minimum parking: As specified in Chapter 17.60 (Off-Street Parking).



## **CHAPTER 17.44 MANUFACTURING, M**

### **Sections**

- 17.44.010 Purpose and applicability.
- 17.44.030 Permitted uses.
- 17.44.040 Accessory uses.
- 17.44.050 Conditional uses.
- 17.44.060 Lot requirements.
- 17.44.070 Development standards.

### **17.44.010 Purpose and applicability.**

The Manufacturing (M) zoning district is intended to be applied to areas suitable for heavier commercial and manufacturing uses than permitted in the commercial and mixed-use zoning districts, provided such uses are not detrimental to the public health, safety, and general welfare by reason of odor, smoke, gas, dust, vibration, or noise, or are not deemed to be exceptional fire or explosion hazards. The M district is consistent with the Industrial land use designation.

### **17.44.020 Permitted uses.**

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as principally permitted uses in the M district:

- A. Animal boarding, animal grooming, animal hospitals, and veterinary offices.
- B. Artisan crafts manufacturing and sales.
- C. Building material stores and yards.
- D. Business and professional offices.
- E. Craft food and beverage production.
- F. Equipment sales and rental.
- G. Garden centers and plant nurseries.
- H. Handcraft industries.
- I. Manufactured home and prefabricated building sales and construction.
- J. Mixed-use developments of two (2) or more uses permitted pursuant to this chapter.
- K. Printing and publishing.
- L. Public and quasi-public facilities.
- M. Retail sales.
- N. Small equipment maintenance and repair.
- O. Storage facilities.
- P. Wholesale businesses.

#### **17.44.030 Accessory uses.**

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the M district subject to issuance of a building permit, business license, or other required permit(s):

- A. Mobile food sales pursuant to Chapter 17.92 (Mobile Food Sales).
- B. Signs pursuant to Chapter 17.64 (Signs).
- C. Uncovered storage for allowable uses on the rear half of the lot if screened by solid fencing a minimum of six (6) feet in height.
- D. Usual and customary structures associated with a principally permitted use, including fences and walls pursuant to Section 17.76.120 (Fences, walls, hedges, and equivalent screening).

#### **17.44.040 Conditional uses.**

The following uses are permitted in the M district upon approval and validation of a conditional use permit, in addition to any other permits or licenses required for the use.

- A. Agricultural processing plants.
- B. Ambulance service.
- C. Automobile and vehicle sales and rental.
- D. Automobile service stations.
- E. Car washing and detailing.
- F. Clothing and fabric product manufacturing.
- G. Concrete batching or ready-mix concrete manufacturing.
- H. Equipment and material storage yards.
- I. Food and beverage manufacturing.
- J. Fuel storage and distribution.
- K. Furniture and fixtures manufacturing.
- L. Glass product manufacturing.
- M. Lumber and wood product processing facilities.
- N. Metal products fabrication, machine/welding shops.
- O. Off-site parking and shared parking facilities pursuant to Chapter 17.60 (Off-street parking).
- P. Paper product manufacturing.
- Q. Recycling facilities.
- R. Restricted retail sales.
- S. Retail food establishments.
- T. Stone product manufacturing.
- U. Other uses similar to those listed in this section.

**17.44.050 Lot requirements.**

- A. Minimum parcel size: Ten thousand (10,000) square feet.
- B. Minimum width: Ninety (90) feet.
- C. Minimum depth: Ninety (90) feet.

**17.44.060 Development standards.**

- A. Dwelling units per acre: None.
- B. Maximum building height:
  - 1. All uses, except as specified herein: Fifty (50) feet.
  - 2. Building and structures taller than established height limits may be permitted pursuant to Section 17.76.190 (Height limits).
- C. Maximum lot coverage: Seventy-five (75) percent.
- D. Minimum front yard setback: Thirty (30) feet.
- E. Minimum rear yard setback.
  - 1. Adjacent G-C or M: None
  - 2. Adjacent all other zoning districts: Ten (10) feet.
- F. Minimum side yard setback.
  - 1. Adjacent G-C or M: None.
  - 2. Adjacent all other zoning districts: Ten (10) feet.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.60 (Off-Street Parking).

## **CHAPTER 17.48**

### **OPEN SPACE, O-S**

#### Sections

- 17.48.010 Purpose and applicability.
- 17.48.020 Permitted uses.
- 17.48.030 Accessory uses.
- 17.48.040 Conditional uses.
- 17.48.050 Lot requirements.
- 17.48.060 Development standards.

#### **17.48.010 Purpose and applicability.**

The Open Space (O-S) zoning district is intended to be applied to public lands such as parks and playgrounds and other lands that should be preserved in a natural state and/or that provide active or passive recreational opportunities consistent with the Open Space land use designation.

#### **17.48.020 Permitted uses.**

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as principally permitted uses in the O-S zoning district:

- A. Parks, picnic areas, playgrounds.
- B. Public and quasi-public facilities.
- C. Public utilities.
- D. Resource protection and restoration.
- E. Resource-related recreation.

#### **17.48.030 Accessory uses.**

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the O-S zoning district subject to issuance of a building permit, business license, or other required permit(s):

- A. Certified farmers' markets.
- B. Mobile food sales pursuant to Chapter 17.92 (Mobile Food Sales).
- C. Signs pursuant to Chapter 17.64 (Signs).
- D. Special events.
- E. Usual and customary structures associated with a principally permitted use.

#### **17.48.040 Conditional uses.**

The following uses are permitted in the O-S zoning district upon approval and validation of a conditional use permit, in addition to any other permits or licenses required for the use.

- A. Cemeteries.
- B. Concession facilities.
- C. Outdoor commercial recreation facilities.

- D. Wastewater treatment plants.
- E. Wireless telecommunication facilities located outside of public rights-of-way.
- F. Other uses similar to those listed in this section.

**17.48.050 Lot requirements.**

- A. Minimum parcel size: None.
- B. Minimum lot width: None.
- C. Minimum lot depth: None.

**17.48.060 Development standards.**

- A. Dwelling units per acre: None.
- B. Maximum building height: Forty-five (45) feet.
- C. Maximum lot coverage: Fifty (50) percent.
- D. Minimum front yard setback.
  - 1. Adjacent residential district: Ten (10) feet.
  - 2. Adjacent mixed-use or nonresidential district: None.
- E. Minimum rear yard setback.
  - 1. Adjacent residential district: Ten (10) feet.
  - 2. Adjacent mixed-use or nonresidential district: None.
- F. Minimum side yard setback.
  - 1. Adjacent residential district: Fifteen (15) feet.
  - 2. Adjacent mixed-use or nonresidential district: None.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.60 (Off-Street Parking).

## **CHAPTER 17.52**

### **PUBLIC FACILITIES, P-F**

#### **Sections**

- 17.52.010 Purpose and applicability.
- 17.52.020 Permitted uses.
- 17.52.030 Accessory uses.
- 17.52.040 Conditional uses.
- 17.52.050 Lot requirements.
- 17.52.060 Development standards.

#### **17.52.010 Purpose and applicability.**

The Public Facilities (P-F) zoning district is intended to be applied to larger parcels developed with and/or capable of being developed with public and quasi-public facilities, such as schools, city utilities, government offices, and other public and quasi-public uses consistent with the Public Agency land use designation.

#### **17.52.020 Permitted uses.**

Subject to issuance of a building permit, business license, and/or other required permits, none but the following uses, or uses which in the opinion of the city council are similar, will be allowed as principally permitted uses in the P-F district:

- A. Health clinics, medical offices, and laboratories.
- B. Hospitals.
- C. Parks, picnic areas, playgrounds.
- D. Places of worship and spiritual assembly.
- E. Public and quasi-public facilities.
- F. Public and private schools.
- G. Public utilities.

#### **17.52.030 Accessory uses.**

The following uses are permitted in the P-F district as an accessory to the primary permitted or conditionally permitted use:

- A. Certified farmers' markets.
- B. Mobile food sales pursuant to Chapter 17.92 (Mobile Food Sales).
- C. Signs pursuant to Chapter 17.64 (Signs).
- D. Special events.
- E. Usual and customary structures associated with a principally permitted use.

**17.52.040 Conditional uses.**

The following uses are permitted in the P-F district upon approval and validation of a conditional use permit, in addition to any other permits or licenses required for the use:

- A. Wastewater treatment facilities.
- B. Wireless telecommunication facilities located outside of public rights-of-way.
- C. Other uses similar to those listed in this section.

**17.52.050 Lot requirements.**

- A. Minimum parcel size: None.
- B. Minimum lot width: Fifty (50) feet.
- C. Minimum lot depth: Ninety (90) feet.

**17.52.060 Development standards.**

- A. Dwelling units per acre: None.
- B. Maximum building height: Seventy (70) feet.
- C. Maximum lot coverage: One hundred (100) percent.
- D. Minimum front yard setback.
  - 1. Adjacent residential district: Ten (10) feet.
  - 2. Adjacent mixed-use or nonresidential district: None.
- E. Minimum rear yard setback.
  - 1. Adjacent residential district: Ten (10) feet.
  - 2. Adjacent mixed-use or nonresidential district: None.
- F. Minimum side yard setback.
  - 1. Adjacent residential district: Fifteen (15) feet.
  - 2. Adjacent mixed-use or nonresidential district: None.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.60 (Off-Street Parking).

## **CHAPTER 17.56**

### **SIMILAR USE DETERMINATIONS**

Sections:

- 17.56.010 Purpose.
- 17.56.020 Applicability.
- 17.56.030 Application required.
- 17.56.040 Review procedure.
- 17.56.050 Findings.
- 17.56.060 City council modifications.
- 17.56.070 Amendments.
- 17.56.080 Record of determinations.

#### **17.56.010 Purpose.**

All possible land uses may not be listed within the provisions of this title. When a particular use is not specifically listed in this title and it is unclear whether the use is permitted, the similar use determination allows the city council to determine whether or not a proposed use is similar to a permitted or conditionally permitted use and whether it may be permitted in a particular zoning district.

#### **17.56.020 Applicability.**

A similar use determination is required when a use is not specifically listed in this zoning code but may be permitted if it is determined to be similar in nature to a permitted or conditionally permitted use.

#### **17.56.030 Application required.**

An application for a similar use determination shall be filed with the city council on a form prescribed by the city clerk, accompanied by an application fee as established by the city council.

#### **17.56.040 Review procedure.**

No public hearing is required for review and processing of a similar use determination.

#### **17.56.050 Findings.**

The city council shall approve a similar use determination only if it first makes the following findings. If the city council is unable to make any of the findings, the similar use determination shall be denied.

- A. The characteristics of and activities associated with the proposed use are equivalent to one or more of the permitted uses and will not involve a higher level of activity, environmental impact, or population density than the uses provided for in the zoning district.
- B. The proposed use will be consistent with the purposes of the applicable zoning district.
- C. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the proposed use will be allowed.
- D. The proposed use will be consistent with the general plan and this code.



**17.56.060 City council modifications.**

The city council may require modifications to the proposed use, in whole or in part, to ensure consistency with the findings in Section 17.56.050 (Findings).

**17.56.070 Amendments.**

To amend a similar use determination following approval by the city council, a new similar use determination application shall be required.

**17.56.080 Record of determinations.**

The city clerk shall maintain a record of approved similar use determinations in a format convenient for public use and shall cause the approved similar use determinations to be added to the zoning ordinance at least once each year.

## **CHAPTER 17.60**

### **OFF-STREET PARKING**

#### **Sections**

17.60.010	Purpose.
17.60.020	General regulations.
17.60.030	Amount of off-street parking.
17.60.040	Parking for compact cars.
17.60.050	Off-site parking.
17.60.060	Shared parking facilities.
17.60.070	Accessible parking facilities.
17.60.080	Off-street loading.
17.60.090	Design, construction, and maintenance standards.
17.60.100	In-lieu parking fees.
17.60.110	Carports.
17.60.120	Conversion of residential garages.
17.60.130	Exceptions.
17.60.140	Minimum off-street parking requirements.

#### **17.60.010 Purpose.**

Off-street parking and loading facilities are necessary to ensure functional, aesthetic, and secure parking and to reduce parking congestion and hazards during snow removal. The regulations and design standards of this chapter are intended to ensure usefulness of facilities, to protect public safety, and where appropriate, to mitigate potential adverse impacts on adjacent land uses.

#### **17.60.020 General regulations.**

- A. Unless stipulated by other provisions of this title, off-street parking facilities shall be provided for any new building or land use established. Off-street parking facilities shall be provided for any addition or enlargement of an existing building or use, or any change of occupancy or manner of operation that would result in additional parking spaces being required; provided, that the additional parking shall be required only for the addition, enlargement, or change and not for the entire building or use.
- B. Facilities being used for off-street parking on the effective date of this ordinance codified in this title shall not be reduced in capacity to less than the number of parking spaces required or altered in design or function to less than the minimum standards prescribed by this title, except as provided by Section 17.60.130 (Exceptions) and Chapter 17.96 (Accessory Dwelling Units).
- C. For sites with more than one land use, or for adjacent sites served by a common parking facility, the parking requirement shall be the total number of spaces required for each site or use, except as provided by Section 17.60.060 (Shared parking facilities).
- D. Parking facilities constructed or substantially reconstructed subsequent to the effective date of the ordinance codified in this title shall conform to the design standards set forth in Sections 17.60.090 (Design, construction, and maintenance standards) and 17.60.140 (Minimum off-street parking requirements).
- E. Required parking facilities shall be maintained for the duration of the land use for which it is required and shall not be used for the sale, display, or storage of merchandise.

- F. Required parking facilities shall be on the same site as the land use for which required, except as authorized pursuant to Section 17.60.050 (Off-site parking).
- G. A land use that is subject to approval of a use permit may be required to provide more or fewer parking spaces than prescribed by this chapter as determined by the city engineer.

**17.60.030 Amount of off-street parking.**

Parking facilities for each land use shall be provided according to the minimum requirements set forth in Section 17.60.140 (Minimum off-street parking requirements), applied as follows:

- A. When application of Section 17.60.140 results in a fractional parking requirement, a fraction of one half (0.5) or greater shall be resolved to the higher whole number.
- B. For purposes of this chapter, requirements shall be based on gross floor area, but excluding enclosed or covered areas used for off-street parking or loading.
- C. When requirements are based on seats or capacity, Building Code provisions applicable at the time of determination shall be used to define capacity.

**17.60.040 Parking for compact cars.**

In a parking facility of ten (10) or more spaces, a maximum of twenty-five (25) percent of the spaces may be designed for compact cars. Spaces for compact vehicles shall be located in a manner affording desirability and usability equivalent to standard spaces.

**17.60.050 Off-site parking.**

- A. Where permitted by use permit, the city council may authorize a portion or all the parking spaces required for a land use to be located on another site. An application for off-site parking shall require submission of a use permit application; payment of the applicable application fee deposit; a detailed and scaled site plan of the proposed parking facility; and a written statement addressing the relevant factors listed in subsection (B) of this section.
- B. In determining whether to approve an application for a use permit for off-site parking, the city council shall consider all relevant factors, including:
  - 1. The locations of the land use and the proposed off-site parking facility, and the parking demand created by other land uses in the vicinity.
  - 2. The characteristics of the land use, including employee and customer parking demand, hours of operation, and projected convenience and frequency of use of off-site parking.
  - 3. Convenience and safety of pedestrian access between the land use and off-site parking facility.
  - 4. Difficulty or impracticality of providing all required parking on the same site as the land use the parking facility serves.
  - 5. The recommendations of the city engineer and city planner.
- C. The city council may require such guarantees as deemed necessary to assure continued availability and usability of any off-site parking.

**17.60.060 Shared parking facilities.**

- A. When two (2) or more uses are located on the same lot or parcel of land, the number of off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with this chapter.
- B. Where permitted by use permit, the city council may authorize an adjustment in the total parking requirement for separate land uses located on the same site, or for separate uses located on adjacent sites and served by a common parking facility. A request for adjustment shall require submission of a use permit application; payment of the applicable application fee deposit; a detailed and scaled site plan of the proposed parking facility; and a written statement addressing the relevant factors listed in subsection (E) of this section.
- C. Subject to the granting of a use permit in accordance with Chapter 17.72 (Use Permits and Variances), the total parking requirement for all land uses served by a shared parking facility may be reduced by an amount not to exceed the following:

Total Requirement for All Uses	Maximum Allowable Reduction
10 or fewer spaces	30 percent
11-30 spaces	40 percent
More than 30 spaces	50 percent

- D. A parking facility subject to adjustment under this section shall be designed as a common, unified parking facility providing reasonably equivalent accessibility and convenience to all land uses which the parking facility is intended to serve.
- E. In determining whether to approve an adjustment for mixed-use developments and shared parking facilities, the city council shall consider all relevant factors, including:
  - 1. The characteristics of each land use and the differences in projected peak parking demand, including days or hours of operation.
  - 2. Potential reduction in vehicle movements afforded by multipurpose use of the parking facility by employees, customers, or residents of the uses served.
  - 3. Potential improvements in parking facility design, circulation, and access afforded by a joint parking facility.
  - 4. The recommendations of the city engineer and city planner.
- F. A use permit authorizing a reduction in the amount of off-street parking shall be granted only when all of the following findings can be made, based on substantial evidence:
  - 1. The specific characteristics of the land use for which the reduction is requested do not necessitate the number of parking spaces that would otherwise be required by this chapter.
  - 2. Information provided by the applicant for a reduction in required parking documents and supports the need for fewer parking spaces.
  - 3. The reduced parking standards will be adequate to accommodate all parking demands generated by the proposed land use and will not be detrimental to the public health, safety, and general welfare.
- G. The city council may require such guarantees as deemed necessary to assure the continued availability of parking and adequacy of maintenance and operating agreements to retain the usability of the parking facility.

**17.60.070 Accessible parking facilities.**

- A. Accessible parking spaces for serving disabled persons shall be established in accordance with the regulations of Section 1129 B of Title 24, California Code of Regulations.
- B. Accessible parking space facilities may be permitted to be established within a yard setback area pursuant to Chapter 17.100 (Reasonable Accommodations).

**17.60.080 Off-street loading.**

- A. Each off-street loading space required by this title shall be of sufficient size to park commercial vehicles loading and unloading merchandise and materials on the property on which a space is located, together with such additional area which the city engineer determines is necessary to safely maneuver a vehicle between the loading space and any public right-of-way or any road, street, or alley adjoining the property.
- B. Private off-street loading space for the handling of goods, materials, and equipment shall be provided as follows:
  - 1. Buildings fifteen thousand (15,000) square feet or greater of gross floor area (including building conversions): one (1) off-street loading space, plus one (1) additional space for each additional thirty thousand (30,000) square feet of gross floor area.
  - 2. Buildings less than fifteen thousand (15,000) square feet of gross floor area shall not be required to install an off-street loading space.

**17.60.090 Design, construction, and maintenance standards.**

- A. Use of Standards. The design standards established by this section are basic guidelines for design, construction, and maintenance of parking and loading facilities. The city engineer may authorize minor variations or adjustments to the design, function, attractiveness, and protection to adjoining uses in a manner equal to or greater than the specific requirements of this section.
- B. Minimum Dimensions. The following are the minimum dimensions for parking and loading spaces:

Parking Space Type	Length (feet)	Width (feet)	Vertical Clearance (feet)
Standard	19	9	7.5
Compact	16	8	
Accessible	19	12	8.5
Accessible Access Aisle	19	5	8.5
Commercial Loading	40	12	15

- C. Landscaping. The following basic standards shall apply, except where conflicts may arise with any water efficient landscaping ordinance in effect in the city, in which case the water efficient landscaping ordinance shall prevail.
  - 1. Each parking facility having twelve (12) or more spaces shall provide a perimeter landscaped strip at least five (5) feet wide where the facility adjoins a property line. Perimeter landscaping shall be continuous, except for necessary access to the site or to the parking facility.
  - 2. Each parking facility shall provide interior landscaping, including shade trees where appropriate, in accordance with the following schedule. Where possible, existing trees

shall be incorporated into landscaped areas. Interior landscaping shall be distributed throughout the parking facility to reduce the visual impact of large paved areas.

Size of Parking Facility (square feet)	Minimum Interior Landscaping as a Percentage of Parking Facility Size
< 10,000	-
10,000 – 19,999	5.0
20,000 – 29,999	7.5
≥ 30,000	10.0

3. Landscaped areas shall be provided with irrigation facilities and shall be protected with curbs or equivalent barriers.
- D. Paving and Drainage. The following standards shall apply:
1. All parking and loading facilities shall be graded and provided with permanent storm drainage facilities as deemed appropriate by the city engineer.
  2. Surfacing, curbing, and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or streets and to provide adequate drainage within the facility.
  3. The surfacing of parking and loading facilities shall be asphalt, concrete, brick pavers, or an alternative all-season hardscape deemed appropriate by the city engineer.
- E. Safety Features. The following standards shall apply:
1. Safety barriers, protective bumpers, or curbing, and directional markings shall be provided to assure safety, efficient utilization, protection to landscaping, and to prevent encroachment onto adjoining public or private property.
  2. Visibility of and between pedestrians, bicyclists, and motorists shall be assured within the parking facility and at all access driveways.
  3. Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accord with accepted principles of traffic engineering and traffic safety.
- F. Lighting. Aboveground lighting fixtures shall be designed to reflect away from any residential land uses, and to minimize glare and reflection onto adjoining properties.
- G. Noise. Areas used for primary circulation, frequent idling of vehicle engines, or loading activities shall be designed and located to minimize impacts on adjoining properties, including provisions for screening or sound baffling, as appropriate.
- H. Maintenance. Parking and loading facilities shall be maintained to assure desirability and usefulness, free of refuse, debris, or other accumulated matter. Landscaping, screening, fencing, signing, lighting, surfacing, striping, and other features shall be maintained in a usable manner.

**17.60.100 In-lieu parking fees.**

- A. Applicability. With the development of any new or expanded commercial, institutional, or industrial land use in the city, in lieu of providing off-street parking spaces as required by the provisions of Section 17.60.140 (Minimum off-street parking requirements), such requirements may be satisfied subject to city approval by payment to the city, prior to the issuance of a building permit, business license, or other permit which may be required, of a

sum of money for each parking space required by this chapter in an amount prescribed by the city council. The funds so deposited shall be retained by the city and shall be exclusively for the purpose of acquiring and developing public off-street parking facilities.

- B. Establishment of Fee. The city council shall, by resolution and following a public hearing, establish and/or modify the amount of money that may be deposited in lieu of providing the off-street parking facilities required by this chapter.
- C. Purchase of Property. When sufficient funds are available to the city to acquire or to improve municipal off-street parking, the city may proceed to implement this section by acquisition or improvement of the said parking facilities. The city council shall have the sole determination as to when and where the off-street public parking facilities contemplated to be provided pursuant to this section shall be acquired and developed.
- D. Refund of Fee. An in-lieu parking payment may be refunded by the city, without interest, to the person who made such payment, or his assignee or designee, if, prior to the date said funds are spent or committed by the city to acquire or develop off-street parking facilities, additional off-street parking spaces are provided for such building other than by the city, so as to satisfy the parking requirement for which the in-lieu payment was made.

#### **17.60.110 Carports.**

Carports required herein shall be permanent structures anchored to the ground and constructed in such a manner that they comply with all structural, foundation, and snow load requirements of the Building Code, as adopted by the city.

#### **17.60.120 Conversion of residential garages.**

- A. The owner of an existing single-family dwelling or duplex may apply for an administrative use permit to convert the garage or carport for each such dwelling unit into an area for other residential purposes upon applying for and obtaining from the city an administrative use permit therefore, on the following terms and conditions:
  - 1. For each garage space or carport space converted, the owner shall provide one off-street parking space on the subject property, unless the subject property will otherwise have adequate parking pursuant to this chapter. The parking spaces shall not be located within any required building setback area.
  - 2. Such alternate parking space shall be paved with concrete, asphalt, brick, or a similar hardscape all-weather surface.
  - 3. The design and location of the alternate parking space, together with the access thereto, shall be administratively approved by the city.
  - 4. Submission by the applicant of such plans for the garage conversion and construction of the parking place as may be required by the building official for the issuance of a building permit.
  - 5. Prior to issuing the use permit, the city shall make a finding that the majority of residences on the block lack garages and the proposed conversion is consistent with other development in the neighborhood.
  - 6. No use permit shall be required for conversion of the garage or carport into an accessory dwelling unit pursuant to Chapter 17.96 (Accessory Dwelling Units).
- B. No work shall commence on any such conversion or on construction of alternate parking prior to the issuance of the administrative use permit by the city and the applicant obtaining

a building permit for such construction and conversion and paying the necessary fee therefor.

**17.60.130 Exceptions.**

- A. The amount of off-street parking required by Section 17.60.140 (Minimum off-street parking requirements) may be reduced by up to twenty-five (25) percent subject to the granting of an administrative permit in accordance with Section 17.72.010 (Administrative permits). An administrative permit authorizing a reduction in the amount of off-street parking shall be granted only when all of the findings pursuant to subsection (F) of Section 17.60.060 (Shared parking facilities) can be made.
- B. No off-street parking shall be required for units within a supportive housing development that are occupied by supportive housing residents and located within one-half (0.5) mile of a transit stop.
- C. No replacement off-street parking shall be required for the conversion of a garage to an accessory dwelling unit located within one-half (0.5) mile of a transit stop.
- D. No replacement off-street parking shall be required for a parking space modified to accommodate an electric vehicle charging station.
- E. When a residence is being constructed or significantly rehabilitated as part of the local Community Development Block Grant program, the provision for a garage or carport, as required herein, shall not be required.
- F. When a residence is limited to one (1) or fewer bedrooms, only one (1) off-street parking space shall be required for the residence.
- G. All other exceptions to the amount of required off-street parking, or the required provision of structured parking, shall be subject to the granting of a use permit in accordance with Chapter 17.72 (Use Permits and Variances).

**17.60.140 Minimum off-street parking requirements.**

The following are the minimum off-street parking requirements for all uses in the city:

Use	Minimum Required Off-Street Parking Spaces
Residential Uses	
Duplexes and townhouses Single-family residential Supportive housing Transitional housing Small employee housing Residential care homes Family childcare homes	Two (2) spaces per dwelling unit At least one (1) space must be in a covered garage or carport outside of required setbacks.
Multifamily residential < 700 sq. ft.	One (1) space per unit, plus one (1) guest space for every three (3) units
Multifamily residential 700 - 1,200 sq. ft.	One and one half (1.5) spaces per unit, plus one (1) guest space for every three (3) units
Multifamily residential > 1,200 sq. ft.	Two (2) spaces per unit, plus one (1) guest space for every three (3) units
Senior housing	One and one quarter (1.25) spaces per unit



Use	Minimum Required Off-Street Parking Spaces
Accessory dwelling units	As required by Chapter 17.96 (Accessory Dwelling Units)
Dormitories	One (1) space per two (2) beds
Dwelling groups	Two (2) spaces per dwelling unit, at least one (1) space must be in a covered garage or carport outside of required setbacks
Live/work units	One (1) space per unit
Manufactured home parks	One and one half (1.5) spaces per unit
Residential care facilities	One half (0.5) space per non-resident employee at maximum shift, plus one half (0.5) space per resident
Second dwelling units	One (1) space per unit
Single-room occupancy units	One (1) space for every two (2) units
Emergency shelters	One (1) space per employee at maximum shift
All other residential uses	As required by the city council
Commercial Uses	
Adult day programs	One (1) space per employee at maximum shift
Alcoholic beverage sales (off-sale)	One (1) space per two hundred (200) square feet
Alcoholic beverage sales (on-sale)	One (1) space per two (2) persons seating capacity, plus one (1) space per two (2) employees at maximum shift
Animal grooming, animal hospitals, and veterinary offices	One (1) space per five hundred (500) square feet, plus one (1) space per employee
Artisan crafts manufacturing	One (1) space per two hundred (200) square feet of incidental sales area, plus one (1) space per two (2) employees at maximum shift
Artist's studios	One (1) space per one thousand (1,000) square feet
Automobile and vehicle sales and rental	One (1) space per four hundred (400) square feet of office, one (1) space per two hundred twenty-five (225) square feet of repair and service area, and one (1) space per two thousand (2,000) square feet of indoor showroom area and/or outdoor display area
Automobile service stations	One (1) space per five hundred (500) square feet, plus one (1) space per two (2) employees at maximum shift
Banks and financial services	One (1) space per two hundred (200) square feet
Bed and breakfast inns	One (1) space per guest room, plus two (2) spaces for the residential use, at least one (1) of which must be in a covered garage or carport outside of required setbacks
Building material stores and yards	One (1) space per five hundred (500) square feet indoors, plus one (1) space per seven hundred fifty (750) square feet outdoor sales or rental area
Business and professional offices	One (1) space per three hundred (300) square feet
Business support services	One (1) space per four hundred (400) square feet
Car washing and detailing	Two times (2x) the number of vehicles capable of being serviced simultaneously, plus one (1) space

Use	Minimum Required Off-Street Parking Spaces
	per employee
Convenience stores and pharmacies	One (1) space per two hundred fifty (250) square feet
Craft food and beverage production	One (1) space per two hundred (200) square feet of incidental sales area, plus one (1) space per two (2) employees at maximum shift
Crop and tree farming	None
Equipment sales and rental	One (1) space per three hundred (300) square feet of floor area, plus one (1) space per one thousand (1,000) square feet of outdoor storage and rental area
Event center	One (1) space per every three (3) fixed seats, or if no fixed seats, twenty (20) spaces per one thousand (1,000) square feet
Garden centers and plant nurseries	One (1) space per three hundred (300) square feet of floor area, plus one (1) space per one thousand (1,000) square feet of outdoor sales and/or cultivation area
Grocery stores and supermarkets	One (1) space per two hundred fifty (250) square feet
Health clinics, medical offices, and laboratories	One (1) space per two hundred (200) square feet
Hospitals and hospice care	One (1) space per two and one half (2.5) beds, plus one (1) space per employee at maximum shift
Hotels and Motels	One (1) space per guest room, plus one (1) space per two (2) employees at maximum shift.
Indoor entertainment facilities	One (1) space per four (4) persons capacity
Indoor sports and fitness facilities	One (1) space per five hundred (500) square feet
Laundromat (self service)	One (1) space per four hundred (400) square feet
Media production	One (1) space per five hundred (500) square feet
Mobile food commissaries	One (1) space per four hundred (400) square feet of floor area, plus one (1) space per mobile food vendor
Mortuaries and funeral homes	One (1) space per four (4) persons capacity, plus one (1) space per employee at maximum shift
Outdoor commercial recreation facilities	One (1) space per six (6) persons capacity, plus one (1) space per two (2) employees at maximum shift
Personal services	One (1) space per three hundred (300) square feet
Recreational vehicle parks	One (1) RV space and one (1) space for an accompanying motor vehicle per RV space, plus one (1) space per two (2) employees at maximum shift
Recycling facilities	One (1) space per three hundred (300) square feet, plus one (1) space per four thousand (4,000) square feet outdoor storage area

Use	Minimum Required Off-Street Parking Spaces
Retail food establishments	Fixed table: One (1) space per three (3) persons seating capacity, plus one (1) space per two (2) employees at maximum shift Drive-in/Fast food: One (1) space per two (2) persons capacity, plus one (1) space per two (2) employees at maximum shift
Retail sales	One (1) space per two hundred fifty (250) square feet
Short-term rentals	As required by Chapter 17.84 (Short-Term Rentals)
Small equipment maintenance and repair	One (1) space per six hundred (600) square feet
Theaters and playhouses	One (1) space per every four (4) fixed seats, or if no fixed seats, twenty (20) spaces per one thousand (1,000) square feet
Vehicle storage	One (1) space per five hundred (500) square feet
Vehicles for hire	Two (2) spaces per facility, plus one (1) space per employee at maximum shift
Wholesale businesses	One (1) space per eight hundred (800) square feet
All other commercial uses	As required by the city council
Manufacturing Uses	
Clothing and fabric product manufacturing	One (1) space per thousand (1,000) square feet, plus one (1) space per two hundred (250) square feet of office
Furniture and fixtures manufacturing	
Handcraft industries	
Indoor storage facilities	One (1) space per one thousand five hundred (1,500) square feet, plus two (2) spaces for office use
Metal products fabrication and machine/welding shops.	One (1) space for each two hundred (250) square feet of office, plus one (1) space for each one thousand (1,000) square feet of indoor or outdoor area devoted to other than office.
Paper product manufacturing	
Printing and publishing	
All others	As required by the city council
Other Uses	
Cemeteries	None
Certified farmer's markets	None
Clubs, lodges, and private meeting halls	One (1) space per four (4) persons capacity
Community gardens	None
Libraries and museums	One (1) space per (4) persons capacity
Parks, picnic areas, and playgrounds	Two (2) spaces per acre
Places of worship and spiritual assembly	One (1) space per ten (10) individual seats equivalent
Private schools	One (1) space per ten (10) seats equivalent

Use	Minimum Required Off-Street Parking Spaces
Public schools	Seven (7) spaces per facility, plus one (1) space per employee at maximum shift
Public and quasi-public facilities	One (1) space per three hundred (300) square feet
All others	As required by the city council

## **Chapter 17.64**

### **SIGNS**

#### Sections:

- 17.64.010 General.
- 17.64.020 Definitions.
- 17.64.030 Exempt signs.
- 17.64.040 Prohibited signs.
- 17.64.050 Sign permits.
- 17.64.060 Regulations applicable to zoning districts.
- 17.64.070 Regulations applicable to all land uses.
- 17.64.080 Special signs.
- 17.64.090 Nonconforming signs and uses.
- 17.64.100 Relocation of off-site signs pursuant to relocation agreements.
- 17.64.110 Removal and disposition of signs by city.
- 17.64.120 Construction standards.
- 17.64.130 Maintenance of signs.
- 17.64.140 Variances.
- 17.64.150 Use permits.
- 17.64.160 Appeals.
- 17.64.170 Violations.

#### **17.64.010 General.**

- A. Purpose. The purpose of the sign regulations set forth in this chapter shall be to eliminate potential hazards to motorists and pedestrians; to encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy, and which eliminate excessive and confusing sign displays; to preserve and improve the appearance of the city as a place in which to live and to work and as an attraction to nonresidents who come to visit or trade; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; to supplement and be a part of the regulations set forth elsewhere under this title; and to promote the public health, safety, and general welfare.
- B. Government Messages and Signs. Nothing in this chapter applies to or restricts the following:
  - 1. The city's use of city property to display the city's own messages.
  - 2. Governmental signs for regulatory purposes such as traffic control and public safety (e.g., street signs, danger signs, railroad-crossing signs, signs of public-service companies indicating danger, and aids to service or safety).
- C. Sign Content.
  - 1. Subject to the consent of the landowner and the sign owner, a constitutionally protected noncommercial message of any type may be substituted, in whole or in part, in place of any commercial message or any other noncommercial message on a sign if the sign structure or mounting device is legal without consideration of message content. Similarly, an on-site commercial message may be substituted for another commercial message on an on-site sign if the substitution does not also involve a

change of the physical structure or mounting device for the sign. Such message substitutions may be made without any additional approval or permitting.

2. The purposes of this section are to prevent any inadvertent favoring of commercial speech over noncommercial speech or of any particular noncommercial message over any other noncommercial message and to allow a change of commercial messages on an on-site sign without a new permit.
  3. This section does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted. This section does not allow the substitution of an off-site commercial message in place of an on-site commercial message or the conversion of a sign to general advertising for hire.
  4. In addition to message substitution, whenever a parcel has a right to display area that is unused, that area may be used for constitutionally protected non-commercial messages on temporary signs, without permits or approvals; it may also be used for display of noncommercial messages on permanent structures, if the structure is properly permitted.
  5. This section prevails over any more specific provision to the contrary within this chapter.
- D. Location of Noncommercial Messages. Throughout this chapter, the on-site/off-site distinction applies only to commercial messages on signs. There is no location criterion for noncommercial messages on signs.

#### **17.64.020 Definitions.**

The following words and phrases when used in this chapter shall be construed as defined in this section:

“Animated sign” means a sign that is designed and constructed (a) to display a message through a sequence of progressive changes of parts, lights, or degrees of lighting; or (b) to incorporate physical motion.

“Architectural projection” means a marquee, porch, canopy, or other similar architectural projection.

“Attached sign” means any sign which is fastened, attached, connected, or supported in whole or in part by a building or structure, other than a sign structure supported wholly by the ground.

“Billboard” means a permanent sign structure that is in a fixed location and is used, in whole or part, for general advertising for hire.

“Detached sign” means any sign not supported in whole or in part by a building or structure, other than by a sign structure which is supported wholly by the ground.

“Directly illuminated sign” means any sign designed to provide artificial light directly or through transparent or translucent material from a source of light within or on such sign, including but not limited to neon and incandescent lamp signs.

“Display area” means the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space of a similar nature, together with any frame or other material, color, or condition that forms an integral part of the display and is used to differentiate the sign from the wall or background against which it is located, excluding the necessary sign supports or uprights on which the sign is located. Where a sign has

two (2) or more display faces, the area of all faces will be included in determining the area of the sign. Further, where a sign consists only of individual letters, numerals, symbols, or other similar components and is painted on or attached flat against the wall of a building, and where the individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign will be the sum of the areas of the squares or rectangles surrounding each individual sign component.

“Establishment” means any legal use of land, other than long-term residential uses, that involves the use of structures subject to the adopted building code(s). Examples of an “establishment” are businesses, churches, schools, libraries, hotels, motels, offices, and hospitals, but “establishment” does not include single-family residential or duplex residential dwellings, manufactured homes, multifamily residential units, residential care facilities, or similar uses. A multifamily residential development is an “establishment” while under construction, but an individual unit within such a development is not an “establishment” after a certificate of occupancy has been issued or a full-time residency begins.

“Feather sign” means a type of wind sign consisting of a flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached. Such banners are also known and sold under names which include, but are not limited to, “quill sign,” “banana banner,” “blade banner,” “flutter banner,” “flutter flag,” “bowflag,” “teardrop banners,” and others. The definition includes functionally similar display devices.

“Flashing sign” means an illuminated sign which exhibits changing light or color effect by blinking or any other such means so as to provide a nonconstant illumination.

“Front footage of building occupancy” means a single lineal dimension measured horizontally along the front of a building which defines the limits of a particular occupancy at that location.

“General advertising” and “general advertising for hire” mean the displaying of messages that advertise or promote the establishments, activities, or causes of others, typically for a fee or other consideration.

“Height of sign” means the vertical distance measured from the adjacent street grade or upper surface of the nearest curb of a street other than an elevated roadway, whichever permits the greatest height, to the highest point of such sign.

“Indirectly illuminated sign” means a sign whose illumination is derived entirely from an external artificial source which is arranged so that no direct rays of light are projected from such artificial source into residences or streets.

“Monument sign” means a sign which is erected with its base on the ground or on a support substantially equivalent in width and depth to the base of the sign; which incorporates into its design the design and building materials of the building and structures on the same premises that the sign serves.

“Moving sign” means any sign or device which has any visible moving part, visible revolving part, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic, or kinetic means, including intermittent electrical pulsations, or by actions of wind currents.

“Nonconforming sign” means an existing sign legally existing at the time of the effective date of the ordinance codified in this chapter which does not conform to the provisions of this chapter.

“Off-site sign” means any sign that: (a) is used to display messages other than general advertising for hire; and (b) is not located on the premises of the message sponsor.

“On-site sign” means a sign that: (a) directs attention to an establishment or activity conducted on, or to a product, service, or entertainment sold or offered on, the same premises as those upon which the sign is maintained; and (b) does not display general advertising for hire.

“Portable sign” means any sign not permanently affixed to the ground or a structure on the premises it is intended to occupy.

“Projecting sign” means any sign which is located, in whole or in part, in or over the right-of-way of any street, sidewalk, or alley, or other public thoroughfare. A projecting sign shall also include any sign affixed to or part of a marquee, canopy, or vestibule where such sign is located in or over the street right-of-way.

“Roof sign” means any sign or portion thereof located on or extending over the roof of a building and either supported by the roof or by an independent structural frame. A sign which is attached flat against the wall of a penthouse or other similar roof structure which is part of the enclosed floor area of the building shall not be considered a roof sign.

“Rotating sign” means any sign or portion thereof which physically revolves about an axis.

“Sandwich board sign” means any portable sign that is capable of standing without support or attachment and is hinged or designed to fold up for easy moving by hand. Such signs are generally known as A-frame signs, sandwich signs, or sandwich board signs and typically resemble the letter “A” but may also resemble the letters “T” (upright or inverted) or “U” or “H.”

“Sign” means any visually communicative image located on public display and visible from the exterior of any portion of the public right-of-way or other place that is open to passage by the public. It includes every advertising message, announcement, declaration, demonstration, display, projected image, illustration, insignia, surface, statue, object, or space erected or maintained in view of the observer for identification, advertisement, or promotion of the interests of any person, entity, product, or service.

“Sign structure” means a structure of any kind or character, erected, used, or maintained for the primary purpose of supporting a sign.

“Swinging sign” means a sign that is supported by cables against movement due to wind in such a way that, in the event of an emergency such cables may be cut, and the sign swung back against the building and in such a position will continue to be supported by the building with no danger of falling.

“Unilluminated sign” means a sign not illuminated, directly or indirectly, by anything other than ambient light.

“Wind sign” means any sign or portion thereof or series of signs, banners, or other objects designed and fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

#### **17.64.030 Exempt signs.**

The signs specified in this section are exempt from the sign permit provisions of this chapter, and the display area of such signs is not to be included in the cumulative display area of signs allowed for any parcel, use, or occupancy.

- A. Incidental Small Signs. Unilluminated signs that have a display area not exceeding four (4) square feet; display messages other than general advertising; and do not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. The cumulative display area of all such signs on a parcel may not exceed one (1) square foot per five (5) linear feet of street frontage.



- B. **Flags.** Flags that display messages other than general advertising; are displayed on private property; and do not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. The cumulative display area of all flags on a parcel, calculated by measuring one (1) side of each flag, may not exceed one (1) square foot for every three (3) linear feet of street frontage.
- C. **Interior Signs.** Signs located within the interior of any building, or within an enclosed lobby of any building, and signs for and located within the inner or outer lobby, court, or entrance of any theater; provided however, that no sign will be exempt hereunder unless it is designed, located, and intended to be viewed primarily from inside the premises and not from the public right-of-way.
- D. **Public Parks.** Signs within public parks, provided that such signs are displayed in compliance with regulations of the public agency responsible for administration of the parks.
- E. **Public Schools.** Signs within public school property, provided that such signs are displayed in compliance with the regulations of the applicable school district.
- F. **Community Gardens.** Unilluminated signs within community gardens provided that such signs display messages other than general advertising; are located outside of accessible paths of travel; do not exceed six (6) feet in height; do not individually exceed twenty-four (24) square feet in sign display area; and do not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. The cumulative display area of all such signs on a parcel may not exceed two (2) square feet per five (5) linear feet of street frontage.
- G. **Farmers' Markets.** Unilluminated signs for certified farmers' markets located on property where a certified farmers' market is permitted. Such signs shall be located outside of accessible paths of travel and displayed only on market day and up to twenty-four (24) hours prior.
- H. **Sandwich Board Signs.** Sandwich boards subject to the following:
  - 1. One (1) sign used to display messages other than general advertising is permitted per business.
  - 2. Signs shall have a maximum of two (2) sign faces and a maximum of six (6) square feet per sign face.
  - 3. No sign shall exceed three (3) feet in width or four (4) feet in height when opened for display.
  - 4. Signs must be constructed of durable, weather-resistant materials and shall be professionally executed. Stenciled plywood is not permitted.
  - 5. **Location.** Signs shall not block accessible paths of travel or inhibit sight distance for ingress and egress.
  - 6. **Stabilization.** All signs shall be freestanding and be able to withstand wind gusts or must be removed during inclement weather. Signs shall not be secured to structures, landscape trees, benches, or any other features.
  - 7. **Daily Removal.** The sign shall be removed at the close of business each day.
  - 8. **Liability.** Each person or entity that displays a sandwich board sign on a city sidewalk is solely responsible for all injuries and damage caused by the sign and shall indemnify the city against all liabilities, claims, demands, damages, and costs arising in any way from the sign.

- I. Sponsorship Signs for Electric Vehicle Charging Stations (EVCS). Signs affixed to a structure or apparatus that provides the public with access to subsidized, non-proprietary charging of electric vehicles and located on city property under an agreement between the city and the owner of the structure or apparatus.
  1. Each such structure or apparatus (an “EVCS”) may have up to two (2) sponsorship signs that display instructions for use of the EVCS and identify the sponsor(s).
  2. Each sponsorship sign for an EVCS must comply with all of the following:
    - a. The display area of each sign may not exceed eight (8) square feet;
    - b. Any illumination must be from a light source within the sign;
    - c. The sign may not use digital display technology;
    - d. The sign must comply with subsection (F) of Section 17.64.120 (Construction standards);
    - e. General advertising may not be displayed;
    - f. The sign must not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent property; and
    - g. The sign must satisfy all requirements, conditions, and restrictions in the agreement between the city and the owner of the structure or apparatus.
- J. Temporary Signs. Signs that meet the following criteria are exempt temporary signs:
  1. Residential Zoning Districts. In the R-R, R-1-10, R-1-12, R-2, R-3, and M-H districts, temporary signs are allowed on any developed or undeveloped parcel provided the cumulative display area of all temporary signs on the parcel does not exceed twelve (12) square feet.
  2. Town Center Zoning District. In the T-C district, temporary signs are allowed on any developed or undeveloped parcel provided the cumulative display area of all temporary signs on the parcel does not exceed twenty-four (24) square feet.
  3. General Commercial and Manufacturing Zoning Districts. In the G-C and M districts, temporary signs are allowed on any developed or undeveloped parcel provided the cumulative display area of all temporary signs on the parcel does not exceed forty-eight (48) square feet.
  4. A temporary sign shall not be illuminated except by ambient light, exceed six (6) feet in height, or be displayed on a parcel more than a total of ninety (90) days in a calendar year.
  5. A temporary sign may be staked in the ground; may be tacked, pasted, or otherwise temporarily affixed to legally existing fences, structures, and buildings; and may be taped, painted, or otherwise temporarily affixed to the interior or exterior surfaces of building windows.
  6. A temporary sign may not be located within or over the public right-of-way, except as approved by the city council.
- K. Underground Utilities. Signs by utility providers to mark the presence of underground facilities or utilities for public safety.

#### **17.64.040 Prohibited signs.**

No person shall erect, alter, or relocate any sign of the type specified in this section.

- A. Traffic Hazards. No sign shall be permitted at the intersection of any street in such a manner as to obstruct free and clear vision of motor vehicle operators or at any location where by reason of its position, shape or color it may interfere with or be confused with any authorized traffic sign, signal, or device or which makes use of a word, symbol, phrase, shape or color in such a manner as to interfere with, mislead, or confuse traffic.
- B. Animated and Intensely Lighted Signs. No sign shall be permitted which is animated by means of flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination. No sign shall be permitted which because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties.
- C. Moving Signs. No sign or any other portion thereof shall be allowed that moves or assumes any other motion constituting a nonstationary or fixed condition.
- D. Outline Tubing. Outlining of a building or structure by means of exposed neon tubing, exposed incandescent lighting, or other artificial lighting, or an equivalent effect is prohibited.
- E. Off-Site Signs and Billboards. Notwithstanding any contrary provision of this chapter, the construction, erection, installation, and use of new off-site signs and billboards is prohibited, subject to the following:
  - 1. This section does not prohibit the city from entering into relocation agreements regarding existing billboards, as authorized by Section 17.64.090 (Nonconforming signs and uses) and state law.
  - 2. This section does not affect billboards that legally existed on the effective date of the ordinance codified herein, were legal when constructed; and are in conformance with all applicable laws. This section also does not affect the city's ability to condemn any existing billboards.
  - 3. This section does not affect billboards constructed on or after the effective date of the ordinance codified herein, under a relocation agreement authorized by Section 17.64.100 (Relocation of off-site signs pursuant to relocation agreements) and state law.
- F. Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property. This section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle.
- G. Emission of Sound, Odor, or Visible Matter. No advertising sign or device shall be permitted which emits audible sound, odor, or visible matter.
- H. Fixed Balloon Signs. The use of a fixed balloon within the city as a sign is prohibited. The term "fixed balloon" shall mean any lighter-than-air or gas-filled balloon attached by means of a rope or tether to a definite or fixed location.
- I. Miscellaneous Signs and Posters. The tacking, painting, pasting, or otherwise affixing of signs or posters of a miscellaneous character, visible from a public way, located on the walls of a building, barns, sheds, on trees, poles, posts, fences, or other structures is prohibited.

- J. Public Areas, Removal, Liability for Costs. No sign shall be allowed that is located on any curb, sidewalk, post, pole, electroliner, hydrant, bridge, tree, or other surface located on public property or over or across any street or public thoroughfare except as may otherwise expressly be authorized by this chapter.
1. Any sign found located, posted, or otherwise affixed upon any public property contrary to the provisions of this section may be removed by any company, organization, or individual owning or responsible for maintaining that property, or by the city. Notwithstanding the provisions of Section 17.64.110 (Removal and disposition of signs by city), no advance notice or hearing shall be required. The person responsible for any such illegal placement, posting, or affixing shall be liable for the costs incurred in the removal thereof, and the city clerk is authorized to effect the collection of any removal costs incurred by the city. Any such sign may be disposed of in any manner deemed appropriate by the person who removes it.
  2. Removal Costs. For purposes of this section, the following persons are responsible for placing a sign and to pay removal costs:
    - a. The person whose name, address, or contact information appears as the sponsor or promoter of the activity or event referred to on the sign;
    - b. The person whose name, address, or contact information appears as the person to contact on the sign;
    - c. The owner, or lessee if the property is leased, of property used for a commercial activity or event advertised on the sign;
    - d. The promoter or sponsor of any activity or event to which the sign refers;
    - e. The candidate named on a sign which promotes a candidate for public office;
    - f. The real estate broker, agent, brokerage firm, or other person whose name or telephone number appears on a sign advertising property for sale, lease, or rent;
    - g. The owner, or lessee if the property is leased, of property used for a yard or garage sale advertised on the sign.
  3. Any person responsible for paying removal costs may avoid such liability by demonstrating that they did not cause, authorize, permit, encourage, direct, recommend, or approve the posting of the sign on public property.
- K. Other Prohibited Signs. Except as otherwise provided in this chapter, the following signs are prohibited:
1. Pennants, streamers, bunting, and wind signs other than feather signs.
  2. Signs that are located on or project over the roof of a building or structure.
    - a. Notwithstanding the above, a conditional use permit for a roof sign may be granted by the city council, following application and public hearing.
  3. Off-site signs and signs displaying general advertising for hire.
  4. Statues, real or simulated, utilized for advertising purposes.
  5. Sidewalk clocks.

#### **17.64.050 Sign permits.**

- A. Sign Permit Required. Except as otherwise provided in this chapter, it is unlawful for any person to erect, alter, install, or relocate, or to direct or order a person in their employ to erect, alter, install, or relocate, a sign within the city without first obtaining a sign permit or permits from the city clerk.
- B. Permission of Property Owner. No person shall erect, construct, or maintain any sign upon any property or building without the consent of the owner, person entitled to possession of the property or building if any, or their authorized representatives.
- C. Application for a Sign Permit. An application for a sign permit must be submitted to the city clerk upon a form provided by the city, must be accompanied by payment of all required fees, and must include the following information and documents:
  - 1. Drawings to scale indicating the sign location, dimensions, and construction; the associated electrical wiring and components; and the method of attachment and the character of structural members to which the sign will be attached. The city clerk may also require that the applicant furnish additional information and documents, prepared by an engineer who is registered under the California Professional Engineers Act, concerning the structural design and proposed attachments.
  - 2. Any permits or other entitlements required under this title or required by other governmental entities with jurisdiction (e.g., Caltrans).
  - 3. Any other information and documents the city clerk may need to determine whether the proposed sign complies with all applicable laws and regulations.
- D. Issuance of Sign Permits.
  - 1. Within thirty (30) days after submission of an application for a sign permit, the city clerk shall do one of the following:
    - a. If the city clerk determines that the proposed sign complies with all applicable laws and regulations, then the city clerk shall issue the permit.
    - b. If the city clerk determines that the application is incomplete or that the proposed sign does not comply with all applicable laws and regulations, then the city clerk shall issue a notice to the applicant that identifies the deficiencies. Within thirty (30) days after receiving the notice, the applicant may correct the deficiencies and resubmit the application without paying any additional fees, and the city clerk shall process the resubmission in the same way that new applications are processed. Only one (1) resubmission is allowed. If the city clerk determines that a resubmitted application is still incomplete or that the proposed sign still does not comply with all applicable laws and regulations, then the application will be deemed denied.
  - 2. An application will be deemed denied if the city clerk does not act on it as required by subsection (D)(1) of this section within thirty (30) days after the application is submitted or resubmitted unless the applicant has waived the thirty (30)-day requirement.
  - 3. Every sign permit issued by the city clerk will expire if the work authorized by the permit is not commenced within sixty (60) days after the issuance date of the permit or if the work is suspended or abandoned for one hundred twenty (120) consecutive days or more after the work is commenced. Before the work may be commenced or resumed after expiration, a new permit must first be obtained, and the fee therefor will be one-half (0.5) the amount required for a new permit for the work, except as follows: if

changes have been made or will be made in the original plans and specifications for the work, or if the suspension or abandonment exceeds one (1) year, then the fee will be the same as the fee for a new permit.

4. The city clerk may, in writing, suspend, or revoke a sign permit whenever the permit is issued on the basis of a material omission or misstatement of fact or in violation of this chapter or any ordinance.
  5. When deciding whether to issue, deny, suspend, or revoke a permit, the city clerk shall not consider the content or graphic design of messages other than to determine legality under federal or state law.
- E. Effect of Issuance. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain a public or private nuisance nor shall any permit issued hereunder constitute a defense in an action to abate a nuisance.
- F. Fees. Permits shall be subject to such fees as are specified by resolution of the city council; provided, however, that the minimum fee for a permit exclusive of any permit costs for electrical components, shall be as established by resolution of the city council. In addition, when any sign is hereafter erected, located, installed, or otherwise established on any property prior to obtaining permits as required by this chapter the fees therefor shall be doubled, but the payment of such double fee shall not relieve any person from complying with other provisions of this chapter or from penalties prescribed herein.
- G. Inspection of Signs.
1. A person or entity that erects, alters, installs, or relocates a sign shall notify the city clerk within three (3) business days after completion of the work for which a sign permit or permits have been issued.
  2. Upon receiving the notice, the city clerk shall inspect the sign and notify the person or entity that erected, altered, installed, or relocated the sign of any deficiencies. If all identified deficiencies are not cured to the city clerk's reasonable satisfaction within ten (10) days after the notice of deficiencies, then the city clerk may, in writing, suspend or revoke the sign permit.

#### **17.64.060 Regulations applicable to zoning districts.**

- A. General. The regulations in this section are adopted governing the number, size, type, location, and other provisions relating to signs within the various zoning districts of the city as the zoning districts are established and designated by this title. No signs shall be allowed in these zoning districts unless allowed by this chapter or unless such signs comply with the regulations established in Section 17.64.090 (Nonconforming signs and uses).
- B. Residential Zoning Districts. In the R-R, R-1-10, R-1-12, R-2, R-3, and M-H districts, signs are allowed as follows:
1. For each single-family residential, duplex residential, dwelling group, residential care home, small employee housing, farmworker housing, supportive housing, or transitional housing, one (1) unilluminated, attached sign not exceeding a combined display area of one (1) square foot per occupancy.
  2. For dormitories, one (1) unilluminated, attached sign not exceeding eight (8) square feet of display area.

3. For multifamily residential, one (1) attached or detached sign, of not more than five (5) square feet per dwelling unit, up to a maximum of twenty-five (25) square feet of display area.
4. For residential care facilities, one (1) attached or detached sign not exceeding twenty-five (25) feet of display area.
5. For a meeting place at which the public or membership groups are assembled regularly or occasionally, such as places of worship and religious assembly, private schools, and similar uses, one (1) attached or detached sign not exceeding thirty-two (32) square feet of display area, plus one (1) additional attached sign not exceeding eight (8) square feet of display area.
6. For bed and breakfast inns, one (1) unilluminated, attached sign not to exceed six (6) square feet of display area.
7. For all other nonresidential uses in the residential districts, one (1) unilluminated, attached sign not to exceed twelve (12) square feet of display area.
8. Attached signs in the residential districts shall be located flat against a building, fence, or wall or be designed as part of an architectural feature thereof. No height limit is specified for attached signs provided the sign complies with all other provisions of this chapter.
9. Detached signs in the residential districts shall meet the following requirements:
  - a. Detached signs shall be a monument type sign with a maximum height of four (4) feet or incorporated into a low-profile decorative entry wall(s). If the detached sign is located on a free-standing base, a double-faced sign is allowed. If the detached sign is affixed flat against an entry wall, one (1) single-faced sign on each side of the driveway is allowed.
  - b. A detached sign may be located in a front yard or exterior side yard setback area; however, it must be located farther than five (5) feet from the public right-of-way.

C. Town Center Zoning District.

1. In the T-C district, residential uses shall be allowed signs as provided in subsection (B) of this section.
2. In the T-C district, nonresidential uses and vertical mixed-use developments shall be allowed signs as follows:
  - a. Attached signs located flat against the front of the building or located on, attached to, or an integral part an architectural projection not to exceed a total aggregate display area of three (3) square feet of display area per lineal foot of building frontage, up to a maximum of one hundred fifty (150) square feet of display area.
  - b. One (1) sign attached flat against the side or rear of the building or located on, attached to, or an integral part an architectural projection, not to exceed one (1) square foot of display area for every lineal foot of building frontage, up to a maximum of forty (40) square feet, when such side or rear faces a public parking lot or street.
  - c. One (1) attached projecting sign located perpendicular to the front of the building per occupancy not to exceed one (1) square foot per each front foot of building occupancy.

- d. One (1) detached sign not to exceed two (2) square feet of display area per lineal foot of building frontage, up to a maximum of one hundred fifty (150) square feet of display area.
  - e. For a permitted use that includes drive-through sales or service, two (2) additional signs, not to exceed thirty-two (32) square feet in area per sign, provided such signs are located within or adjacent to a drive-through lane and are substantially screened from view of public rights-of-way.
  - f. The maximum combined sign display area for all signs shall not exceed four (4) square feet per each lineal foot of building frontage.
  - g. Height limits.
    - i. Attached and detached signs: Twenty (20) feet.
    - ii. Notwithstanding the above, a conditional use permit for signs taller than the established height limits may be granted by the city council, following application and public hearing.
- D. General Commercial and Manufacturing Zoning Districts. Within the G-C and M districts, signs are subject to the following regulations:
- 1. In the G-C district, residential uses shall be allowed signs as provided in subsection (B) of this section.
  - 2. In the G-C and M districts, nonresidential uses and mixed-use developments shall be allowed signs as follows:
    - a. Attached signs located flat against the front of the building or located on, attached to, or an integral part an architectural projection not to exceed a total aggregate display area of three (3) square feet of display area per lineal foot of building frontage, up to a maximum of two hundred (200) square feet of display area.
    - b. One (1) attached sign located flat against the side or rear of the building, not to exceed (2) square feet of display area for every lineal foot of building frontage, up to a maximum of one hundred (80) square feet of display area, when such side or rear faces a public parking lot or street.
    - c. One (1) detached sign per building, not to exceed one (1) square foot of display area for every lineal foot of building frontage, up to a maximum of two hundred (200) square feet of display area per building. Automobile service stations are allowed additional signs on fuel pumps, provided such signs are located in compliance with state law.
    - d. For a permitted use that includes drive-through sales or service, two (2) additional signs, not to exceed thirty-two (32) square feet in area per sign, provided such signs are located within or adjacent to a drive-through lane and are substantially screened from view of public rights-of-way.
    - e. The maximum combined display area for all signs may not exceed four (4) square feet per each lineal foot of building frontage.
    - f. Height limits:
      - i. Attached signs: Twenty (20) feet.
      - ii. Detached signs: Thirty (30) feet.



- iii. Notwithstanding the above, a conditional use permit for signs taller than the established height limits may be granted by the city council, following application and public hearing.

#### **17.64.070 Regulations applicable to all land uses.**

The signs permitted by this chapter shall be subject to the additional requirements, conditions, and exceptions specified in this section.

- A. Combining Allowances. On buildings having more than one (1) street frontage or occupancy, the maximum allowable number and square footage of attached signs is not transferable either in whole or in part from one (1) street frontage to another nor from one (1) occupancy to another occupancy.
- B. General Provisions Relating to Location.
  - 1. No sign shall be located nearer than five (5) feet to an interior property line nor shall any sign be located nearer than five (5) feet to any common wall or other point common to two (2) separate occupancies on the same parcel. This regulation does not apply to signs painted on or otherwise attached flat against the wall or architectural projection of a building on the same parcel.
  - 2. A sign may be located within or project into a required front or exterior side yard setback area. However, no sign may project into or over an abutting public right-of-way except as otherwise provided in this chapter.
- C. Corner Lots.
  - 1. When a sign is erected at the street intersection corner of the parcel, or at the intersection of a building front, and is situated at an angle so as to be visible from both streets or both frontages, such sign shall not exceed the maximum display area allowed for the longest street footage or building occupancy.
  - 2. When a detached sign is erected within the front or exterior side yard setback area of a corner lot, placement of said sign shall maintain a clear vision triangle for the intersection. The sign shall also be located a minimum of twenty (20) feet from all other detached signs unless both signs have been incorporated into a low-profile decorative entry wall.
- D. Access Regulated. No sign or its supporting members shall be erected, altered, or relocated so as to interfere with or restrict access to a window or other opening in a building in such manner as to unduly limit air circulation or obstruct or interfere with the free use of a fire escape, exit, standpipe, stairway, door, ventilator, or window or similar opening, provided, however, that the city clerk may approve a swinging sign or other form of sign or its attachment, when, in their judgment, such sign will not restrict access to such openings.
- E. Sign Clearance. No permit for any sign shall be issued and no sign shall be constructed or maintained which has less horizontal or vertical clearance from communications lines and energized electrical power lines than that prescribed by the laws of the state of California or rules and regulations duly promulgated by agencies thereof.
- F. Sign Illumination. The following regulations shall apply to sign clearance and sign illumination:
  - 1. All illuminated signs in the residential zoning districts shall be indirectly illuminated. Directly illuminated signs are allowed in the residential districts subject to approval of a conditional use permit.

2. In all other zoning districts illuminated signs may be of direct or indirect illumination subject to the following:
  - a. Signs directly illuminated with exposed neon tubing, exposed incandescent lighting, or other artificial lighting shall be subject to issuance of a conditional use permit.
  - b. When internally illuminated, only internal illumination protected by a plastic face or other acceptable material shall be permitted.
- G. Location and Depth of Flat Signs. Signs located flat against a building must be erected parallel thereto and the outside face of such sign may extend no more than eighteen (18) inches from the wall of such buildings.
- H. Signs on Parapet Walls, Sloping and Shed Roofs. The following regulations shall apply to the location and height of signs on parapet walls and various roof structures.
  1. Parapet Wall. A sign may be attached to the face of a parapet wall but may not be located so as to extend more than twenty-four (24) inches above the highest point of such parapet wall.
  2. Sloping Roof. A sign may be attached to the fascia of or located on the sloping roof of a structure but may not be located so as to extend more than twenty-four (24) inches above the upper edge of the fascia of such sloping roof.
  3. Shed Roof. A sign may be attached to the fascia of a shed roof of a structure but may not be located so as to extend more than twenty-four (24) inches above the lower edge of the fascia of such shed roof.
- I. Detached Signs.
  1. Monument Type Signs. The primary material of the monument base or wall shall be decorative masonry or similar material which compliments the design of the main building(s). Backlit canned plastic signs are not allowed.
  2. Number of Panels. A detached sign may consist of more than one (1) sign panel provided all such sign panels are attached to one (1) common integrated sign structure. The total display area of all such panels shall not exceed the maximum allowable display area specified for a detached sign on the parcel. Where a sign message consists of separated or individual letters, modules, or symbols, each portion of such sign message shall not be considered as a one (1) sign panel. In such cases, a single continuous perimeter completely surrounding the sign message shall be utilized to determine its display area.
  3. Projection Over Public Right-of-Way. No detached sign shall project over a public right-of-way except in compliance with subsections (J) and (K)(2) of this section.
  4. Projection Over Canopy. A detached sign supported by a sign structure which is imbedded in the ground and independent of a canopy for structural support, may project over a canopy. This section shall not be deemed to allow a detached sign to be located over, in whole or in part, the roof of a building. A detached sign which projects over a canopy shall comply with all other applicable regulations of this chapter.
  5. Minimum Clearance. Except for monument type signs, a detached sign shall have a minimum clearance of ten (10) feet between the ground surface and the bottom of the sign, provided that the minimum clearance standard shall not apply if the sign is located in an area not accessible to pedestrian or vehicular traffic, the sign is located at least ten (10) feet from any property line and ten (10) feet from the edge of any

driveway entrance, and the sign will not obstruct free and clear vision of motor vehicle operators.

6. Embellishment. On detached signs the sign structure may extend above the maximum allowable height of the sign for embellishment purposes. Under no circumstances, however, may such extension exceed twenty (20) percent of the maximum allowable height for the sign or include any commercial or non-commercial text, logos, or trademarks.

J. Signs Projecting Over Public Right-of-Way.

1. Revocable Permit.
  - a. All rights and privileges acquired under the provisions of this chapter, permitting the erection or maintenance of signs over sidewalks or public rights-of-way are mere licenses, revocable at any time without compensation with or without cause, by the city council and all such permits shall contain this provision.
  - b. If the city council elects to revoke any such license, it shall give notice of such revocation to the permittee or owner of the property on which the sign is situated and the address shown on the permit or, in the case of the owner, at the address shown on the last equalized assessment roll, and shall afford the owner a period of not less than fourteen (14) days within which to remove the sign or to reconstruct it in such a manner that it does not protrude over the public right-of-way.
  - c. If the permittee or owner fails to remove the sign within the period prescribed by the council, it shall be removed by the code enforcement officer in the manner provided for in Section 17.64.110 (Removal and disposition of signs by city).
2. Projecting Signs Must Be Double-Faced. All projecting signs must be double-faced except signs located flat against a building or projecting V-shaped signs attached to a building at the open points of the V. Double-faced signs shall have a minimum of two (2) inches and a maximum of twenty-four (24) inches between faces. The faces of such signs shall be fastened to an incombustible metal frame of such construction as to adequately support the sign faces.
3. Maximum Distance of Projection. An attached sign placed flat against the building may project over a public right-of-way a distance not exceeding eighteen (18) inches. Signs on architectural projections extending over a public right-of-way may project a distance not exceeding six (6) feet. All other attached projecting signs may project over a public right-of-way a distance of not more than three (3) feet; provided, however, no projecting sign shall have an over-all horizontal length in excess of eight (8) feet.
4. Maximum Display Area. Except for flat wall signs, any attached sign which projects over a public right-of-way shall not exceed a total display area of one hundred fifty (150) square feet.
5. Minimum Height Above Sidewalk. Except as otherwise provided in this chapter, no projecting sign shall be erected, altered, or relocated over a public right-of-way unless the bottom of the sign is ten (10) feet or more above the sidewalk.
6. Distance From Wall. No attached projecting sign shall be erected, altered, or relocated a distance of greater than eighteen (18) inches between the face of the building or structure wall to which it is attached and the nearest point of the sign.

7. Angle of Projection. A sign which projects over a public right-of-way may have the faces of the sign set at any angle to the building face. However, the maximum allowance projection is determined by measurement at a right angle to the building face.
8. Location and Projection Above Alleys. A sign which projects into or above a public alley shall be located not less than fourteen (14) feet above the alley grade and shall not project more than twelve (12) inches from the building face.
9. Materials. All projecting signs in excess of four (4) square feet of display area shall be constructed of noncombustible material, or of fire-retardant material approved by the city clerk.

K. Signs on Architectural Projections.

1. General. Signs may be located above or below an architectural projection of a building and may be supported by said architectural projection when such projection is designed to carry the additional weight of such signs, subject to the following:
  - a. Such signs, if illuminated, shall be double-faced signs, with a minimum of two (2) inches and a maximum of twenty-four (24) inches between faces. No exposed tubing or incandescent lamps are allowed. All such lighting devices shall be protected by acceptable shatterproof material.
  - b. Any sign attached to or located on an architectural projection shall be located not less than eight (8) feet above a sidewalk, walkway, surfaced area, or ground level below such sign.
  - c. No sign may be erected on or attached to an architectural projection in such a manner as to constitute a hazard to firefighters or other emergency responders climbing a ladder located against such architectural projection.
2. Architectural Projections Extending Over a Public Right-of-Way. In addition to the general requirements in subsection (K)(1) of this section, the following regulations shall apply to signs which are located on, attached to, or which are integral parts of, an architectural projection which extends over a public right-of-way.
  - a. No sign attached to or which is an integral part of the face of an architectural projection shall extend above or below the face of such projection.
  - b. A sign erected on top of an architectural projection shall not exceed a maximum height of two (2) feet above the upper edge of such projection.
  - c. A sign may be located entirely below and supported by an architectural projection of a building shall not exceed six (6) feet in length or sixteen (16) inches in height. Such signs shall not project beyond the face of the architectural projection or more than eight (8) feet from the face of the building.
3. Architectural Projections not Extending Over a Public Right-of-Way. In addition to the general requirements in subsection (K)(1) of this section, the following regulations shall apply to signs which are located on, attached to, or are an integral part of an architectural projection which does not extend over a public right-of-way:
  - a. A sign which is attached to or which is an integral part of the face of an architectural projection may extend a maximum of four (4) feet above or below the face of such projection.

- b. A sign erected on top of an architectural projection may not exceed a height of four (4) feet above the upper edge of the fascia of such projection.
- L. Signs Located on Awnings or Canopies. Signage on any awning or canopy erected and maintained in accordance with this code may be painted, located, or installed only on the hanging border of the awning or canopy; and shall comply with all other appropriate provisions of this chapter.
- M. Moving, Relocating, or Altering Signs.
  - 1. No existing sign may be moved or relocated to any other parcel, building, structure, or portion thereof, unless such sign complies in its new location with all other provisions of this chapter, or is altered so as to comply therewith. No existing sign may be moved or relocated on the same parcel, building, structure, or portion thereof, unless such sign also complies with all other provisions of this chapter, or is altered so as to comply therewith.
  - 2. No existing sign may be altered unless such sign, after alteration thereof, complies with all other provisions of this chapter.

**17.64.080 Special signs.**

- A. Construction-Site Signs. In any zoning district, one unlighted sign per development not to exceed thirty-two (32) square feet of display area, may be located on the lot or attached to the outside of a building during its construction period.
- B. Temporary Signs on Undeveloped Land.
  - 1. Residential and Mixed Use Zoning Districts. If a parcel in the R-R, R-1-10, R-1-12, R-2, R-3, M-H, or T-C district is undeveloped, then, in addition to the temporary signs allowed by subsection (J) of Section 17.64.030 (Exempt signs), one (1) unilluminated, temporary sign is permitted per three hundred (300) feet of lot frontage that does not exceed four (4) feet by six (6) feet in dimension and twenty-four (24) square feet of display area is allowed if it is authorized by a sign permit issued under Section 17.64.050 (Sign permits). The sign(s) may display general advertising, may be up to six (6) feet in height, and may be displayed for up to one (1) year from the issuance date of the sign permit. When the permit expires, at least ninety (90) days must pass before another permit for such a sign may be issued.
  - 2. General Commercial and Manufacturing Districts. If a parcel in the G-C or M district is undeveloped, then, in addition to the temporary signs subsection (J) of Section 17.64.030 (Exempt signs), one (1) unilluminated, temporary sign per three hundred (300) feet of lot frontage that does not exceed eight (8) feet by eight (8) feet in dimension and sixty-four (64) square feet of display area is allowed if it is authorized by a sign permit issued under Section 17.64.050 (Sign permits). The sign may display general advertising, may be up to ten (10) feet in height, and may be displayed for up to one (1) year from the issuance date of the sign permit. When the permit expires, at least ninety (90) days must pass before another permit for such a sign may be issued.
- C. Neighborhood Signs. In any zoning district, a sign, masonry wall, landscaping, and other similar materials or features may be combined to form a display for neighborhood or tract sign provided a conditional use permit has been granted by the city council in accordance with Section 17.64.150 (Use permits).
- D. Cemetery Signs. In any zoning district, two (2) attached and/or detached signs, of which no display face shall exceed one hundred (100) square feet. A double-faced sign shall be

counted as two (2) signs, provided that the limitation of one hundred (100) square feet shall apply to each face separately.

- E. Signs to be Designed as Integrated Architectural Features. In order to encourage and promote a harmonious relationship between buildings and signs, the city council shall have the authority to issue a conditional use permit in accordance with Section 17.64.150 (Use permits) for signs which are designed into and are a part of an integrated architectural feature of a building where the strict application of the provisions of this chapter would otherwise prohibit such signs.
- F. Signs for Shopping Centers. Signage for shopping center uses shall comply with the following standards:
  - 1. Maximum Signage. Attached signs shall have a maximum display area of one (1) square foot per front foot of first-floor building occupancy provided that in no event shall the total display area of attached signs exceed two hundred (200) square feet.
  - 2. Number of Signs. One (1) sign per building and no more than two (2) signs per site to be located above twenty (20) feet in height.
  - 3. Prohibited Signs. No attached sign shall in any manner identify a specific product(s) to be sold on the site. Sign may consist of a company logo and/or a company name only.
  - 4. Materials and Design. All attached signs shall be constructed in a manner which is compatible with the design and materials of the structure on which it is to be affixed.
  - 5. Review and Approval. Proposed signs shall require a conditional use permit pursuant to Section 17.64.150 (Use permits).

#### **17.64.090 Nonconforming signs and uses.**

- A. Signs for Legal Nonconforming Uses. Subject to the provisions of this section, signs for a legal nonconforming use are allowed. Signs for a legal nonconforming use shall be deemed to comply with the provisions of this chapter if they comply with the sign regulations for the most restrictive zoning district which permits the nonconforming use as an allowed use. Such signs shall be allowed only so long as the nonconforming use is allowed. Any such sign legally existing on the effective date of the ordinance codified herein, but which does not comply with the regulations of this chapter shall be deemed to be a nonconforming sign under the provisions of this chapter and shall be subject to alteration or removal in accordance with the provisions of subsection (B) of this section. Notwithstanding any provision to the contrary herein, no new or additional detached sign after the effective date of the ordinance codified herein, for a nonconforming use shall be allowed. The owner of the property on which the sign is located shall have the primary responsibility for removing the signs required to be removed or altered under this section.
- B. Alteration or Removal of Nonconforming Signs.
  - 1. At no cost to the city, signs existing on the effective date of the ordinance codified herein and rendered nonconforming by adoption of the ordinance codified herein shall be removed, or altered so as to comply with the provisions of this chapter, within the following time limits:
    - a. Within one (1) year from the effective date of the adoption of the ordinance codified herein:
      - i. Signs that interfere with the clear vision triangle of an intersection.

- ii. "A" frame signs.
      - iii. Portable signs on advertising vehicles.
      - iv. Canvas signs, banners, flags, pennants, streamers, bunting, and wind signs other than feather signs.
    - b. Within three (3) years after the effective date of the ordinance codified herein:
      - i. Animated signs.
      - ii. Moving signs.
      - iii. Signs emitting sound, odor, or visible matter.
      - iv. Statuary or representative figures used for advertising purposes.
      - v. Signs with exposed neon tubing, incandescent lighting, or other artificial lighting except as otherwise provided in subsection (F)(2)(a) of Section 17.64.070 (Regulations applicable to all land uses).
      - vi. Signs in excess of the number of signs specified in this chapter.
    - c. Within five (5) years from the effective date of the ordinance codified herein:
      - i. Projecting signs.
      - ii. Signs and sign structures exceeding the maximum permitted height.
      - iii. Roof signs except as otherwise provided in subsection (K)(2)(a) of Section 17.64.040 (Prohibited signs).
  - 2. Signs in excess of the display area allowance specified in this chapter, off-site signs, and billboards existing at the time of adoption of the ordinance codified herein, and rendered nonconforming by adoption of the ordinance codified herein, may remain. However, the structure of such off-site signs and billboards may not be modified or relocated except as otherwise provided in this chapter.
- C. Notice of Nonconforming Signs. Upon the effective date of the ordinance codified in this section, the code enforcement officer shall compile a list of signs in existence on the effective date of the ordinance codified in this section which are required to be removed or altered so as to comply with the provisions of subsection (B) of this section and with this chapter. Upon the completion of such list, the code enforcement officer shall notify by mail the owners of property upon which such signs are located that compliance with this section is required within the time limit specified. For the purpose of notification, the last known name and address of the owner or owners of the property involved shall be used as shown on the last equalized assessment roll. Notification of the owners of the property involved shall be deemed to be notification of the owners of the signs involved, unless the name and address of the owner of the sign appears thereon, in which event notice will be sent to such sign owner. Notwithstanding any provision to the contrary herein, failure to notify the owner of the property or sign or the failure of such owner to receive such notice shall not relieve such owner of the duty to comply with the provisions of subsection (B) of Section 17.64.090 (Nonconforming signs and uses) regarding the alteration or removal of nonconforming signs.
- D. Signs Hereafter Rendered Nonconforming. Any sign which becomes nonconforming subsequent to the effective date of the ordinance codified in this chapter, either by reason of annexation to the city of the territory upon which the sign is located, or the amendment of this chapter, this title, or other provision of this code so as to render such sign nonconforming shall be subject to the provisions of this section. The period within which such sign must be

removed shall commence to run upon the effective date of the annexation, amendment, or the date upon which the sign otherwise becomes nonconforming.

**17.64.100 Relocation of off-site signs pursuant to relocation agreements.**

- A. Purpose. The purpose of relocation agreements approved pursuant to this section is to allow for the removal and relocation of existing, nonconforming off-site signs to new and different locations, and to enable the substitute of off-site signs meeting modern standards for such existing, nonconforming, off-site signs. For purposes of this section “off-site sign” and its variants includes “billboards”, and “relocation” includes the removal of existing nonconforming, off-site signage and the construction of new replacement off-site signage or alteration of existing off-site signage, subject to compliance with the requirements of this section.
- B. Off-Site Signs Pursuant to Relocation Agreement. Notwithstanding provisions of this chapter to the contrary, a new or relocated off-site sign that does not comply with all of the requirements of this chapter may be allowed pursuant to a relocation agreement approved by the city council pursuant to this section, subject to the requirements and procedures set forth below.
- C. Applicability. Any legal, nonconforming off-site sign may be considered as a candidate for relocation pursuant to a relocation agreement as provided in this section. Such off-site signs may be relocated to a new site or relocated on the present site only in accordance with this section.
- D. Procedure. Relocation agreements may be approved by the city council upon recommendation of the city council. Applications for relocation agreements shall be publicly noticed and heard before the city council and city council in accordance with the procedures established for use permits pursuant to Section 17.64.150 (Use permits).
- E. Application—Property Owner’s Consent or Indemnity. To the extent the applicant is not the owner of the property on which the nonconforming, off-site sign proposed for relocation is located, or is not the owner of the property to which the nonconforming, off-site sign will be relocated, the applicant shall, either at the time of application, either provide documentation of the consent of the owner(s) to the application or, agree to indemnify the city against any and all claims from owner(s) concerning the processing and approval, should approval occur, of the relocation agreement application.
- F. Requirements for Relocated Off-Site Signs. The off-site sign(s) approved for relocation pursuant to a relocation agreement under this section shall comply with the requirements of this chapter, except as specifically provided below:
  - 1. Size. The maximum size of an individual off-site sign relocated pursuant to a relocation agreement shall not exceed seven hundred (700) square feet;
  - 2. Distance Between Off-Site Signs. Except as prohibited by the California Outdoor Advertising Act, off-site signs may be located at or greater than two hundred fifty (250) feet from another off-site sign on the same side of the street; and to the extent an off-site sign is located on one (1) street but is oriented to be viewed from another street, no such sign shall be located nearer than two hundred fifty (250) feet to any other off-site sign on the same side of the street on which it is located or any other off-site sign located on the nearest side of the street to which said sign is oriented.
  - 3. Zoning. Lawfully existing, nonconforming off-site signs may be altered, modified, or relocated in the same location, regardless of zoning, pursuant to a relocation agreement.



4. Reduction in Number of Signs and Square Footage. No relocation agreement shall be approved unless the relocation agreement results in a net reduction in the number of off-site signs lawfully allowed and a net reduction in the total square footage of off-site signage lawfully allowed.
5. Consistency with Outdoor Advertising Act. In addition to complying with the other requirements set forth in this section, the relocated off-site sign must also comply with the requirements of the Outdoor Advertising Act, Chapter 2 in Division 3 of the California Business and Professions Code, including, but not limited to, the restrictions on size, height, proximity to highways and interstates, and other regulations set forth in Articles 7 and 8 of the Act. To the extent any conflict arises between this section and the Outdoor Advertising Act, the Outdoor Advertising Act will prevail.
6. Findings. A relocation agreement may be approved if the council makes the following findings concerning the signage proposed for relocation pursuant to the relocation agreement;
  - a. The relocated signage complies with the purpose and requirements of this section and this chapter;
  - b. The relocated signage is compatible with the uses and structures on the site and in the surrounding area, including parks, trails, and other public facilities and amenities;
  - c. The relocated signage will not interfere with on-site access, circulation, or visibility;
  - d. The relocated signage will not create a traffic or safety hazard;
  - e. The relocated signage will not result in any undue or significant increase in visual clutter in the area surrounding the site.
7. Removal of Existing Off-Site Sign. The off-site sign(s) approved for relocation must be removed from the original location prior to construction or installation of the off-site sign(s) authorized by the relocation agreement.

**17.64.110 Removal and disposition of signs by city.**

**A. Removal of Signs by Code Enforcement Officer.**

1. The code enforcement officer shall remove or cause to be removed any abandoned, dangerous, defective, illegal, prohibited, nonconforming sign subject to removal under the provisions of Section 17.64.090 (Nonconforming signs and uses) which has not been removed within the time period specified in such Section 17.64.090, or any other sign maintained in violation of the provisions of this chapter. The code enforcement officer shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days the sign shall be removed in accordance with the provisions of this section.
2. For signs described under the provisions of subsection (A) of Section 17.64.090 the notice shall be mailed or given to the occupant of the property or their employee or representative upon which the sign is located.
3. For all other signs the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If known, the notice

may also be mailed or delivered to the owner of the sign and the occupant of the property.

4. Any person having an interest in the sign or the property may appeal the determination of the code enforcement officer ordering removal or compliance by filing a written notice of appeal with the city clerk within ten (10) days after the date of mailing the notice, or ten (10) days after receipt of the notice if the notice was not mailed. The appeal shall be heard by the city council or a committee of the city council which the city council is authorized to create by resolution. Such a committee, if created, shall be called the sign code board of appeals.
5. Notwithstanding the above, in cases of emergency, the code enforcement officer may cause the immediate removal of a dangerous or defective sign without notice.

**B. Disposal of signs—Fees.**

1. Any sign removed by the code enforcement officer pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall be considered a debt owed to the city by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the city or by assessment against the property as hereinafter provided. The cost of abatement or removal shall include any and all incidental expenses incurred by the city in connection with the sign abatement or removal.
2. If the costs are to be assessed against the property, a hearing to confirm such cost shall be held before the city council. At such hearing the owner of the property or other interested person may appear and object to the proposed assessment. Notice of the hearing shall be given at least ten (10) days prior to the date of the hearing to the property owner by mailing a notice of the hearing to the address of such property owner as shown on the last equalized assessment roll. If proof is made that notice, as required to be given herein, has in fact been given, the failure of any owner or owners to receive such notice shall not invalidate any proceedings hereunder either as to removal or abatement of such sign or the cost or assessment made in connection therewith. If a cost assessment is confirmed by the city council, such assessment shall be added to and collected with the next property tax bill and shall be treated as a real property tax or assessment and have the same priority as such tax or assessment.

**17.64.120 Construction standards.**

- A. Compliance With Building Code. All signs shall comply with the appropriate detailed provisions of the city building code relating to design, structural members, and connections. Signs shall also comply with the applicable provisions of the electrical code of the city and the additional construction standards hereinafter set forth in this section.
- B. Supports and Braces. Metal supports or braces shall be designed for and have sufficient strength to support any sign which is attached thereto.
- C. Sign Anchoring. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.
- D. Detached Signs. All detached sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures or poles shall be fabricated only from painted steel or such other materials as may be approved by the city clerk.

- E. Glass. When glass is used for sign letters or transparent panels, it shall be at least double strength thickness for display areas up to and including three hundred (300) square inches. When glass is used for sign letters or transparent panels for display areas in excess of three hundred (300) square inches at least one-quarter (0.25) inch wire glass shall be used and the maximum span between supports shall be four (4) feet.
- F. Electric Signs. All electric signs shall be approved and labeled as conforming to the standards of the United States Bureau of Standards, the Underwriters' Laboratories, Inc., or other similar institution of recognized standing. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or relocated. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electric signs shall have a disconnect switch located in accordance with the provisions of this title and the electrical code adopted by the city council.
- G. Strength of Parapet Wall. A parapet wall must be designed for and have sufficient strength to support any sign which is attached thereto.

#### **17.64.130 Maintenance of signs.**

- A. Generally. Each sign shall be maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of such sign. The code enforcement officer shall require compliance or removal of any sign determined to be in violation of this section in accordance with the provisions of Section 17.64.110 (Removal and disposition of signs by city).
- B. Abandoned Signs. Any sign which is located on property which becomes vacant and unoccupied for a period of three (3) months or more, or any sign which was erected for an occupant or business unrelated to the present occupant or their business, or a sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be promptly removed by the owner of the sign or owner of the premises.
- C. Dangerous or Defective Signs. No person shall maintain or permit to be maintained on any premises owned or controlled by them any sign which is in a dangerous or defective condition. Any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises.
- D. Illegal Signs. No person shall erect or maintain or permit to be erected or maintained on any premises owned or controlled by them any sign which does not comply with the provisions of this chapter.

#### **17.64.140 Variances.**

- A. When the strict application of the provisions of this chapter would result in unnecessary hardship or a result inconsistent with the general purposes of this chapter, a variance from the provisions of this chapter may be granted in accordance with Chapter 17.72 (Use Permits and Variances).
- B. No "use variance" shall be granted. A "use variance" is one which permits a particular type of sign to be located in a zoning district in which it is prohibited by this chapter.

#### **17.64.150 Use permits.**

Where a conditional use permit is authorized or required by this chapter, such permit may be granted at the discretion of the city council. The council shall consider all the factors relating to the proposed sign, whether such sign will adversely affect the public health, safety, and welfare, and whether the application complies with Section 17.64.010 (General) relating to the purpose of this chapter.

- A. The decision to grant or deny a conditional use permit or to impose conditions on a conditional use permit may not be based on the content of messages except to the extent needed to determine legality under federal or state law.
- B. Before granting a conditional use permit, the city council shall consider all of the factors relating to the proposed sign and, based on the evidence submitted, make the following findings, as applicable:
  - 1. The proposed sign will not produce adverse spillover effects (glare, flashing, etc.) on other nearby land uses.
  - 2. The sign is architecturally compatible, in terms of comparative scale and scope, with building heights in the existing neighborhood.
  - 3. The sign does not impose a foreign or inharmonious element to the existing skyline.
  - 4. The location and placement of the sign will not endanger motorists or pedestrians.
  - 5. The sign will not materially obstruct any prominent view of a structure or facade of historical or architectural significance.
  - 6. The sign will not materially obstruct any prominent view of a natural feature of regional or statewide significance.
  - 7. The sign will not materially obstruct views of users of adjacent buildings to side yards, front yards, or open space. The sign will not adversely affect the visual quality of a public open space as a public recreation facility, square, plaza, courtyard, or other similar use.
  - 8. The sign's lighting will not cause hazardous or unsafe driving conditions for motorists.

#### **17.64.160 Appeals.**

- A. Any person aggrieved or dissatisfied with the action of staff resulting from the administration of this chapter may appeal therefrom to the city council in accordance with Section 17.120.020 (Appeals of administrative action).
- B. When deciding to affirm, modify, or reverse the action or decision appealed, the city council shall not consider the content or graphic design of messages other than to determine legality under federal or state law.

#### **17.64.170 Violations.**

In the event any person should erect, alter, relocate, or maintain a sign in violation of the provisions of this chapter, the same is declared a public nuisance and the city attorney is authorized to bring and prosecute an action in court of competent jurisdiction to enjoin such person from continuing such violation. Any person violating the provisions of this chapter is guilty of an infraction.

**CHAPTER 17.68**  
**NONCONFORMING USES, STRUCTURES, AND PARCELS**

Sections:

- |           |                                      |
|-----------|--------------------------------------|
| 17.68.010 | Purpose and applicability.           |
| 17.68.020 | Continuation and maintenance.        |
| 17.68.030 | Modification or expansion.           |
| 17.68.040 | Destruction and replacement.         |
| 17.68.050 | Abandonment of nonconforming status. |
| 17.68.060 | Nonconforming parcels.               |

**17.68.010 Purpose and applicability.**

This chapter establishes special regulations for nonconforming land uses, structures, and parcels that were lawful prior to the adoption or amendment of this title, but which would be prohibited, regulated, or restricted differently under the current terms of this title or future amendments. It is the intent of these regulations to allow the continuation of nonconformities under limited conditions outlined herein and reconstruction in the event of disaster. Generally, any expansion of nonconforming uses or structures is prohibited; however, this chapter establishes special regulations for the potential expansion of nonconformities where specific findings can be made.

**17.68.020 Continuation and maintenance.**

- A. Nonconforming Uses. A lawfully established nonconforming use may continue to operate in perpetuity, be transferred, or be sold; provided, that the use shall not be enlarged or intensified, nor be expanded to occupy a greater area than it lawfully occupied before becoming nonconforming. Likewise, plans for any use approved as of the date the ordinance codified in this chapter becomes effective may be carried out as approved. Any extension of such approval for which the applicant was entitled to apply as of the effective date may be granted according to the regulations in effect prior to the effective date; if granted, such extension will be considered the same as an approval granted before the effective date. The person asserting the nonconforming use must present evidence that the use existed before enactment of the regulations prohibiting or discontinuing the use.
- B. Nonconforming Structures. A nonconforming structure may be maintained or improved as follows:
1. A nonconforming structure shall be maintained and repaired as necessary to keep the building or structure in sound condition. Maintenance does not include replacement of the structure.
  2. Repairs, alterations, or reconstruction to reinforce unreinforced masonry structures or to comply with building code requirements shall be allowed, provided that the work is exclusively to comply with applicable safety standards and the building code.
  3. Structural alteration of a nonconforming structure is permitted to improve safety or to reduce fire hazard.

**17.68.030 Modification or expansion.**

- A. Nonconforming Uses. A legal nonconforming use may be modified or expanded, subject to the granting of a use permit in accordance with Chapter 17.72 (Use Permits and Variances).

- B. Nonconforming Structures. An addition, enlargement, extension, or relocation of a nonconforming structure may be allowed if the changes to the structure conform to applicable provisions of this title and provided such modifications do not expand the extent of nonconformity or result in additional nonconformities.

**17.68.040 Destruction and replacement.**

If a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed, the structure may be repaired or rebuilt and reoccupied in the same manner in which it originally existed if the restoration is started within two (2) years of the date of the damage and is diligently pursued to completion.

**17.68.050 Abandonment of nonconforming status.**

If a nonconforming use is discontinued for a continuous period of one (1) year or more, rights to nonconforming status shall terminate. A determination that a use has been abandoned requires both evidence of discontinuance of the use, and an act or failure to act which shows or implies that the owner does not continue to claim or retain an interest in the nonconforming use. Evidence may include, but is not limited to, removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation. Maintenance of a valid business license is not considered a continuation of the use. Without further action by the city, any subsequent use of the site or structure shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this title.

**17.68.060 Nonconforming parcels.**

Any lot or parcel of land of record on the effective date of the ordinance codified in this title may be used as a building site even when it has less area or width than required by the regulations for the district in which it is located provided there are no adjoining parcels under the same ownership. The applicant shall submit a site plan in accordance with Section 17.76.020 (Site Plan). Upon review of the site plan and the finding that the application otherwise complies with all other provisions of this title, the city clerk or their designee may approve the site plan. If the city clerk or their designee denies the application or imposes conditions unacceptable to the applicant, the applicant may file the request with the city council who may approve the use if it finds the application otherwise complies with all other provisions of this title.

## **CHAPTER 17.72**

### **USE PERMITS AND VARIANCES**

**Sections:**

- 17.72.010 Administrative permits.
- 17.72.020 Conditional use permits.
- 17.72.030 Variances.
- 17.72.040 Application.
- 17.72.050 Public hearing.
- 17.72.060 Action by the city council on a use permit.
- 17.72.070 Action by the city council on a variance.
- 17.72.090 Modification of site plan for which a use permit has been granted.
- 17.72.090 Revocation of use permits.
- 17.72.100 Revocation of variances.

#### **17.72.010 Administrative permits.**

- A. Uses requiring an administrative permit. Uses shall be required to obtain an administrative permit as specified in this section.
- B. Application.
  - 1. Application for an administrative permit shall be made on a form prescribed by the city clerk and accompanied by a fee established by the city council. If the applicant does not own the property for which a permit is requested, the application shall be signed by the owner of the property.
  - 2. No public hearing is required for the review and processing of an administrative permit.
  - 3. The city clerk or their designee may grant or deny an application for an administrative permit under the provisions of this section.
  - 4. Written notice of decision shall be provided within ten (10) days of the date of decision to the applicant and to all parties who submitted comments or who provided contact information to receive notice. The notice shall include:
    - a. The application request as acted upon by the city clerk or their designee;
    - b. The action taken by the city clerk or their designee;
    - c. A brief statement explaining the criteria and standards considered relevant to the decision;
    - d. A statement of the standards relied upon in rendering the decision;
    - e. Findings as listed for each entitlement for the decision based on the criteria, standards, and facts set forth; and
    - f. The deadlines, criteria, and fees for filing an appeal.
- C. Revocation. After providing a ten (10)-day notice to the permittee and holding a hearing, the city council may revoke any administrative permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
  - 1. Any of the terms or conditions of the permit have been violated.

2. A law, including any requirement in this title, has been violated in connection with the permit.
  3. The permit was obtained by fraud.
- D. Appeals. If the applicant or any other person is dissatisfied with a city staff action regarding an administrative permit, they may appeal said action pursuant to Section 17.120.020 (Appeals of Administrative Action).

**17.72.020 Conditional use permits.**

A conditional use permit may be issued in the manner specified in this chapter for any of the uses or purposes for which such conditional use permits are required by the terms of this title.

**17.72.030 Variances.**

- A. The city council may approve variances from the terms of this title only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this title deprives such property of privileges enjoyed by the other property in the vicinity and under identical zoning classification.
- B. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- C. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise authorized by the zoning district governing the parcel of property.

**17.72.040 Application.**

- A. Application for a conditional use permit shall be made to the city council in writing on a form prescribed by the city clerk and shall be accompanied by a site plan of sufficient detail to show the detail of the proposed use of land or building. Such application shall be accompanied by a fee established by resolution of the city council.
- B. Application for a variance shall be made to the city council in writing on a form prescribed by the city clerk and shall be accompanied by a detailed statement justifying a variance and plans and elevations necessary to show the detail of the proposed variance. Such application shall be accompanied by a fee established by resolution of the city council.
- C. The city shall have thirty (30) days to determine if the application is complete and will give written notice of any additional information required to make the application complete.

**17.72.050 Public hearing.**

A public hearing by the city council shall be held within forty-five (45) days after the filing of an application for a conditional use permit or variance that has been determined complete for processing provided that compliance with the California Environmental Quality Act has been completed. Notice of the hearing shall be given in the manner set forth in Section 17.120.010 (Notice Required).

**17.72.060 Action by the city council on a use permit.**

- A. In order to grant any conditional use permit, the findings of the city council shall be that the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of



such proposed use, or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the city.

- B. The city council may designate such conditions in connection with approval of a conditional use permit as it deems necessary to secure the purposes of this title and may require that such conditions will be complied with by the permittee.
- C. The city council shall render its decision on any conditional use permit within thirty-five (35) days following close of the public hearing. Failure of the city council to render its decision within the period shall be deemed to be a denial of the application. The granting of any use permit, when conforming to the provisions of this paragraph, is an administrative function, the authority and responsibility for performing which is imposed upon the city council, and the action thereon by the city council shall be final and conclusive.

#### **17.72.070 Action by the city council on a variance.**

In order to grant any variance, the findings of the city council shall be:

- A. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- B. That the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- C. The variance is not for and does not authorize a use or activity which is not otherwise permitted in the relevant zoning district.

#### **17.72.080 Modification of site plan for which a use permit has been granted.**

Any use permit granted pursuant to this chapter shall be conducted only in accordance with a site plan submitted pursuant to Section 17.76.020 (Site plan) and approved at the time of issuance of the use permit. In the event the holder of a use permit desires to modify said site plan, an application shall be filed for modification of the site plan for approval or disapproval of the city council, in accordance with the same procedure for the issuance of a use permit as provided in this chapter. Notwithstanding the foregoing, minor alterations of the site plan may be granted by the city clerk or their designee, if they find that such modification does not materially change the site plan or have the potential to adversely impact adjacent property owners and is otherwise in full compliance with all other provisions of this code or any other laws, rules, or regulations relating thereto.

#### **17.72.090 Revocation of use permits.**

- A. The city may move to revoke an approved use permit if: the use permit is not used within one (1) year from the date of approval, in the event the use permitted is abandoned or not utilized for a period of one (1) year, or the permittee fails to comply with the conditions of approval of the permit.
- B. Any use permit granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit are violated, or if any law or ordinance is violated in connection therewith, or if the city council finds that the continuance of the use permit will endanger the public health, safety, or welfare.

- C. The city council shall hold a hearing on any proposed revocation after giving written notice to the permittee at least ten (10) days prior to the hearing.

**17.72.100 Revocation of variances.**

- A. The city may move to revoke an approved variance if not used within one (1) year from the date of approval, or in the event the use for which the variance is approved is abandoned or not utilized for a period of one (1) year.
- B. Any variance granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such variance are violated or if any law or ordinance is violated in connection therewith, or if the city council finds, that the continuance of the variance will endanger the public health, safety, or welfare.
- C. The city council shall hold a hearing on any proposed revocation after giving written notice to the permittee at least ten (10) days prior to the hearing.

## **CHAPTER 17.76**

### **SPECIAL PROVISIONS**

#### **Sections:**

- 17.76.010 Application.
- 17.76.020 Site plan.
- 17.76.030 Official plan lines.
- 17.76.040 Second dwelling units.
- 17.76.050 Manufactured homes.
- 17.76.060 Manufactured home parks.
- 17.76.070 Recreational vehicles.
- 17.76.080 Recreational vehicle parks.
- 17.76.090 Open space requirements for multifamily developments.
- 17.76.100 Single-room occupancy.
- 17.76.110 Emergency shelters.
- 17.76.120 Fences, walls, hedges, and equivalent screening.
- 17.76.130 Outdoor lighting.
- 17.76.140 Temporary structures.
- 17.76.150 Temporary uses.
- 17.76.160 Commercial outdoor dining and seating.
- 17.76.170 Community gardens.
- 17.76.180 Garage sales.
- 17.76.190 Height limits.
- 17.76.200 Setback exceptions.
- 17.76.210 Dish-type or satellite antennas.
- 17.76.220 Cargo containers.
- 17.76.230 Trash and recycling enclosures.
- 17.76.240 Screening.
- 17.76.250 Cannabis and cannabis products.
- 17.76.260 Low barrier navigation centers.
- 17.76.270 Employee housing.

#### **17.76.010 Application.**

All regulations specified in this chapter shall be subject to the general provisions, conditions, and exceptions contained in this title.

#### **17.76.020 Site plan.**

- A. When a site plan is required by this title, the applicant shall submit at least one (1) copy of the site plan to the city clerk for review. The site plan should be drawn to scale and shall indicate clearly and with full dimensions the information required.
- B. Site plan requirements:
  - 1. Exterior boundary lines, dimensions, and size of the property.
  - 2. North arrow and scale.
  - 3. Name of property owner, property address, and assessor parcel number(s).
  - 4. Label all adjacent streets or rights-of-way.

5. All existing and proposed buildings and structures, including their location, size (approximate square footage), height, and proposed or existing use (e.g., home, garage, fence, etc.).
  6. Location and name of adjacent and on-site streets/alleys.
  7. Location and dimensions of all existing/proposed easements, points of access, driveways and parking areas, and pavement type.
  8. All areas proposed for grading or landscaping.
  9. Distances from all structures to property lines, easements, and other structures on the property.
  10. Any nearby buildings relevant to the application and their use.
  11. Any existing significant natural features, such as watercourses.
- C. The city shall approve, approve with such conditions as are deemed necessary to protect the public health, safety, peace, comfort, and general welfare, or disapprove the site plan. In approving the site plan, the city or city council shall ascertain that all applicable provisions of this title are complied with.
- D. Revisions by the applicant to an approved site plan shall be made pursuant to the initial application procedure set forth in this chapter.

#### **17.76.030 Official plan lines.**

Whenever an official plan line has been established for any street, required setbacks shall be measured from such line and in no case shall the provisions of this title be construed as permitting any encroachment upon any official plan line.

#### **17.76.040 Second dwelling units.**

The following development standards shall apply to second dwelling units:

- A. The second dwelling unit shall have been constructed prior to January 1, 2017, and in accordance with all laws in effect at the time.
- B. The maximum square footage of a second dwelling unit is one thousand two hundred (1,200) square feet.
- C. A maximum building height of twenty-five (25) feet is permitted.
- D. Second dwelling units shall comply with the setback requirements of the zoning district in which they are located, except that a rear yard setback of no less than five (5) feet shall be permitted.
- E. Either the second dwelling unit or the primary dwelling unit must be occupied by the owner of the property.
- F. The required off-street parking for the primary dwelling unit plus one (1) off-street parking space per bedroom for the second dwelling unit must be provided.
- G. One (1) second dwelling unit per parcel is allowed.
- H. The second dwelling unit can be attached or detached from the primary dwelling unit.
- I. The second dwelling unit shall be architecturally compatible with the primary dwelling unit or the immediate neighborhood.

- J. The second dwelling unit shall be compatible with the scale of the adjoining residence and blend into the existing neighborhood.
- K. All HVAC or other mechanical units shall be placed not in public view or shall be screened from public view by a fence, wall, or permanent landscaping.
- L. The second dwelling unit shall not exceed the allowable density for the lot upon which it is located.

**17.76.050      Manufactured homes.**

Pursuant to Government Code Section 65852.3(a), a manufactured home shall be permitted on any lot zoned for a conventional single-family dwelling if such manufactured home is placed on a permanent foundation in compliance with Health and Safety Code Section 18551. Said manufactured home is subject to all requirements for a single-family residence in the applicable zone district in which it is proposed to be located. Manufactured homes which are more than ten (10) years old are not permitted. Proof of the date of manufacture of the manufactured home shall be required at the time of building plan check submittal.

**17.76.060      Manufactured home parks.**

- A. Site Area. A manufactured home park shall have a minimum site area of two (2) acres and shall have not less than three thousand (3,000) square feet of area for each manufactured home space located on the site.
- B. Density of Development. The maximum number of manufactured homes permitted per acre shall be in accordance with the zoning district in which the manufactured home park is located.
- C. Open Space. A minimum of one hundred (100) square feet of outdoor or indoor recreation area shall be provided for each manufactured home lot exclusive of required yards or vehicle parking areas. The minimum size for any single outdoor recreation area shall be two thousand five hundred (2,500) square feet.
- D. Location Restrictions. No manufactured home space or dwelling unit shall be located in a front, side, or rear yard required of the zoning district within which it may be located.
- E. Accessory Structures. No accessory structure other than a carport, garden structure, storage building, sun or wind shelter shall be erected within a manufactured home space for the use of the occupants of an individual manufactured home.
- F. Separation Requirements. The minimum distance between manufactured homes shall be ten (10) feet. The minimum distance between an accessory structure on one site and a manufactured home on an adjacent site shall be ten (10) feet.
- G. Landscaping and Screening. All areas not used for access, parking, circulation, recreation, or services shall be completely landscaped and permanently maintained. At a minimum, no less than five (5) feet of side and rear yard adjoining a property line of a manufactured home park shall. The city council may require additional landscaping and fences or walls where necessary to ensure privacy, protect adjoining property, insulate against wind, noise or glare, or screen unsightliness.

**17.76.070      Recreational vehicles.**

No motorhome, recreational vehicle, camper van, or other vehicle shall be used for human habitation or occupied for living or sleeping quarters except when installed within a licensed recreational vehicle park or mobile home park. Recreational vehicles or motor homes maintained

upon any lot, piece, or parcel of land, other than a recreational vehicle park or manufactured home park, shall comply with the following conditions:

- A. Outside Maintenance. Such vehicles shall not be parked or maintained in any required setback.
- B. Use as a Residence. Such vehicles shall not be used for sleeping quarters, nor shall any sanitary or cooking facilities contained therein be used.
- C. Connected to Utilities. Such vehicles shall not be connected to utilities, including but not limited to water, wastewater, electricity, or gas.
- D. Temporary exceptions to the above restrictions may be granted when the use of such vehicle is necessary to the construction of permanent structure(s) within the city limits. Prior to such temporary use, an administrative permit for such use shall be obtained from the city pursuant to Section 17.72.010 (Administrative permits). Said permit shall permit use for a period not to exceed one hundred twenty (120) days. Any extension or renewal of said permit shall be at the discretion of the city council. The subject permits shall state the specific location of the vehicle and shall not be transferable.

**17.76.080 Recreational vehicle parks.**

- A. Purpose. This section establishes standards for the development and operation of recreational vehicle (RV) parks to ensure RV parks conform to applicable state laws and regulations, are compatible with surrounding land uses, and provide a suitable environment for travelers and other occupants.
- B. Compliance with State Law. All RV parks shall conform to Title 25, Chapter 5 of the California Administrative Code, Division 13 of the and all other state laws and regulations that apply to RV parks. In the event of conflict between this section and any controlling state law or regulation, the state law or regulation shall apply. If the state law or regulation is not controlling, then the more restrictive provision shall apply.
- C. Occupancy Requirements.
  - 1. Maximum Length of Occupancy. No more than thirty (30) days in one (1) continuous stay, and no more than ninety (90) days in any consecutive three hundred sixty-five (365)-day period.
  - 2. Permitted Vehicles. Occupancy of an RV space is limited to one (1) RV and one (1) additional motor vehicle. Permanent buildings are prohibited within RV spaces.
  - 3. Tag of Certification. An RV which stays for more than thirty (30) continuous days in a RV park shall have a tag of certification documenting compliance with state and federal RV manufacturing requirements. A tag of certification may be issued by:
    - a. The California Department of Housing and Community Development under Section 4032, Title 25, Division 1, Chapter 3 of the California Code of Regulations ("state insignia") or other state or Canadian province; or
    - b. The Recreational Vehicle Industry Association (RVIA) or a third-party certification company recognized by the city as being substantially equivalent.
  - 4. Registration Required.
    - a. RV parks shall maintain a register listing the name, home address, vehicle identification number, and length of each of each park occupant. Erasures or alterations on the register is prohibited and unlawful.

- b. Each register page shall include a statement that the register is open to city inspection at all times. Registers shall be kept in a conspicuous place and shall be made available for city inspection upon request.
  - 5. City Verification. The city has the authority to allow a designated city staff member to visit an RV park, record vehicle identification numbers, vehicle license numbers and vehicle model types in spaces.
- D. Development Standards.
- 1. Park Size and Dimensions.
    - a. Minimum RV park area: Five (5) acres total and two thousand (2,000) square feet per RV space.
    - b. Minimum street frontage: One hundred (100) feet.
  - 2. RV Space Size and Dimensions.
    - a. Minimum RV space area: One thousand (1,000) square feet.
    - b. Minimum RV space depth: Forty (40) feet.
    - c. Minimum RV space frontage on an internal RV park road: Twenty (20) feet.
  - 3. RV Park Roadways.
    - a. Minimum internal roadway width: Twenty-eight (28) feet.
    - b. Minimum entry roadway width: Thirty-two (32) feet or sixteen (16) feet for one-way traffic originating and terminating in a two-way roadway.
    - c. Roadways shall be paved to a thickness and material to meet city standards.
  - 4. Setbacks.
    - a. Structures and vehicles shall be setback the minimum distance from exterior park boundaries as required by the applicable zoning district.
    - b. Structures and vehicles shall be setback a minimum of ten (10) feet from vehicles in separate spaces, buildings, and roadways.
    - c. The main entrance of a park shall have an additional ten (10) feet of landscaped setback above the minimum front setback of the applicable zoning district.
  - 5. Permanent Buildings.
    - a. RV parks may contain one (1) or more permanent buildings solely to serve residents of the park.
    - b. Permanent buildings shall comply with the development standards of the applicable zoning district and the setback requirements in subsection (D)(4) of this section.
    - c. Permanent buildings may not occupy more than fifteen (15) percent of an RV park.
    - d. Permanent buildings may be used only for the following purposes:
      - i. RV park administration and office.
      - ii. Recreational amenities and meeting areas.

- iii. Sales of packaged food, sundries and other convenience items customarily sold by convenience stores.
  - iv. Storage of park equipment, excluding commercial storage for nonresidents of the RV park.
  - v. Other subordinate uses as described in the conditional use permit for the RV park which are necessary and customary in order to operate a park.
- 6. Amenities. RV parks shall provide amenities in proportion to the area of each park as follows:
  - a. Restrooms: One (1) restroom building for the first fifty (50) spaces, plus one (1) additional building for each additional one hundred (100) spaces. Restrooms shall include toilets and shower facilities.
  - b. Solid waste stations: One (1) solid waste station per two hundred (200) spaces in addition to a sewer connection for each space.
  - c. Recreation centers: One (1) recreation center per two hundred (200) spaces. Recreation centers may contain swimming pools, picnic shelters, horseshoe pits, athletic fields, volleyball courts, shuffleboard courts, tennis courts, and similar facilities.
- 7. Landscaping.
  - a. All required front setbacks and RV park entrances shall be landscaped consistent with city standards and requirements.
  - b. The minimum landscaped area for each RV space is ten (10) percent of the space area or two hundred (200) feet, whichever is greater. At least one (1) tree shall be planted, if not already present, and maintained within each RV space. No more than seventy (70) percent of a space shall be nonpermeable (paved) area.
  - c. The minimum landscaped area for the RV park is twenty (20) percent of total area, including individual RV space landscaping. Required amenities listed in subsection (6)(c) of this section, including recreational buildings and pools, may be counted within the park landscaping requirement.
- 8. Sewer. Each RV space shall be connected to a sewer lateral meeting city standards which is connected to the RV park master sewer system. The RV park master sewer system shall be connected to the city sewer system. Septic tank connections are prohibited.
- 9. Water. Each vehicle space shall be connected to a water lateral meeting city standards which is connected to the RV park master water system, providing potable, safe and sanitary water. The RV park master water system shall be connected to the city water system.
- 10. Accessory buildings and awnings. An RV space may contain temporary accessory building as follows:
  - a. Accessory Buildings. One factory-enamel-coated metal shed per RV space, not to exceed fifty (50) square feet in area, which is portable and not permanently affixed to the ground. Permitted use of such shed may include storage of the personal effects of the occupant or shelter for a pet.



- b. All accessory buildings and awnings within RV spaces shall be the property of the occupants of the space and shall not remain on the space after the occupants have vacated the space; nor shall the park owner own or maintain such accessory buildings or awnings on spaces.
11. Signs. RV parks may have identification, directory, and directional signs pursuant to Chapter 17.64 (Signs).

**17.76.090 Open space requirements for multifamily developments.**

On each multifamily development of five (5) units or more within any zoning district, except the Town Center (T-C) district, whether such development is on a single recorded lot or on two (2) or more adjacent recorded lots, such development shall be provided with usable and accessible open space for the recreation and outdoor living enjoyment of the development's residents and their guests. Such open space shall not be less than twenty-five (25) percent of the size of residential living space and shall satisfy the following criteria:

- A. Open space may be provided in more than one location.
- B. To qualify as required open space, such area shall have no area less than twenty (20) square feet and at least fifty (50) percent open to the sky or trees above and free of any overhead structural or architectural projections.
- C. Open space shall be landscaped and/or otherwise improved to serve the outdoor needs of occupants. Improvements may consist of plantings, gardens, walkways, patios, pools, shade elements, recreation equipment and facilities, and such other appurtenances as are appropriate to serve the outdoor living needs of the residents.
- D. Garages, carports, open off-street parking areas, vehicular access driveways, trash enclosures, and non-landscaped areas shall not be included in calculating required open space.

**17.76.100 Single-room occupancy.**

The following development standards shall apply to single-room occupancy residential units:

- A. Tenancy of single-room occupancy residential units shall not be less than thirty (30) days.
- B. Each unit shall accommodate a maximum of two (2) persons.
- C. No unit may exceed four hundred (400) square feet.
- D. Single-room occupancy residential unit facilities shall provide individual or shared bathing facilities and may provide individual or shared kitchen facilities.
- E. Common laundry facilities shall be provided at a rate of one (1) washer and dryer per ten (10) units, with a minimum of one (1) washer and dryer.
- F. An on-site management office or manager's unit shall be provided.
- G. Each unit shall have a separate closet.
- H. On-site parking shall be provided in accordance with Chapter 17.60 (Off-Street Parking).

**17.76.110 Emergency shelters.**

The following development standards shall apply to emergency shelters:

- A. A maximum of fifteen (15) beds is permitted.

- B. Emergency shelters shall provide on-site parking pursuant to Chapter 17.60 (Off-Street Parking).
- C. The maximum term of staying at an emergency shelter is six (6) months in a consecutive twelve (12)-month period.
- D. Onsite management and security shall be provided during the hours the emergency shelter is in operation.
- E. Outdoor lighting shall be provided in accordance with Section 17.76.130 (Outdoor lighting).

**17.76.120 Fences, walls, hedges, and equivalent screening.**

- A. An administrative fence permit shall be obtained from the city prior to the installation of any fence or wall.
- B. No fence or wall shall hereafter be constructed to exceed six (6) feet in height within the area encompassed by the rear yard setback or the side yard setback to the front yard setback line, nor shall any fence, wall, hedge, or equivalent screening exceed four (4) feet in height within the area encompassed by the front yard setback.
- C. When there is no requirement for a front yard setback, the maximum height of any fence, wall, hedge, or equivalent screening within a front yard or along the front lot line shall be limited to six (6) feet.
- D. No fence, wall, hedge, or equivalent screening shall be located within three (3) feet of a fire hydrant such that it hinders access to the hydrant as determined by the fire chief.
- E. The applicant shall submit a site plan for any proposed fence or wall to the city for review and approval. The site plan shall include all property dimensions, outlines of existing structures, location of all driveways and streets, and any other access onto the property, and shall clearly delineate the proposed fences and/or walls. An elevation of the proposed fence or wall with height measurements shall also be included.
- F. All fences and walls shall be constructed of durable and weather-resistant materials as approved by the city. The use of cardboard or other corrugated material, tarps, barbed wire, rope, electrified fence, glass, razor wire, or similar materials in conjunction with a fence or wall, or by itself within any zoning district, is prohibited.
- G. Fences and walls used for noise control shall be made of materials most suited for noise reduction, and which minimize reflective sound.
- H. Decorative columns, post caps, or similar features not more than one (1) foot in height may be added on top of fences or walls. Such features shall be consistent with the design and materials of the fence or wall and shall not be less than eight (8) feet apart generally.
- I. A single arbor-style entry element, substantially open to the passage of light and air, may be allowed provided the entry element is located over a walkway or pathway and does not exceed eight (8) feet in height, five (5) feet in width, and three (3) feet in depth.
- J. Fences, walls, hedges, equivalent screening, and combinations thereof shall be measured in height from the uphill perspective if located on a grade or slope.
- K. Where the topography of sloping sites, a difference in grade between adjoining sites, purposes of animal control, or other similar consideration warrants an increase in height to maintain a level of privacy or effectiveness of screening as typically provided by such fence, wall, hedge, or equivalent screening under similar circumstances, up to two (2) feet may be

added to the height limits in subsection (A) of this section and administratively approved subject to the following:

1. No fence, wall, hedge, or equivalent screening that exceeds four (4) feet in height shall be located within five (5) feet of the front property line;
  2. Lattice, decorative wrought iron, or other material that is at least fifty (50) percent open to the passage of light and air when viewed horizontally, excluding framing, may be added to the top of a fence or wall provided the lattice, decorative wrought iron, or other material is determined by the city clerk, or their designee, to be compatible with the design and materials of the fence or wall;
  3. The proposed height increase shall not create a hazard to vehicular or pedestrian traffic;
  4. Review of the proposed height increase shall include consultation with fire, law enforcement, and public works, and notification to all owners of property that border the proposed fence or wall; and
  5. Permits for fences and walls that exceed the height limits in subsection (A) of this section shall not be issued until ten (10) days have elapsed from the approval thereof and, in the event an appeal is filed, shall not be issued until a decision has been made by the appropriate decision-making body.
- L. Notwithstanding the foregoing, the street intersection of a corner lot shall have no fence, hedge, wall, or equivalent screening exceeding three (3) feet in height within a triangle of twenty-five (25) feet along the side of each street, or ten (10) feet along the side of each alley, as measured from the intersection unless the owner of such property obtains a use permit for a greater height by a showing that no hazard exists to vehicular or pedestrian traffic. Such permit may be granted by the city council provided all provisions of this code are otherwise satisfied and the city council determines no safety hazard is created by the greater height.
- M. Ordinary maintenance and repairs may be made to any nonconforming fence or wall provided the fence or wall is not enlarged, expanded, or relocated and no more than fifty (50) percent of the nonconforming fence or wall is replaced within a one (1)-year period. When more than fifty (50) percent of the nonconforming fence or wall is to be replaced within a one (1)-year period, the entire fence or wall shall be brought into compliance.
- N. Fences, walls, hedges, and equivalent screening that do not meet the above standards shall only be authorized upon the applicant first obtaining a conditional use permit.
- O. Applicants aggrieved by a decision made under this section may appeal the decision to the city council pursuant to Section 17.120.020 (Appeals of Administrative Action).

#### **17.76.130 Outdoor lighting.**

- A. Purpose. It is the purpose of this section is to accomplish the following:
1. Promote a safe, glare-free, and pleasant nighttime environment for residents and visitors;
  2. Protect and improve safe travel for all modes of transportation;
  3. Prevent nuisances caused by unnecessary light intensity, glare, and light trespass;
  4. Protect the ability to view the night sky by restricting unnecessary upward projection of light;

5. Better ensure land use compatibility; and
6. Promote lighting practices and systems that conserve energy.

B. Applicability.

1. **New Outdoor Lighting.** All outdoor lighting fixtures installed after the effective date of this section, when located on a property used for a public, quasi-public, multifamily, commercial, industrial, or institutional use, shall conform to the requirements established by this section.
2. **Existing Outdoor Lighting.** All existing outdoor lighting fixtures installed prior to the effective date of this section, when not in conformance with this section and located on a property used for a public, quasi-public, multifamily, commercial, industrial, or institutional use, shall be brought into conformance within one (1) year of the effective date of this section.

C. Exemptions.

1. The following are exempt from the provisions of this section:
  - a. Seasonal displays using multiple low wattage bulbs of approximately fifteen (15) lumens or less, provided that they do not constitute a fire hazard, create a nuisance, and are maintained in a safe condition.
  - b. All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.
  - c. Streetlights, vehicular lights, and all temporary emergency lighting needed by law enforcement, the fire department, and other emergency services.
  - d. All lighting required by state or federal regulatory agencies.
2. The city clerk or their designee may authorize additional property specific exemptions when proposed outdoor lighting does not conflict with the purposes of this section. An application for such an exemption must be made in writing and include an outdoor lighting plan pursuant to subsection (E) of this section.

D. General requirements. The following general standards apply to all non-exempt outdoor lighting fixtures:

1. All outdoor lighting fixtures shall be designed, located, and installed aimed downward or toward structures located on the same premises, retrofitted if necessary, and maintained in order to prevent glare, light trespass, and light pollution.
2. Fixtures and lighting systems shall be in good working order and maintained in a manner that serves the original design intent of the system.
3. Outdoor lighting shall be designed to avoid harsh contrasts in light levels between the property on which it is located and adjacent properties.
4. **Fixture Types.** All new outdoor lighting shall use full cut-off luminaries with the light source downcast and fully shielded with no light emitted above the horizontal plane, with the following exceptions:
  - a. Fixtures that have a maximum output of four hundred (400) lumens or less, regardless of the number of bulbs, may be left unshielded provided the fixture has an opaque top to prevent the light from shining upward.

- b. Motion activated flood lights that have an output of three thousand (3,000) lumens or less, provided that the lamps are not illuminated more than five (5) minutes per activation, the lamp is not visible from adjacent residences or public streets, no direct glare is produced, and the fixture is oriented downward to prevent light from shining upward.
  - c. Floodlights that do not meet the definition of "full cut-off" may be used if permanently directed downward, if no light is projected above the horizontal plane, and if fitted with external shielding to prevent glare and off-site light trespass. Unshielded floodlights and "barnyard"-type fixtures are prohibited.
- 5. Accent Lighting. Architectural features may be illuminated by uplighting, provided that the light is effectively contained by the structure, the lamps are low intensity to produce a subtle lighting effect, and no glare or light trespass is produced. For national flags, statues, public art, or other objects of interest that cannot be illuminated with down-lighting, upward lighting may only be used in the form of one narrow-cone spotlight that confines the illumination to the object of interest.
- 6. The provisions of this section are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed herein, provided that the city clerk or their designee has approved any such alternative. A proposed alternative may be approved if it provides at least approximate equivalence to the applicable specific requirements of this section, or if it is otherwise satisfactory and complies with the intent of this section.

E. Outdoor lighting plans.

- 1. An outdoor lighting plan shall be submitted in conjunction with an application for a building permit for new multifamily, commercial, or industrial structures five thousand (5,000) square feet and larger. The building official or their designee may request outdoor lighting plans from applicants for other types of projects due to project location, size, or proposed use, as necessary. An outdoor lighting plan shall include at least the following:
  - a. Manufacturer specification sheets, cut-sheets, or other manufacturer provided information for all proposed outdoor lighting fixtures to show fixture diagrams and light output levels;
  - b. The proposed location, mounting height, and aiming point of all outdoor lighting fixtures, preferably on a site plan; and,
  - c. If building elevations are proposed for illumination, drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the luminance level of the elevations, and the aiming point for any remote light fixture.
- 2. If needed to review the proposed outdoor lighting fixture installation, the building official or their designee may require additional information following the initial outdoor lighting plan submittal, including but not limited to a written narrative to demonstrate the objectives of the lighting, photometric data, Color Rendering Index (CRI) of all lamps and other descriptive information on the fixtures, computer generated photometric grid showing foot-candle readings every ten (10) feet within the property or site and ten (10) feet beyond the property lines (an iso-foot-candle contour line style plan may be acceptable), and/or landscaping information to describe potential screening.

3. The building official, or their designee, may approve, deny, or require modifications to any outdoor lighting plan in order to meet the purpose of this section.

**17.76.140 Temporary structures.**

- A. A conditional use permit for any such temporary structure shall be required in accordance with procedures set forth in Chapter 17.72 (Use Permits and Variances). Any non-complying aspects of the temporary structure shall only be approved by the city council if it makes the findings required by Section 17.72.060 (Action by the city council on a use permit).
- B. In cases where the city council is able to make the findings required by Section 17.72.060, the city council may, but is not obliged to, issue a temporary approval for a specific time period, not to exceed twelve (12) months.
- C. All temporary structures, which may not otherwise be subject to building code requirements, shall still meet all of the accessory building setback requirements of this title.

**17.76.150 Temporary uses.**

- A. Purpose. The purpose of this section is to allow for those short-term and intermittent activities that the city council determines would be compatible with adjacent and surrounding uses.
- B. Temporary Use Permit Required. Upon approval of a temporary use permit, the city council may allow a short-term and/or intermittent use in any zoning district.
- C. Activities. Only those short-term and intermittent activities with no potential to significantly impact the environment or to detrimentally affect those working and living in the vicinity may be approved by the city council.
- D. Applications. Applications for temporary use permits shall be made and processed in accordance with the procedures for conditional use permits set forth in Chapter 17.72 (Use Permits and Variances).
- E. In cases where the city council is able to make the findings required by Section 17.72.060 (Action by the city council on a use permit), the city council may, but is not obliged to, issue a temporary approval for a specific time period, not to exceed twelve (12) months.

**17.76.160 Commercial outdoor dining and seating.**

- A. No person or business shall place or caused to be placed any outdoor dining or seating for commercial purposes or use without first obtaining an outdoor dining and seating permit.
- B. Applications for outdoor dining and seating permits shall be accompanied by an outdoor seating plan and the applicable fee established by resolution of the city council.
- C. The city clerk or their designee, in acting upon any application for an annual outdoor dining and seating permit, shall either approve, approve with conditions, or deny the issuance of a permit based on the following principles and standards:
  1. That the proposed outdoor dining and seating are in compliance with all applicable provisions of this section;
  2. That the proposed outdoor dining and seating are so arranged as to ensure the protection of public health, safety, and general welfare, and prevent interference with users of the right-of-way and holders of other permits; and

3. That the proposed outdoor dining and seating and associated business will properly comply with the provisions and development standards prescribed in this title, or as prescribed by the city council.
- D. All outdoor dining and seating shall conform to the following standards:
1. A minimum of four (4) feet of clear space on the sidewalk is required for the safe passage of pedestrians.
  2. All umbrellas used in outdoor dining and seating areas shall be a minimum height of seven (7) feet.
  3. The outdoor dining and seating area shall be operated and maintained in accordance with the approved outdoor seating plan.
  4. When located within twenty (20) feet a fire hydrant or standpipe fixture, the placement of outdoor dining and seating furniture, apparatus, decoration, or appurtenance used in connection therewith shall be reviewed and approved by the fire chief.
  5. Heating and cooling devices may be provided, such as gas heaters and misters. Descriptions of the proposed devices and their locations must be included in the outdoor dining and seating permit application.
  6. Any use of portable heating devices shall require the prior written approval of the fire department.
  7. There shall be no smoking by patrons or employees within the sidewalk dining area.
  8. No furniture, apparatus, decoration, or appurtenance used in connection with the operation of the outdoor dining and seating shall be:
    - a. Located in or project or protrude into the required pedestrian passageway;
    - b. Be located in such a way as to impede the safe and speedy ingress and egress to or from any building or structure; or
    - c. Be attached to the sidewalk or sidewalk surface, nor shall any of those items cause damage to the sidewalk in any manner.
  9. Any table service provided shall be provided by persons engaged or employed for that purpose and shall be furnished to seated patrons only. Table service is not required, and retail food establishments that do not provide table service may provide outdoor dining and seating for their patrons.
  10. As a condition of the issuance of the outdoor seating permit, the permit holder shall defend, indemnify and hold harmless the city and shall present, along with each application or renewal application for an annual permit, evidence of liability insurance in a form acceptable to the city clerk.

**17.76.170 Community gardens.**

- A. Purpose and Applicability. This section establishes standards for community gardens to provide the following benefits:
1. Strengthen the health and social fabric of the community by encouraging and supporting community gardens.
  2. Encourage sustainable food production and distribution.
  3. Increase community access to fresh local produce.

B. Performance Standards.

1. The growing, production, or sale of agricultural products may not involve hazardous materials or processes or create offensive or objectionable noise, vibration, odors, heat, dust, or electrical disturbance perceptible by a person beyond the lot line of the subject lot.
2. The cultivation of cannabis is prohibited in community gardens.

C. Sales and Donations.

1. When located within a mixed-use or commercial zoning district, the sale of agricultural products grown and produced on-site is permitted.
2. The donation of agricultural products grown and produced on-site is permitted in all zoning districts where community gardens are allowed.
3. If selling or donating products to the public, the use shall comply with all applicable food safety laws, including the California Health and Safety Code.

D. Garbage and Compost.

1. Garbage and compost receptacles must be screened from the street and adjacent properties by utilizing landscaping, fencing, or storage structures and all garbage shall be removed from the site weekly.
2. Compost piles and containers must be set back at least ten (10) feet from residential buildings when a community garden abuts a residential use or mixed-use development.

E. Farm Equipment. Use of mechanized farm equipment is not permitted in the R-1-10, R-1-12, R-2, R-3, and T-C zoning districts, and when the community garden is located within one hundred (100) feet of a residential use in any zoning district, with the following exceptions:

1. Heavy equipment may be used initially to prepare the land for agricultural use.
2. Landscaping equipment designed for household use is permitted.
3. Equipment when not in use must be enclosed or otherwise screened from sight.

F. Exceptions. Exceptions to the foregoing provisions may be granted by the city council with a use permit provided the use would not increase vehicular traffic, parking congestion, noise, nuisance odors, or negatively impact the public health, safety, peace, comfort, or general welfare.

**17.76.180 Garage sales.**

- A. Frequency and Duration of Sale. It is unlawful for any person or persons to conduct, cause or permit to be conducted, at the same address, more than one (1) garage sale within thirty (30) calendar days and more than two (2) garage sales during any calendar year. No single garage sale shall continue for more than two (2) consecutive days.
- B. Property Permitted to be Sold. It is unlawful for any person or persons to sell or offer to sell at any garage sale any property other than personal property accumulated for personal use by the occupant or occupants residing at the address at which said sale is to be held; provided, however, nothing herein shall prohibit neighbors in the same residential area from conducting a combined garage sale at one specified address.



- C. Advertising. It is unlawful to place a sign or other form of advertisement of a proposed garage sale upon any public property within the city. It is unlawful to exhibit a sign or other form of advertisement for more than two (2) days prior to the day said sale is to commence, or to allow such sign to remain after 6:00 p.m. on the termination date of such sale. Two signs only, not exceeding twenty (20) by thirty (30) inches in size, may be placed in the front or side yard of the premises where the sale is conducted.
- D. Hours of Operation. It is unlawful to conduct a garage sale before 8:00 a.m. or after 6:00 p.m.
- E. Notification Prior to Sale. Prior to conducting any garage sale, any person proposing to conduct a garage sale shall notify the city, which such notification shall include all of the following:
  - 1. Name and address of person proposing to conduct garage sale.
  - 2. Location of proposed sale.
  - 3. Date(s) during which the proposed sale is to be conducted.
- F. Violation – Penalty. Any person violating any of the provisions of this section is guilty of an infraction with a fine of fifty dollars (\$50.00) for the first offense, one hundred fifty dollars (\$100.00) for the second offense within one (1) year, and two hundred and fifty dollars (\$250.00) for the third offense within one (1) year. Nothing herein shall be construed to prevent the city from seeking injunctive or other relief which may be necessary to enforce the provisions of this code.

**17.76.190 Height limits.**

- A. Buildings and structures up to ten (10) feet taller than the established height limit may be permitted in all zoning districts, upon first securing a use permit for the increased height limit. In any zoning district where a conditional use permit is secured for an increased height limit, all setbacks shall be increased by one (1) foot for each foot or portion of a foot in excess of the established height limit.
- B. The exceptions to established height limits in subsection (A) of this section shall not apply to the height limits for fences, walls, hedges, and equivalent screening pursuant to Section 17.76.120 (Fences, walls, hedges, and equivalent screening).
- C. Public utility distribution and transmission lines, and towers and poles for such lines, are allowed in all districts to greater heights than established for the district in which the structures are located.

**17.76.200 Setback exceptions.**

- A. Where four (4) or more lots in a block have been improved with buildings, the minimum required front yard for the main building shall be the average of the front yards of the improved lots if less than the front yard requirements herein.
- B. Architectural features such as cornices, eaves, and canopies shall not extend more than two (2) feet into the front, side, and rear yard setbacks.
- C. Open uncovered porches or landing places shall not extend more than four (4) feet into any side yard setback, and not more than six (6) feet into any front yard setback.
- D. On any parcel of land existing at the time of adoption of the ordinance codified herein and having an average width of less than fifty-five (55) feet, and the owner thereof owns no

adjoining land, then the width of each side yard may be reduced to ten (10) percent of the width of such parcel, but in no case to less than three (3) feet.

- E. In case an accessory building is attached to and made structurally a part of the main building, it shall comply in all respects with the requirements of this title applicable to the main building except as provided for in this title.
- F. Notwithstanding subsections (G) and (H) of this section, an accessory building or structure in a residential or mixed-use zoning district shall not project into the front yard setback, and unless attached shall be located at least ten (10) feet from any residential dwellings existing or under construction on the same lot or any adjacent lot. In the case of a corner lot where there is a key lot abutting said corner lot, an accessory building shall not project beyond the front yard required on the key lot.
- G. Fences, walls, hedges, and equivalent screening may occupy setbacks to the extent provided in Section 17.76.120 (Fences, walls, hedges, and equivalent screening). Vegetation, however, may be subject to the California Solar Shade Control Act.
- H. Arbors may occupy setbacks subject to the extent provided in Section 17.76.120 (Fences, walls, hedges, and equivalent screening). Arbors shall not be connected to or supported by a building, nor shall they be designed to support loads other than vines or similar plantings.
- I. Signs. Signs in conformance with the sign regulations codified in Chapter 17.64 (Signs) may occupy setbacks to the extent provided in that chapter.

#### **17.76.210 Dish-type or satellite antennas.**

No person shall install, either as owner or agent, or employee of the owner, or as an independent contractor for the owner, or otherwise, any dish-type or satellite antenna, any additions thereto or substitution for such antenna, when such antenna exceeds three (3) feet in diameter, unless a use permit is obtained in accordance with the provisions of this title. Any such use permit for the placement of dish-type or satellite antenna shall be conditioned upon the following:

- A. In any residential or mixed-use zoning district, such antennas shall be treated as an accessory structure and shall comply with height, setback, and lot coverage requirements for the zoning district in which it is located.
- B. Dish-type or satellite antenna placed within a residential or mixed-use zoning district shall be screened from view of streets and abutting properties by use of fences, hedges, or appropriate plant materials.
- C. Within the G-C and M zoning districts, a site plan shall be submitted showing the location for placement of such antenna, in addition to such other information as is required for a use permit. As to each such antenna site, there shall be available nine hundred (900) square feet of property which is not otherwise required for parking or otherwise occupied by structures and improvements upon the property.
- D. The restrictions as set forth in subsections (A) and (B) of this section shall not be applicable to a licensee pursuant to Government Code Section 53066 or commercial broadcast station, except to the extent that any such condition may be imposed by the city council as a condition for issuance of such use permit.

#### **17.76.220 Cargo containers.**

- A. Use in Residential and Mixed-Use Districts. The permanent use of prefabricated exterior storage containers, such as cargo containers or truck trailers, is prohibited in the R-R, R-1-

10, R-1-12, R-2, R-3, M-H, and T-C zoning districts. Temporary use of storage containers in these zoning districts may be approved subject to the following:

1. A use permit is required for temporary use of storage containers pursuant to Section 17.76.140 (Temporary structures).
  2. Temporary use of cargo containers may be approved for up to six (6) months. A one-time extension of up to twelve (12) months may be granted in the case of unforeseeable property damage or natural disaster.
- B. Use in General Commercial District. The use of storage containers in the G-C district may be approved as an accessory use to the primary permitted use subject to obtaining a conditional use permit. The city council shall determine appropriate siting, time limits, and other conditions as may be necessary to minimize potential impacts to adjacent properties.
- C. Use in Manufacturing District. The use of storage containers in the M district is permitted as an accessory use to the primary permitted use.
- D. General Requirements. The use of storage containers in any zoning district within the city limits must adhere to the following conditions:
1. Storage containers may only be used for the storage of merchandise, inventory, shelving displays, or other incidental items related to the operation of the business.
  2. Business or sale of merchandise shall not be conducted from the storage container, nor shall the storage container be used a habitable space, office, or meeting area, and shall be kept closed and secured at all times other than when items are being moved to or from the storage container.
  3. Storage containers must be oriented to minimize the view from the public right-of-way. In no case shall storage containers be placed so as to cover, block, or otherwise impact required parking, or impact circulation and emergency access.
  4. Storage containers shall be painted in a color matching or similar to the field color of the primary structure and/or properly screened with screening walls and/or landscaping. Graffiti shall be removed within twenty-four (24) hours from any storage container or screening.
  5. The placement of any signs, advertising copy, banners, or similar item is prohibited on storage containers.
  6. No more than two (2) storage containers with a combined floor area of six hundred and forty (640) square feet shall be allowed on parcels one (1) acre or less.
  7. Storage containers shall not exceed a height of ten (10) feet.
  8. Storage container location: Setbacks shall be the same as those for the underlying zone.
- E. Additional permitted temporary uses of storage containers include the following:
1. Construction sites.
  2. This section shall not apply to a location with a permitted business actively engaged in transporting cargo containers or truck trailers provided such container or trailer is only on the property temporarily and is not utilized for outside storage purposes.

**17.76.230 Trash and recycling enclosures.**

- A. When Required. All new and expanded commercial and industrial development with a floor area exceeding seven hundred fifty (750) square feet, all intensifications of commercial and industrial uses that increase the square footage by thirty (30) percent or more, all new mixed-use projects, and all new multifamily residential projects with five (5) or more units, and any residential project where solid waste is collected and loaded in a location serving five (5) or more units shall provide and maintain at least one (1) trash and recycling enclosure. Trash and recycling enclosures may be located indoors or outdoors to meet the requirements of this section.
- B. Location.
  - 1. General.
    - a. Outdoor trash and recycling enclosures required under this section shall not be located within any required setback.
    - b. Enclosures shall be located so that no dwelling is closer than twenty (20) feet, including those on abutting properties, or more than one hundred (100) feet from a residential unit if located on property occupied by a residential use. No minimum distance from dwellings is required if dumpsters are located within a fully enclosed room.
    - c. No outdoor trash and recycling enclosure shall be located within any public right-of-way, or in any location where it would obstruct pedestrian walkways, vehicular access, reduce motor vehicle sightline, or in any way create a hazard to health and safety.
  - 2. Exception. Enclosures that have been approved in conjunction with a discretionary permit or approval may be located within a required side yard or rear yard setback, provided no part of the enclosure is less than three (3) feet from any property line.
- C. Maintenance. Outdoor trash and recycling enclosures required shall be maintained in the following manner:
  - 1. There shall be the prompt removal of visible signs of overflow of garbage, recycling, smells emanating from the enclosure, graffiti, pests, and vermin.
  - 2. Trash enclosure covers shall be closed when not in use.
  - 3. Trash enclosures shall be easily accessible for garbage and recyclables collection.
  - 4. Trash enclosures shall be regularly emptied of garbage and recycling.
- D. Design of Enclosure Area.
  - 1. Each trash and recycling enclosure shall be of a material and colors that complement the architecture of the buildings they serve or shall have exterior landscape planting that screens the walls.
  - 2. The trash and recyclables enclosure shall provide convenient and secure access to the containers to prevent access by unauthorized persons and minimize scavenging, while allowing authorized persons access for disposal and collection of materials.
  - 3. An opening shall be provided so that pedestrians can access the enclosure without opening large gates.
  - 4. Lighting shall be provided at enclosures for residential and mixed-use developments for nighttime security and use.

5. All outdoor trash and recycling enclosures shall be a minimum of five (5) feet tall to screen unsightly views. The design of the structure and the materials used shall be compatible with the on-site architecture.
6. Designs, materials, or methods of installation not specifically prescribed by this section may be approved by city. In approving such a request, the reviewing authority shall find that the proposed design, materials, or method provides approximate equivalence to the specific requirements of this section or is otherwise satisfactory and complies with the intent of these provisions.

#### **17.76.240 Screening.**

All exterior mechanical and electrical equipment associated with new multifamily residential, mixed-use, commercial, and industrial development shall be screened or incorporated into the design of buildings so as not to be visible from the street. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow prevention devices, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building.

#### **17.76.250 Cannabis and cannabis products.**

Unless expressly permitted by the Etna Municipal Code, or the California Health and Safety Code Section 11362.1(a), all cultivation, manufacture, distribution, possession, storing, laboratory testing, labeling, transportation, delivery or sale of cannabis or cannabis products is prohibited within the city.

#### **17.76.260 Low barrier navigation centers.**

- A. Purpose. The purpose of this section is to establish development standards for low barrier navigation centers and to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with California Government Code Section 65660.
- B. Applicability. The provisions of this chapter shall apply to all low barrier navigation center projects.
- C. Definitions. The following words, phrases, and terms as used in this section shall have the following meanings:
  1. "Low barrier navigation center" means 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.
  2. "Low barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:
    - a. 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.
    - b. Pets.
    - c. The storage of possessions.

- d. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two (2) beds, or private rooms.
  - 3. "Use by right" means that the city's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.
  - 4. "Coordinated entry system" 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.
- D. Permit Required. An administrative use permit shall be required prior to the establishment of any low barrier navigation center project. The permit shall be a ministerial action without discretionary review or a hearing. The city shall notify a developer whether the developer's application is complete within thirty (30) days, pursuant to California Government Code Section 65943. Action shall be taken within sixty (60) days of a complete application being filed.
- E. Development and Operational Standards. A low barrier navigation center development is a use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, provided it meets all of the following requirements:
- 1. Connected Services. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
  - 2. Coordinated Entry System. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing.
  - 3. Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
  - 4. Homeless Management Information System. 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.

#### **17.76.270 Employee housing.**

- A. Small employee housing. In accordance with Health and Safety Code Section 17021.5, small employee housing is deemed a single-family residential use and does not constitute a change of occupancy for purposes of this title. No conditional use permit, zoning variance, or other zoning clearance shall be required of small employee housing that is not required of a family dwelling of the same type in the same zone.
- B. Large employee housing. In accordance with Health and Safety Code Section 17021.6, large employee housing is deemed an agricultural use. No conditional use permit, zoning variance, or other discretionary zoning clearance shall be required of large employee housing that is not required of any other agricultural activity in the same zone.
- C. Streamlined ministerial approval. In accordance with subdivision (a) of Health and Safety Code Section 17021.8, a development proponent may submit an application to develop employee housing subject to a streamlined, ministerial approval process provided in

subdivision (b) when the development is located on land designated as agricultural in the general plan.

**CHAPTER 17.80**  
**LIVE/WORK UNITS AND HOME-BASED BUSINESSES**

Sections

- 17.80.010 Purpose and applicability.
- 17.80.020 Definitions.
- 17.80.030 Live/work units.
- 17.80.040 Home occupations.
- 17.80.050 Cottage food operations.

**17.80.010 Purpose and applicability.**

- A. The purpose of this chapter is to:
  - 1. For home-based businesses, prescribe the conditions under which limited nonresidential activities may be conducted when incidental to residential activities.
  - 2. For live/work units, prescribe the conditions under which limited residential activities may be conducted when incidental to nonresidential activities.
  - 3. Promote jobs/housing balance and reduce vehicle miles traveled through allowances for live/work units and home-based businesses.
- B. The regulations shall apply to all home-based businesses and live/work units operating in the city.

**17.80.020 Definitions.**

For this chapter, the following words are defined:

- A. "Cottage food operation" means an enterprise that is operated by a cottage food operator and has not more than one (1) full-time equivalent cottage food employee, not including a family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct and/or indirect sale to consumers.
- B. "Home occupation" means an accessory activity of a nonresidential nature, which is performed within a living unit, accessory structure located on the premises, or within a garage attached thereto and reserved therefor, by an occupant of the living unit, and which is customarily incidental to the residential use of the living unit. This use shall be considered residential for the purposes of determining development standards.
- C. "Live/work unit" means an integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes the following: complete kitchen space and sanitary facilities in compliance with the building code, and working space reserved for and regularly used by one or more occupants of the unit. This use shall be considered commercial for the purposes of determining development standards.

**17.80.030 Live/work units.**

- A. Purpose. The purpose of this section is to:



1. Provide standards for live/work units, including the reuse of existing commercial buildings to accommodate live/work units.
  2. Promote a mix of housing options by allowing business operators to live in the same building that contains the commercial activity, particularly artists, small business owners, and craftspeople.
  3. Allow combined residential uses with commercial or small-scale manufacturing uses in the same building space, generally with the resident using the combined or adjacent workspace for their business. Typical uses include artist lofts, studio spaces, small offices, and similar low-intensity uses, either in new developments or as adaptive reuse of existing structures.
- B. Use Limitations. The nonresidential component of a live/work unit shall be a use allowed within the applicable zoning district, subject to the following additional limitations:
1. Conditional Uses. A conditional use permit is required for live/work units with three (3) or more nonresident employees.
  2. Changes in Use. After approval, a live/work unit shall not be converted to a single use without first bringing the unit up to current building code standards.
  3. Prohibited Uses. Any activity or use, as determined by the review authority to be incompatible with residential activities and/or to have the possibility of adversely affecting the health or safety of live/work unit residents including dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, waste, or by-products is prohibited.
- C. Development Standards.
1. Floor Area Requirement. The floor area shall be a minimum of six hundred and fifty (650) square feet and a maximum of three thousand (3,000) square feet. The nonresidential portion of the live/work unit shall be no more than fifty (50) percent of the total unit area and comply with all California Building Code, Fire Code, and Municipal Code requirements.
  2. Separation and Access to Units. Each live/work unit shall be separated from other units and other uses in the same building and shall have an access separate from other live/work quarters or other uses within the structure. Access to the live/work unit shall be provided only from exterior access points, the nonresidential workspace, and from common access areas, corridors, or hallways.
  3. Active Frontage. To maintain activity and commercial access along the frontage, the living space shall be located at the rear of the building or situated on the second floor and above. Exceptions may be granted subject to obtaining a conditional use permit in accordance with Chapter 17.72 (Use Permits and Variances).
  4. Nonresidential Facilities. A live/work unit shall be designed to accommodate nonresidential uses, such as ventilation, interior storage, flooring, and other physical improvements commonly found in nonresidential facilities used for the same work activity.
  5. Mixed-Use Buildings. If a building contains mixed uses of live/work units and other nonresidential uses, uses other than live/work shall meet all applicable requirements for those uses.
  6. Parking. Each live/work unit shall be provided off-street parking in accordance with Chapter 17.60 (Off-Street Parking).

**D. Operating Requirements.**

1. **Occupancy.** A live/work unit shall be occupied and used only by the operator of the business within the unit, or a household of which at least one (1) member shall be the business operator.
2. **Business License Required.** All businesses operating within a live/work unit shall obtain a license to operate in compliance with city regulations.
3. **Notice to Occupants.** The owner or manager of any building containing live/work units shall provide written notice to all occupants that the property may be subject to higher noise levels than would be expected in a strictly residential area.
4. **Nonresident Employees.** Up to two (2) persons who do not reside in the live/work unit may work in the unit. The employment of three (3) or more persons who do not reside in the live/work unit may be permitted subject to obtaining a conditional use permit in accordance with Chapter 17.72 (Use Permits and Variances). The owner may be required to provide proof of tax forms verifying the number of employees as deemed necessary by the city.
5. **Client and Customer Visits.** Client and customer visits to live/work units are permitted.

**17.80.040 Home occupations.**

- A. Subject to issuance of a business license and a home occupation permit, home occupations are permitted in all zoning districts that permit residential uses subject to the following standards:
1. **Residential compatibility.** The activity is one which is customarily incidental to and not inconsistent with the use of the premises as a dwelling.
  2. **Size.** The activity occupies no more than twenty-five (25) percent of the floor area of the dwelling unit or four hundred (400) square feet, whichever is less.
  3. **On-Site Client Contact.** Except for minors accompanied by a parent or guardian, no more than one (1) client/customer is permitted at the residence at the same time. Customer or client visits are limited to four (4) per day or six (6) per day for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring).
  4. **Sales.** With the exception of direct sales for cottage food operations in accordance with Section 17.80.050 (Cottage food operations), and as allowed by state law, no product shall be displayed for sale or sold upon the premises. Products created on the premises may be sold off-site.
  5. **Outdoor Storage Prohibited.** Goods, equipment, and materials associated with a home occupation shall be stored within a fully enclosed structure.
  6. **Hazardous Materials Prohibited.** The storage of flammable, combustible, or explosive materials is prohibited.
  7. **Animals.** No animal-related services, including grooming or personal care, requiring animals to be present on the residential property shall be allowed on the premises.
  8. **Employees.** No person shall be employed by the home occupation at the premises other than the resident(s) of the dwelling.

9. Performance Standards. Home occupations shall not generate dust, odors, noise, vibration, or electrical interference or fluctuation that is perceptible beyond the property line.
  10. Signs. Signs or displays used to identify the home occupation are prohibited.
  11. Vehicle Traffic. Home occupations may not generate more than twenty (20) vehicle trips per day. A round trip to and from the residence is one (1) vehicle trip and multiple trips by the same vehicle shall count towards the maximum amount. Vehicle trips include trips by clients, customers, vendors, delivery services, or any other vehicle associated with the home occupation.
  12. Residential Appearance. The appearance of the dwelling shall not be altered, nor shall the home occupation be conducted in such a manner that it may be reasonably recognized as serving a nonresidential use, either by color, materials, construction, lighting, signs, sounds, odors, or vibrations. Such use shall be of a nature and conducted in such a manner that there is no evidence of the use from the street or neighboring property.
- B. Applications for a home occupation permit may be approved by the city clerk provided the use is in compliance with subsection (A) of this section. In the event an application is denied by the city clerk, the applicant may file the application with the city council and the application shall be heard and determined as provided in Section 17.120.020 (Appeals of administrative action).
- C. Exceptions to the foregoing provisions may be granted subject to obtaining a conditional use permit in accordance with Chapter 17.72 (Use Permits and Variances).

#### **17.80.050 Cottage food operations.**

Cottage food operations are permitted in dwelling units pursuant to Health and Safety Code Section 113758 subject to the following rules and standards:

- A. The applicant for the cottage food operation permit shall be the individual who conducts the cottage food operation from their dwelling unit and is the owner of the cottage food operation. The permit shall not be transferable to another operator nor transferable to another site.
- B. No more than one (1) cottage food employee, as defined by Health and Safety Code Section 113758(b)(1), and not including a family member or household member of the cottage food operator, shall be permitted on the premises of the cottage food operation.
- C. The cottage food operation shall be registered or permitted by the County Health Officer in accordance with Health and Safety Code Section 114365. Cottage food operations shall comply with all requirements of state law.
- D. The use shall be conducted within the kitchen of the subject dwelling unit except for attached rooms within the dwelling that are used exclusively for storage or bookkeeping. No greater than twenty-five (25) percent of the dwelling, or fifty (50) percent of an accessory building, may be used for the cottage food operations.
- E. There shall be no change in the outside appearance of the dwelling unit or premises, or other visible evidence of the conduct of such cottage food operation.
- F. Except for home gardening use and vehicle parking, no outdoor portions of the premises shall be utilized for cottage food operation including outdoor sales and visitation.

- G. No greater than one (1) visitor's vehicle and one (1) nonresident employee's vehicle shall be parked on site at any time.
- H. Direct sales of products from the site of the cottage food operation shall be conducted by prior appointment only and shall not exceed more than ten (10) visitors in any single day. No customers of the cottage food operation shall be permitted to dine at the premises.
- I. Direct sales and cottage food operation related deliveries shall not occur between the hours of 8:00 p.m. and 7:00 a.m.
- J. Gross annual sales shall comply with Health and Safety Code Section 113758.

## **CHAPTER 17.84 SHORT-TERM RENTALS**

### **Sections:**

- 17.84.010 Purpose.
- 17.84.020 Definitions.
- 17.84.030 Prohibitions.
- 17.84.040 Registration certificate requirements.
- 17.84.050 Inspections.
- 17.84.060 Operational standards.
- 17.84.070 Penalties - Certificate denial, suspension, and revocation.
- 17.84.080 Changes in ownership.

### **17.84.010 Purpose.**

Growth in the popularity of short-term rentals has generated a need to establish short-term rental regulations that protect the public health, safety, comfort, and general welfare of the city's residents and visitors. In addition to the requirements, regulations, and standards for short-term rentals imposed by this chapter, all other applicable requirements, regulations, and standards imposed elsewhere in the Etna Municipal Code and pursuant to state and federal law apply.

### **17.84.020 Definitions.**

The following words, phrases, and terms as used in this chapter shall have the following meanings:

"Bedroom" means a room that contains a minimum of seventy (70) square feet and a closet, the construction of which was authorized by a building permit, if a building permit was required at the time of construction, and which currently meets all requirements of the California Residential Code and contains a window or opening that can be used for emergency egress.

"Guest" or "Guests" means the individual or individuals occupying the short-term rental for the purpose of staying overnight.

"Hosted short-term rental" means a short-term rental where the property owner lives on the same property as the short-term rental while the short-term rental is occupied by the guest(s).

"Local contact person" means an individual who is personally available by telephone on a twenty-four (24)-hour basis and who maintains the ability to be onsite within forty-five (45) minutes and who has access and authority to assume management of the short-term rental. An agent or professional property management company that meets the availability requirements can serve as the local contact person.

"Non-hosted short-term rental" means a short-term rental where the property owner does not live on the same property as the short-term rental while the short-term rental is occupied by the guest(s).

"Operator" means any and all of the following: the person who is a legal owner of a short-term rental; a person who has the legal right to possession of a short-term rental; a person who has a legal right to receive or collect any monies as rent for the occupancy of a short-term rental; and any manager, agent, representative or other similar person acting under the authority or at the direction of the owner or other operator of a short-term rental.

"Property owner" means the owner or owners of record of the subject real property as shown on the latest equalized assessment role of Siskiyou County or as otherwise actually known to the city clerk or the city clerk's designee, including but not limited to individuals, groups, corporations, and other legal entities with at least five (5) percent ownership in the subject real property.

"Short-term rental" means any residential place, space, or structure, or portion of any residential place, space, or structure, which is or may be occupied, or intended or designed for occupancy by transients for purposes of sleeping, lodging, or similar use in conformance with the city's zoning regulations, and shall include, but not be limited to the following: single-family dwellings, cabins, cottages, apartments, studios, condominiums, townhouses, duplexes, triplexes, fourplexes, a bedroom or bedrooms within an existing residential unit, second dwelling units and guesthouses constructed prior to January 1, 2017, and other forms of residential shelter constructed with a building permit and rented for the purpose of continuous overnight lodging for a period of not less than one (1) night and not more than thirty (30) days.

"Transient occupancy registration certificate" means a certificate of registration issued by the city that certifies the person named on the face thereof has registered with the city for the purpose of collecting from transients any required transient occupancy tax and remitting said tax to the city. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a short-term rental without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department, or office of this city. This certificate does not constitute a permit.

#### **17.84.030 Prohibitions.**

- A. Registration certificate required. It is unlawful for any person to advertise, maintain, operate, or use a short-term rental within the city without a transient occupancy registration certificate, or in violation of the terms and conditions of the certificate or of this chapter (including without limitation the occupancy restrictions set forth in the certificate).
- B. Accessory dwelling units. It is unlawful for any person to advertise, maintain, operate, or use as a short-term rental an accessory dwelling unit or junior accessory dwelling unit as those terms are used in California Government Code Sections 65852.2 and 65852.22, or as amended. No transient occupancy registration certificate shall be issued for any accessory dwelling unit or junior accessory dwelling unit. Each rental occurring without a transient occupancy registration certificate and each rental of an accessory dwelling unit or junior accessory dwelling unit shall be a separate violation.
- C. Prohibited short-term rentals. A structure or property with a recorded covenant, deed restriction, or agreement restricting its use, including without limitation dwelling units with affordability restrictions, and dwelling units for which short-term rentals are prohibited, shall not be used for short-term rentals. Short-term rentals are prohibited in structures not intended for residential occupancy under the California Building Code Standards and this code.
- D. Incidental camping. A transient occupancy registration certificate does not authorize incidental camping, which means any overnight camping, sleeping in tents or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles parked on the short-term rental property.
- E. Outdoor fires. No outdoor fires (e.g., firepits, campfires, etc.) are permitted at short-term rentals. Propane burning fireplaces and firepits are acceptable provided the device is in the rear yard at least ten (10) feet from all structures, neighboring property, flammable material, and vegetation. Outdoor fires do not include annual yard maintenance by the property owner or operator in compliance with local and state regulations.
- F. Grills and barbeques. Grills and barbeques are not permitted beneath a potentially flammable source including trees, umbrellas, decks, or other appurtenant structures. All grills and barbecues shall be no less than ten (10) feet away from a structure and any

flammable materials, such as a woodpile. Grills and barbeques other than electric powered pellet grills and propane grills are prohibited at short-term rentals.

- G. Subletting. Guests are prohibited from subletting a short-term rental. Only operators with a valid transient occupancy registration certificate may advertise and rent a residential unit as a short-term rental.
- H. Special events. Weddings, corporate events, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise, or other problems in the neighborhood are prohibited from occurring at a short-term rental property.

#### **17.84.040 Registration certificate requirements.**

- A. Annual registration required. Transient occupancy registration certificates shall be renewed annually, and separate certificates are required for each short-term rental. The certificate requirements for short-term rentals are set forth below. The issuance of any certificate pursuant to this article does not relieve the owner of the obligation to comply with the other provisions of this code pertaining to the use and occupancy of the short-term rental or the property in which it is located. Short-term rentals are allowed in all zone districts that allow residential use with approval of a transient occupancy registration certificate.
- B. Registration certificate limits. A maximum of two (2) transient occupancy registration certificates shall be issued to any property owner for short-term rentals located in the R-R, R-1-10, R-1-12, R-2, R-3, and M-H districts. Only one (1) of the two (2) registration certificates shall be issued for a non-hosted short-term rental.
- C. Application process. An application for a transient occupancy registration certificate shall be submitted by the property owner to the city clerk or the clerk's designee. Each transient occupancy registration certificate application shall be accompanied by a nonrefundable transient occupancy registration certificate fee. The fee schedule shall be established by resolution of the city council following a public hearing and may be adjusted by resolution of the city council following a public hearing. Permits and fees required by this chapter are in addition to any license, permit, certificate, or fee required by any other chapter of this code. Each application shall at a minimum include the following:
  - 1. Property owner name and contact information.
  - 2. Operator name and contact information.
  - 3. The name of the local contact person, if different from the operator, and a telephone number at which the local contact person may be immediately reached.
  - 4. Address and assessor's parcel number for property at which the short-term rental is located.
  - 5. Rental unit type (i.e., single-family dwelling, duplex, apartment, etc.). If more than one (1) residential unit is located on the property, the application must identify if the rental unit is the property's primary or secondary dwelling.
  - 6. Maximum occupancy. The maximum occupancy of a short-term rental shall be two (2) guests per bedroom, plus two (2) additional people excluding children under five (5) years of age. Occupancy limits shall apply between the hours of 10:00 pm and 7:00 am.
  - 7. Total number of off-street parking spaces available on-site.
  - 8. Number of trash receptacles satisfying the requirements of subsection (D) of Section 17.84.060 (Operational standards).

9. Number and location of fire extinguishers, smoke detectors, and carbon monoxide alarms, and certification of compliance with Fire Code and fire safety requirements, including those pertaining to fire extinguishers, smoke detectors, and carbon monoxide alarms.
  10. Date of the most recent inspection of the short-term rental conducted by city staff and the City of Etna Fire Department pursuant to this chapter.
  11. Acknowledgment that the operator has read and understood this chapter, and the city's parking, garbage collection, guest safety, and operational standards.
  12. If the information supplied by the operator on the application for a transient occupancy registration certificate is not consistent with city records, an additional inspection may be required prior to or after the issuance of the transient occupancy registration certificate. An inspection fee shall be charged for the inspection.
- D. Term and scope of certificate. A transient occupancy registration certificate issued under this chapter shall expire at the end of the calendar year for which it is issued, unless revoked or suspended earlier. The certificate authorizes the operator to operate the short-term rental only in accordance with the terms and conditions of the certificate. Subject to the provisions of Section 17.84.060 (Operational standards), a certificate will be renewed if prior to expiration, the following is provided: updated application information (if changes have occurred), new certifications and acknowledgments required in subsections (B)(9) and (B)(11) of this section, and payment of the registration fee. Renewal applications may be submitted commencing on October 1<sup>st</sup> of each year. Renewals for which applications received after November 30<sup>th</sup> in a given year might not be received by applicants prior to January 1<sup>st</sup>, and the advertisement or operation of a short-term rental for which a renewed certificate has not been received shall constitute a violation of this chapter.
- E. Acceptance of registration certificate. Acceptance by an operator of a transient occupancy registration certificate shall constitute acknowledgment and acceptance of, and consent to, the requirements and provisions of this chapter.

#### **17.84.050 Inspections.**

All short-term rentals and the parcels on which they are located shall be inspected by the city and the City of Etna Fire Department prior to commencement of the use. The inspection(s) shall verify compliance with all standards and conditions of operation including safety requirements. After the initial inspection(s), said rental unit and short-term rental property shall be reinspected by the City of Etna Fire Department annually and by the city not less than once every three (3) years for as long as the unit is used as a short-term rental. The operator shall submit a completed inspection form or forms to the city showing that the unit has passed inspection and is approved for short-term rental. Completion of the inspections will be verified at the time of transient occupancy registration certificate renewal. The actual cost of such inspections, plus any administrative charges, shall be paid by the operator pursuant to the city's adopted fee schedule.

#### **17.84.060 Operational standards.**

All short-term rentals shall comply with the following standards and shall not generate other potential disturbances which may disrupt the peace, safety, and general welfare of the neighborhoods in which they are located.

- A. Operator responsibilities and recordkeeping. The operator shall inform guests that they must not violate the standards of this chapter. The operator shall be responsible for taking any action necessary to ensure that guests abide by the terms of this chapter and other applicable provisions of this code. The operator shall collect and maintain for each guest



registration the name and contact information of the registered guest, the number of guests, and the amount of rent paid (including all ancillary charges such as cleaning charges). All such records shall be maintained for a period of three (3) years and shall be furnished to the city within five (5) days upon request.

- B. Local contact person. A local contact person shall be personally available by telephone on a twenty-four (24)-hour basis and shall be physically present at the short-term rental within forty (45) minutes of contact by city employees or agents or the guest(s). Upon receiving a call or complaint about physical conditions or circumstances that constitute an immediate threat to the public health and safety, the local contact person shall immediately contact the appropriate law enforcement, fire, or other authority.
- C. Parking. When located in a zoning district where off-street parking is required, one off-street parking space shall be provided for short-term rentals with two (2) or fewer bedrooms and two (2) off-street parking spaces shall be provided for short-term rentals with three (3) or more bedrooms. When located on property with more than one (1) dwelling unit, the off-street parking requirement for the short-term rental is in addition to all other off-street parking requirements. No vehicle, including without limitation boat trailers and recreational vehicles, may be parked at a short-term rental outside of improved parking areas or in a location or manner that does not comply with city standards.
- D. Trash and recycling. The accumulation of trash, debris, and recyclable materials outside of a short-term rental at any time is prohibited. A minimum of one (1) trash can and one (1) can for recycling shall be provided for each short-term rental. If one (1) trash can and one (1) can for recycling are insufficient to accommodate all trash and recycling generated by occupants of the short-term rental, the operator shall arrange for whatever increased level of service is required to accommodate all trash and recycling generated onsite. All trash and recycling generated by occupants of the short-term rental shall be removed from the property each week. If stored outdoors, garbage and recycling shall be stored immediately adjacent to the unit and kept within a rodent-resistant container that is large enough to accommodate all garbage and recycling generated onsite within a one (1)-week period.
- E. Interior posting requirements. The following information shall be posted within the interior of the rental unit in a visible location: the name of the operator and a telephone number at which that party can be reached on a twenty-four (24)-hour basis; the maximum number of guests permitted to stay overnight in the unit; the maximum number of vehicles that are allowed to be parked on the property; notification that trash and recyclable materials must be placed into cans provided for that purpose; notification that vehicles must be parked on improved parking areas on the property; the telephone number(s) of the police and fire departments; building exits, exit routes, and fire extinguisher locations; emergency evacuation information; use of outdoor fires and barbecues, when applicable; a notice regarding potential penalties associated with violation of this chapter; and for short-term rentals with wood-burning fireplaces or woodstoves, instructions on the safe operation of such appliances and the safe disposal of ashes.
- F. Smoke alarms. Smoke alarms, in good working order, shall be installed at a minimum in each bedroom, and at least one (1) alarm on every level of the short-term rental, including basements and habitable attics.
- G. Carbon monoxide alarms. Carbon monoxide alarms, in good working order, shall be installed at a minimum outside each bedroom, on every level of the rental unit, including basements and habitable attics, and bedrooms or attached bathrooms with a fuel-burning appliance, and shall be installed in accordance with the manufacturer's installation instructions.

- H. Fire extinguisher and ash can. Each short-term rental shall be equipped with one (1) five (5)-pound fire extinguisher, type 3-A:40-B:C, installed at a readily available location near the kitchen. If the short-term rental has two (2) or more than levels, an extinguisher must be mounted within each level. Fire extinguishers shall be inspected annually by a certified professional to ensure the extinguishers are in good working order. Each short-term rental with a wood-burning fireplace or woodstove shall be equipped with a metal container at least five (5) gallons in size with a tight-fitting lid, which shall be clearly labeled for ash disposal.
- I. Visible address. Each short-term rental shall have an address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Whenever the address on the short-term rental unit will not be clearly visible from the street or access road fronting the property, the address shall also be placed at the public street or access road in a manner which is clearly visible from both directions of travel on the frontage road or street. Address identification characters shall contrast with their background and conform to the minimum size requirements of the California Fire Code. A short-term rental in a condominium or apartment building that does not have an individual address may utilize the condominium or apartment building address and need not comply with these requirements.
- J. Emergency communications. If located in an area with inadequate cellular service, each short-term rental unit shall contain a working landline phone or Voice Over Internet Protocol phone.
- K. Advertisements. Each advertisement for a short-term rental shall list the maximum number of occupants permitted by the transient occupancy registration certificate, the maximum number of parking spaces onsite, and the number of the transient occupancy registration certificate.

#### **17.84.070 Penalties - Certificate denial, suspension, and revocation.**

It is a public nuisance to violate any of the provisions of this chapter. Violations of this chapter are subject to the general penalty provisions set forth in Chapter 1.16 (General Penalty), provided that fines for violations of this chapter shall be as set forth below. Any violation of the provisions of this chapter is an infraction and any person, including without limitation guests, operators, and local contact persons, may be subject to administrative and/or judicial remedies as set forth herein and elsewhere in this code. In addition, the city shall have the authority to suspend or revoke the transient occupancy registration certificate, or to maintain an action for injunctive relief. Unless otherwise expressly provided, the remedies, procedures, and penalties provided by this section are cumulative as to each other and to any others available under state law or this code. In the event of any conflict between the penalties set forth in this chapter and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.

- A. Enforcement. An administrative penalty of up to five hundred dollars (\$500) per day may be imposed for each violation of this chapter contained in a first administrative citation, and up to one thousand dollars (\$1,000) per day for each violation contained in a second or subsequent administrative citation. A prior citation for purposes of this chapter shall be an earlier administrative citation for violation of this chapter on the same property that occurred less than one year prior to the current citation.
- B. Denial, suspension, or revocation of a transient occupancy registration certificate. The city may deny, suspend, or revoke a transient occupancy registration certificate for any of the following reasons:
  - 1. The transient occupancy registration certificate application is incomplete;

2. The transient occupancy registration certificate contains a false or misleading statement or omission of a material fact;
  3. The short-term rental, operator, or guest is currently in violation of, has been found to be in violation of, or is under investigation for violation of, any local, state or federal laws, statutes, ordinances, rules or regulations pertaining to the operation of a short-term rental;
  4. The transient occupancy registration certificate of a short-term rental for which three (3) citations have been issued for violations of this chapter within a twelve (12)-month period and not overturned on appeal, including without limitation citations issued to guests and citations issued to operators, shall be revoked, and a new certificate shall not be issued for a period of twelve (12) months from the date of the certificate revocation.
  5. The operator is delinquent on any payment to the city of any fees, penalties, taxes, or any other monies related to the short-term rental including, but not limited to, transient occupancy taxes;
  6. A transient occupancy registration certificate application may be denied due to prior revocation or suspension of a transient occupancy registration certificate;
  7. The operation of a short-term rental is a threat to the public health, safety, or welfare;
  8. The lack of a fire inspection within the preceding year, a failed fire inspection unless documentation is provided that the conditions causing the failure were corrected and the short-term rental passed a subsequent fire inspection, or a refusal to allow a fire inspection or other inspection of the short-term rental;
  9. Absence/expiration of a transient occupancy registration certificate; or
  10. Any required application fee or renewal fee has not been paid.
- C. Appeal. Any operator or guest may appeal an administrative penalty imposed pursuant to this chapter in accordance with Section 17.120.020 (Appeals of administrative action).
- D. Costs of enforcement. All money and assets collected in payment of penalties for violations of this chapter and all money and assets collected for recovery of costs of enforcement of this chapter shall be used to offset the cost of enforcement of this chapter.

#### **17.84.080 Changes in ownership.**

Transient occupancy registration certificates issued for short-term vacation rentals do not provide a vested interest in or entitlement to the continued operation of a short-term rental upon a change of property ownership. The new owner of a property for which a transient occupancy registration certificate has been issued shall notify the city upon a change of ownership of the short-term rental. Transient occupancy registration certificates for short-term rentals shall not run with the land and shall expire upon any partial or complete transfer of ownership of a short-term rental, regardless of whether notice of the change in ownership has been provided to the city.

## **CHAPTER 17.88**

### **BED AND BREAKFAST INNS**

Sections:

17.88.010	Purpose.
17.88.020	General regulations.
17.88.030	Permit application.
17.88.040	Owner or manager residence required.
17.88.050	Off-street parking.
17.88.060	Number of units/conditions.
17.88.070	Inspection.

#### **17.88.010 Purpose.**

It is the purpose of this chapter to establish regulations for bed and breakfast inns and facilities to assure compatibility with surrounding residential neighborhoods, and to establish procedures for the processing of bed and breakfast inn applications.

#### **17.88.020 General regulations.**

- A. In addition to any and all required permits and conditions pursuant thereto, and irrespective of whether a use permit is required in the particular instance, all bed and breakfast inns and facilities shall be subject to all other applicable provisions of the Etna Municipal Code.
- B. The establishment of bed and breakfast inns and facilities in any particular location shall be harmonious with the character of the neighborhood and zoning district in which they are to be located.
- C. No meals may be served to persons who are not also renters except for those persons who are non-paying personal guests of the occupying owner or manager of the inn.

#### **17.88.030 Permit application.**

All applications for use permits for bed and breakfast inns and facilities, when required, shall be accompanied by the following:

- A. A floor layout and site plan, which accurately depict the following:
  - 1. All existing and proposed structures.
  - 2. Off-street parking and driveway access.
  - 3. Proximity to adjacent properties and improvements.
- B. Photographs or drawings of existing elevations and drawings of any proposed changes thereto.
- C. Sign details and proposed locations.
- D. Any other information required by the city council during processing of the application.

#### **17.88.040 Owner or manager residence required.**

Bed and breakfast inns and facilities shall be permitted only where the occupying owner or manager maintains their primary place of residence on the site, and the bed and breakfast inn and facility shall be operated as an accessory use to the owner or manager's residence.

**17.88.050 Off-street parking.**

Off-street parking shall be provided in accordance with Chapter 17.60 (Off-Street Parking).

**17.88.060 Number of units/conditions.**

Bed and breakfast inns and facilities shall be limited to the number of rental rooms or units as follows:

- A. Only bed and breakfast inns and facilities which are comprised of five (5) or fewer rental units may be allowed when the regulations set forth in this chapter are met.
- B. No premises shall be utilized for a bed and breakfast inn and facility unless there are at least two (2) exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant up to a maximum of four (4) occupants per room.
- C. Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector alarm, as required by the California Building Code and/or California Fire Code; in case of any differences between the requirements, the stricter shall control.
- D. Lavatories and bathing facilities shall be available to all persons using any bed and breakfast operation.

**17.88.070 Inspection.**

Upon reasonable notice, any bed and breakfast inn may be inspected during normal business hours by the building inspector, fire chief, code enforcement officer, or health inspector to assure compliance with the provisions of this ordinance or any other applicable rules, regulations, statutes, or codes.

## **CHAPTER 17.92**

### **MOBILE FOOD SALES**

Sections:

17.92.010	Purpose
17.92.020	Applicability.
17.92.030	Definitions.
17.92.040	Mobile food vendor operating requirements.
17.92.050	Mobile food court requirements.
17.92.060	Exemptions

#### **17.92.010 Purpose.**

It is the purpose of this chapter to preserve the peace, safety, and welfare of the city and its residents by providing clear and concise standards for mobile food sales.

#### **17.92.020 Applicability.**

This chapter applies to mobile food sales within the city. No registration, permit, or licenses for mobile food sales shall be issued absent compliance with this chapter.

#### **17.92.030 Definitions.**

- A. "Mobile food sales" means selling or offering to sell any type of food, beverage, or edible of any type, from a motorized vehicle, trailer, or pushcart.
- B. "Mobile food vendor" means a retail food service in which food is served to walk-up customers from a motorized vehicle, trailer, or pushcart.
- C. "Mobile food court" means a development on a privately owned parcel with two (2) or more mobile food vendors, an individual pad, service, and utility hook-ups for each mobile food vendor, and on-site amenities, such as restrooms, dining area, etc., for customers, and which are intended for regular food service from mobile food vendors. Mobile food courts may have mobile food vendors that operate on a temporary basis (up to four (4) hours per day) or a long-term basis (more than four (4) hours per day). Operations associated with a private catered event or a city-permitted special event are not considered a mobile food court.
- D. "Mobile food commissary" means a development on a privately owned parcel that is utilized by one (1) or more mobile food vendors to: prepare or prepackage food for sale or service at other locations; store food, containers, or supplies; clean utensils; dispose of liquid and solid wastes; obtain potable water; and/or store motorized vehicles, trailers, pushcarts, and other equipment when not in use.
- E. "Specialty food sales" means a retailer of pre-packaged or whole food products that does not involve on-site preparation. Specialty food sellers operate in a single location for no more than fifteen (15) minutes per occasion before changing locations (e.g., ice cream trucks).

#### **17.92.040 Mobile food vendor operating requirements.**

The following standards apply to mobile food vendors that operate in the city, whether located within public rights-of-way, on public property outside of rights-of-way, and on private property with the permission of the property owner:

- A. **Registration Required.** An annual registration permit is required for mobile food vendors operating in the city. Permit applications shall be processed administratively provided that staff may, at their discretion, refer any application to the city council for consideration. As part of the annual registration process, mobile food vendors shall obtain a business license from the city and shall be responsible for obtaining all necessary licenses and permits required for the service of food and beverages, including a permit for mobile food service from the county.
- B. **Vehicle Compliance.** Motorized vehicles and trailers used in conjunction with mobile food sales shall be in compliance with state motor vehicle laws.
- C. **Hours of Operation.**
  - 1. **Residential zoning districts:** Except as provided for herein, mobile food sales are limited to specialty food sales in the R-R, R-1-10, R-1-12, R-2, R-3, and M-H zoning districts between the hours of 8:00 a.m. and 6:00 p.m.
  - 2. **Town Center zoning district:** All mobile food vendors operating in the T-C district shall cease operation between the hours of 8:00 p.m. and 7:00 a.m.
  - 3. **General Commercial and Manufacturing zoning districts:** All mobile food vendors operating in the G-C and M districts shall cease operation between the hours of 9:00 p.m. and 7:00 a.m.
  - 4. **Open Space and Public Facilities zoning districts:** All mobile food vendors operating in the O-S and P-F districts shall cease operation between the hours of 8:00 p.m. and 7:00 a.m.
- D. **Time Limits.** A mobile food vendor shall not vend within the public right-of-way at any location for more than three (3) hours without moving to a new location that is at least five hundred (500) feet from the previous location.
- E. **Intersections.** Mobile food vendors shall not stop, stand, or park in any location that obstructs visibility of an intersection or of traffic entering or exiting an intersection.
- F. **No Parking and Loading Zones.** Mobile food vendors shall not stop, stand, or park in or adjacent to any no parking or loading zone.
- G. **Parking Facilities.** Operations within public and private parking facilities shall not conflict with traffic circulation, shall not interfere with pedestrian paths of travel or the minimum required on-site parking spaces for the principal use(s) on the property, and shall impact no more than (2) parking spaces.
- H. **Proximity to Fixed Restaurants.** Mobile food vendors shall not operate within two hundred fifty (250) feet from the main customer entrance of any restaurant unless said restaurant and mobile food vendor are operated by the same business.
- I. **Proximity to Public Schools.** Mobile food vendors shall not operate within a public parking lot, city park, or public right-of-way within five hundred (500) feet of a public school within thirty (30) minutes of the beginning and end of the school day.
- J. **ADA Access.** Mobile food vendors shall not interfere with parking spaces established pursuant to the Americans with Disabilities Act (ADA) and shall maintain a clear path of

travel on sidewalks and other pedestrian pathways that is free of customer queuing, signage, and/or all portions of the vehicle, trailer, or pushcart for the clear movement of pedestrians.

- K. **Trash Receptacles.** Mobile food vendors shall maintain trash receptacles immediately adjacent to the vending location for use by their customers and shall pick up all trash within twenty-five (25) feet of their vending location. Trash shall not be placed in city trash receptacles.
- L. **Self-Contained Operations.** When located on public property, outside tables, seating, and shade canopies are not permitted.
- M. **Music and Audio.** No amplified or non-amplified music or audio is permitted.
- N. **Alcoholic Beverages.** The sale and/or service of alcohol is not permitted.
- O. **Private Property.** When permitted by the zoning district, mobile food vendors may operate on private property subject to the following:
  - 1. Unless located in an approved mobile food court, only one (1) mobile food vendor is allowed per site; mobile food sales are restricted to properties that include a business that it open during the hours of mobile food sales; and outside overnight storage of furniture is prohibited.
  - 2. Properties used for mobile food sales must have all public improvements in place, including but not limited to curb, gutter, sidewalk, and vehicular access.
  - 3. Mobile food vendors may only operate on paved surfaces. Operating on unimproved surfaces, landscaped areas, or within required setback areas is prohibited.
  - 4. Tables, umbrellas, and chairs are permitted on paved and/or improved surfaces outside of required setbacks provided they do not obstruct visibility of traffic entering or exiting the property or adjacent intersections.
  - 5. Prior to operating on private property, mobile food vendors shall obtain written permission from the property owner(s), which shall be made available to city staff upon request.
- P. **Exceptions.**
  - 1. By conditional use permit, the city council may grant exceptions to these provisions.
  - 2. Mobile food sales on public streets or property at city sanctioned events shall not require a conditional use permit provided such sales are conducted at locations and in a manner and time as may be directed by the city.
  - 3. Unless so conditioned, mobile food vendors operating in an approved mobile food court are not subject to the restrictions on hours of operation or the prohibition on the sale of alcohol and outside storage of furniture pursuant to this section.

#### **17.92.050 Mobile food court requirements.**

Mobile food courts are subject to all permit requirements and site development standards established by this code. Mobile food courts shall be further subject to the following standards:

- A. An individual pad and individual service and utility hook-ups shall be provided for each mobile food vendor.
- B. A restroom shall be provided on site for employees and customers.



- C. Pedestrian-oriented amenities, including tables, seating, shaded areas, and landscaping, shall be provided.
- D. Customer walkup areas may not extend into the public right-of-way.
- E. With the exception of providing food service at community events, the maximum number of mobile food vendors per lot shall be as follows:
  - 1. Maximum of two (2) mobile food vendors on lots less than one-half (0.5) acre.
  - 2. Maximum of four (4) mobile food vendors on lots between one-half (0.5) acre and one (1) acre.
  - 3. Maximum of six (6) mobile food vendors on lots greater than one (1) acre.
- F. Exceptions. By conditional use permit, the city council may grant exceptions to these provisions.

**17.92.060 Exemptions.**

The following are exempt from the requirements of this chapter as specified below, but still must satisfy all other applicable permit requirements (e.g., business license, encroachment permit, county food facility permit, etc.).

- A. Mobile food sales conducted in connection with the operations of a certified farmers' market.
- B. Mobile food sales conducted at a city-sponsored special event, such as a street fair.
- C. Mobile food sales at an event at a school facility, assembly use facility, or recreational facility if the vendor is in partnership with the organization conducting the event and is located on the site of the event (i.e., not in the public right-of-way).
- D. Mobile food sales at a public park with approval of the city clerk.
- E. Mobile food sales at a private event or party in a residential zone located either on the site of the event or in the public right-of-way with no retail sales to the general public.

## **CHAPTER 17.96**

### **ACCESSORY DWELLING UNITS**

#### **Sections:**

- 17.96.010 Purpose.
- 17.96.020 Definitions.
- 17.96.030 Accessory dwelling unit criteria.
- 17.96.040 Junior accessory dwelling unit criteria.

#### **17.96.010 Purpose.**

This chapter provides for accessory dwelling units (ADU) and junior accessory dwelling units (JADU) consistent with Government Code Sections 66310-66342.

#### **17.96.020 Definitions.**

- A. "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. It 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 accessory dwelling unit also includes the following:
  - 1. An efficiency unit.
  - 2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- B. "Junior accessory dwelling unit" means a unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.
- C. "Livable space" means space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).

#### **17.96.030 Accessory dwelling unit criteria.**

- A. Location.
  - 1. Accessory dwelling units are permitted by right in all zoning districts that allow single-family residential and multifamily residential as a principally permitted use.
  - 2. In addition, an existing dwelling unit that complies with the development standards for accessory dwelling units in subsection (E) of this section may be considered an accessory dwelling unit, and a new principal unit may be constructed, which would then be considered the principal dwelling unit.
- B. Limitation.
  - 1. Single-Family Residential. No more than one (1) accessory dwelling unit and one (1) junior accessory dwelling unit shall be located on the same parcel improved with a single-family dwelling.
  - 2. Multifamily Residential.

- a. Provided that the number of detached accessory dwelling units does not exceed the number of dwelling units on the lot, up to eight (8) detached accessory dwelling units shall be allowed on a parcel improved with a multifamily dwelling.
  - b. When the accessory dwelling unit is created within a portion of the existing multifamily dwelling structure that is not used as livable space, and if each space complies with applicable building and health and safety codes, the number of accessory dwelling units allowed on a parcel improved with a multifamily dwelling is limited to not more than twenty-five (25) percent of the number of multifamily dwelling units on the property, except that at least one (1) accessory dwelling unit shall be allowed.
- C. Occupancy. Owner occupancy of a dwelling on the property is not required.
- D. All requirements and regulations of the district in which the lot is situated shall apply, except as set forth in subsection (E) of this section.
- E. Conditions. An accessory dwelling unit may be established by the conversion of an attic, basement, garage, or other portion of an existing residential unit or by new construction, by the conversion of an accessory structure, or by new construction provided the following criteria are met:
  - 1. Floor Area. The floor area of the accessory dwelling unit shall not exceed:
    - a. Parcels sized ten thousand (10,000) square feet or greater: One thousand two hundred (1,200) square feet.
    - b. All other parcels: Eight hundred and fifty (850) square feet for a studio or one-bedroom accessory dwelling unit, or one thousand (1,000) square feet for an accessory dwelling unit that provides for more than one (1) bedroom.
  - 2. The increased floor area of an attached accessory dwelling unit shall not exceed eight hundred (800) square feet or fifty (50) percent of the existing living area, whichever is greater.
  - 3. Height.
    - a. The height of a one-story detached accessory dwelling unit shall not exceed eighteen (18) feet.
    - b. The height of an attached one-story accessory dwelling unit shall not exceed twenty-six (26) feet.
    - c. The height of detached two-story accessory dwelling units shall not exceed twenty-six (26) feet.
    - d. When the lot is within one half mile of a major transit stop or high-quality transit corridor, an additional two (2) feet in height may be added to a detached accessory dwelling unit to accommodate a roof pitch that aligns with the primary dwelling.
  - 4. Lot Coverage. Accessory dwelling units shall not be considered when calculating the maximum lot coverage allowed.
  - 5. Setbacks.
    - a. Accessory dwelling units (both attached and detached) shall have side and rear setbacks of not less than four (4) feet.
    - b. Accessory dwelling units (both attached and detached) shall have front setbacks consistent with the zoning districts in which they are located, provided that

compliance with the setback does not preclude development of an accessory dwelling unit at least eight hundred (800) square feet in area, even if the accessory dwelling unit would exist partially or wholly within the front setback.

- c. No setback shall be required for an accessory dwelling unit created within an existing living area or accessory structure or an accessory dwelling unit created in a new structure in the same location and to the same dimensions as an existing structure.
  - d. The minimum distance between accessory dwelling units (both attached and detached) and other structures on the lot shall be as required by building or fire code.
6. **Manufactured and Mobile Homes.** Manufactured and mobile home accessory dwelling units that meet the requirements of state law shall be allowed provided they are constructed on a permanent foundation, are substantially compatible with the principal unit, and adhere to the development standards set forth in this chapter.
7. **Utility Connections.** At the discretion of the city engineer, utility connections (sewer, water, electricity, telephone) may or may not be connected to the principal dwelling unit. If utility connections are separate from the principal unit, power and telephone lines shall be underground from the point of source as approved by the respective utility purveyor to the accessory dwelling unit. However:
  - a. For the creation of an accessory dwelling unit contained within the existing space of a single-family residence or accessory structure, the city shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.
8. **Selling Accessory Dwelling Units.** The accessory dwelling unit shall not be sold separately from the primary dwelling unless the existing lot is divided into two or more lots consistent with city lot dimension and lot area standards resulting the primary and accessory residential structures being on individual lots. Full separate utility connections for all habitable structures shall be a requirement of approval of the lot division.
9. **Renting Accessory Dwelling Units.** The rental of an accessory dwelling unit is allowed but not required. Accessory dwelling units shall not be utilized as short-term rentals (no transient occupancy) and must be rented for at least thirty (30) days.
10. **Separate Entrance Required.** The entry to an attached accessory dwelling unit shall be accessed separately and securely from the principal unit.
  - a. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. For the purpose of this chapter, a passageway is a pathway that is unobstructed clear to the sky and extends from a street to an entrance of the accessory dwelling unit.
11. **Applicable Codes.** Accessory dwelling units must comply with applicable building, fire and other health and safety codes.
12. **Parking.**
  - a. Parking requirements for accessory dwelling units shall not exceed one (1) parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway. However, no parking

requirements shall be mandatory for those accessory dwelling units in any of the following instances:

- i. The accessory dwelling unit is located within one-half (0.5) mile of public transit.
  - ii. The accessory dwelling unit is located within an architecturally and historically significant historic district.
  - iii. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
  - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - v. When there is a car share vehicle located within one (1) block of the accessory dwelling unit.
  - vi. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family or multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in Government Code section 66322, subdivision (a)(1)-(5).
- b. Off-street parking shall be permitted in setback areas in locations determined by the city 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, or that it is not permitted anywhere else in the jurisdiction.
  - c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, no parking replacement spaces shall be required. Any other required on-site parking spaces shall be maintained for the principal unit and may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
- F. Application Procedure. City clerk, or designee, approval shall be required for all accessory dwelling units. The property owner shall file a complete building permit application and pay all applicable fees. The completed application form shall include, but not be limited to, data on the floor space and height of the proposed unit and the existing residential unit(s) and an accurately drawn site plan showing the location and size of all existing and proposed structures, the proposed accessory dwelling unit, setbacks, utility connections, and any required vehicle parking.
- G. Existing Nonpermitted Accessory Dwelling Units. Unless supported by the finding that “correcting the violation is necessary to protect the health and safety of the public or occupants of the structure,” the city clerk shall not deny a permit for an accessory dwelling unit constructed without benefit of required permits prior to January 1, 2018, because the accessory dwelling unit violates building standards or because the accessory dwelling unit does not comply with state accessory dwelling unit law or this title.
- H. Accessory dwelling units shall not be counted as “development units” under the General Plan density requirements.
- I. Accessory dwelling units converted from existing space shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for

utilities, including sewer and water. Accessory dwelling units of seven hundred and fifty (750) square feet or less shall not be subject to impact fees. Accessory dwelling units larger than seven hundred and fifty (750) square feet may, as determined by the city council by resolution, be subject to impact fees charged proportionately in relation to the square footage of the primary dwelling unit.

- J. The installation of fire sprinklers shall not be required in an accessory dwelling unit if they are not required for the primary residence (unless otherwise required by the fire chief based on state law). However, other fire protection mechanisms, as determined by the fire chief, may be required for fire and life safety in those accessory dwelling units not meeting setbacks.
- K. An accessory dwelling unit created under this chapter shall be maintained with the provisions of this chapter and shall not be destroyed or otherwise converted to any other use (including reverting to a portion of the primary residence) except with approval of the city clerk. In considering such requests, the city clerk shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the permit, and the impact on the city's affordable housing supply. As a condition of termination, the city clerk shall require the owner to make modifications to the property to comply with current building code requirements and to comply with current development standards in effect at the time of the request to terminate the use of the accessory dwelling unit.

#### **17.96.040 Junior accessory dwelling unit criteria.**

- A. Location. Junior accessory dwelling units may be allowed only on parcels zoned for single-family residential use with an existing single-family dwelling unit on the parcel, or as part of a proposed single-family residential use when it is within the proposed space of a single-family dwelling.
- B. Limitation. In no case shall more than one (1) accessory dwelling unit and one (1) junior accessory dwelling unit be placed on the same lot or parcel as an existing or proposed single-family dwelling.
- C. Occupancy. Owner-occupancy is required in the single-family dwelling unit in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the single-family dwelling unit or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.
- D. Existing Structure/Bedroom. A junior accessory dwelling unit shall be located within the walls of an existing or proposed single-family residence.
- E. Entrance. A junior accessory dwelling unit shall include its own discrete entrance, separate from the main entrance to the structure. A permitted junior accessory dwelling unit without a separate bathroom shall include an interior entry to the main living area.
- F. Kitchen. The junior accessory dwelling unit shall include an efficiency kitchen, which shall include all of the following: sink, food preparation counter, refrigerator, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- G. Parking. Junior accessory dwelling units have no parking requirement.
- H. Deed Restriction. The junior accessory dwelling unit shall not be offered for sale apart from the principal unit. A deed restriction, which shall run with the land, shall be filed with the city and shall include both of the following:

1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and
  2. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
- I. Timing. A permit shall be issued within sixty (60) days of submission of an application for a junior accessory dwelling unit that meets the criteria in this section and is part of an existing single-family dwelling.
  - J. For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
  - K. For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
  - L. A junior accessory dwelling unit created under this chapter shall be maintained with the provisions of this chapter and shall not be destroyed or otherwise converted to any other use, including reverting to a portion of the primary residence, except with approval of the city clerk. In considering such requests, the city clerk shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the permit, and the impact on the city's affordable housing supply. As a condition of termination, the city clerk shall require the owner to make modifications to the property to comply with current building code requirements and to comply with current development standards in effect at the time of the request to terminate the use of the junior accessory dwelling unit.

## **CHAPTER 17.100**

### **REASONABLE ACCOMMODATIONS**

#### **Sections**

17.100.010	Purpose.
17.100.020	Findings.
17.100.030	Applicability.
17.100.040	Notice to the public of availability of accommodation process.
17.100.050	Requesting reasonable accommodation.
17.100.060	Reviewing authority.
17.100.070	Required findings.
17.100.080	Written decision on the request for reasonable accommodation.
17.100.090	Appeals.

#### **17.100.010 Purpose.**

It is the policy of the city, pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter "fair housing laws"), to provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This chapter establishes a procedure for making requests for reasonable accommodation in land use, zoning, and building regulations, policies, practices, and procedures of the city to comply fully with the intent and purpose of fair housing laws.

#### **17.100.020 Findings.**

- A. The city council finds that the federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing.
- B. The Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities.
- C. A fair housing reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use, zoning, and building regulations, policies, practices, and procedures will further the city's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

#### **17.100.030 Applicability.**

- A. Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices, and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.



- B. An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.
- C. A request for reasonable accommodation may be made by any individual(s) with a disability, their representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning, or building regulation, policy, practice, or procedure acts as a barrier to fair housing opportunities.

**17.100.040 Notice to the public of availability of accommodation process.**

Notice of the availability of reasonable accommodation shall be prominently displayed at city hall, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public at city hall.

**17.100.050 Requesting reasonable accommodation.**

- A. In order to make housing available to an individual with a disability, any eligible person as defined in Section 17.100.030 (Applicability) may request a reasonable accommodation in land use, zoning, and building regulations, policies, practices, and procedures.
- B. Requests for reasonable accommodation shall be in writing and provide the following information:
  - 1. Name and address of the individual(s) requesting reasonable accommodation;
  - 2. Name and address of the property owner(s);
  - 3. Address of the property for which accommodation is requested;
  - 4. Description of the requested accommodation and the regulation(s), policy, or procedure for which accommodation is sought; and
  - 5. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- C. 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.
- D. A request for reasonable accommodation in regulations, policies, practices, and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
- E. If an individual needs assistance in making the request for reasonable accommodation, the city will provide assistance to ensure that the process is accessible.

**17.100.060 Reviewing authority.**

- A. Where no approval is sought other than the request for reasonable accommodation, requests shall be reviewed by the city clerk or their designee using the criteria set forth in Section 17.100.070 (Required findings).
  - 1. The city clerk or their designee shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable

accommodation in accordance with the required findings set forth in Section 17.100.070.

2. If necessary to reach a determination on the request for reasonable accommodation, the city clerk or their designee may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30)-day period to issue a decision is stayed until the applicant responds to the request.
- B. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.

#### **17.100.070 Required findings.**

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

- A. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
- B. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
- C. Whether the requested accommodation would impose an undue financial or administrative burden on the city; and
- D. Whether the requested accommodation would require a fundamental alteration in the nature of the city's land use and zoning or building program.

#### **17.100.080 Written decision on the request for reasonable accommodation.**

- A. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the reviewing authority's findings on the criteria set forth in Section 17.100.070 (Required findings). All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.
- B. The written decision of the reviewing authority shall be final unless an applicant appeals it to the city council in compliance with Chapter 17.120 (Hearings and Appeals).
- C. If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the thirty (30)-day time period allotted by Section 17.100.060 (Reviewing authority), the request shall be deemed granted.
- D. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

#### **17.100.090 Appeals**

- A. Within thirty (30) days of the date of the reviewing authority's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.
- B. If an individual needs assistance in filing an appeal on an adverse decision, the city will provide assistance to ensure that the appeals process is accessible.

- C. 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.
- D. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

## **CHAPTER 17.104**

### **RESIDENTIAL DENSITY BONUSES**

#### **Sections:**

- 17.104.010 Purpose.
- 17.104.020 Definitions.
- 17.104.030 Application requirements.
- 17.104.040 Application review process.
- 17.104.050 Density bonus agreement.
- 17.104.060 Density bonus calculations.
- 17.104.070 Development standards.
- 17.104.080 Density bonus for commercial development.
- 17.104.090 Interpretation.

#### **17.104.010 Purpose.**

In accordance with California Government Code Sections 65915, et seq., this chapter specifies how compliance with State Density Bonus Law will be implemented. Specifically, the purpose of this chapter is to provide density bonuses, incentives, concessions, and waivers of development standards for the production of housing for very low-, low-, and moderate-income households, senior households, provision of daycare facilities, student housing, and donations of land, and for other housing types as provided by state law. In enacting this chapter, it is also the intent of the city to implement the goals and policies of the housing element of the general plan.

#### **17.104.020 Definitions.**

The definitions found in State Density Bonus Law shall apply to the terms contained in this chapter. "Incentives" include "concessions" as defined in State Density Bonus Law.

#### **17.104.030 Application requirements.**

- A. An applicant for a "housing development" as defined in State Density Bonus Law shall be eligible for a density bonus and other regulatory benefits that are provided by State Density Bonus Law when the applicant seeks and agrees to provide housing as specified in Government Code Section 65915(b), (c), (f), (g), (h) and (v), or in Government Code Section 65195.5, or successor provisions. The density bonus calculations shall be made in accordance with State Density Bonus Law.
- B. The granting of a density bonus, incentive, or concession, pursuant to this chapter, shall not be interpreted, in and of itself, to require a general plan amendment, development code amendment, zone change, other discretionary approval, or the waiver of a city ordinance or provisions of a city ordinance unrelated to development standards.
- C. All requests for density bonuses, incentives, parking reductions, and waivers for a housing development shall be filed with and on a form provided by the city clerk, or their designee, concurrently with the filing of the planning application for the first discretionary or ministerial permit required for the housing development, whichever permit is earliest. The applicant shall be informed whether the application is complete consistent with Government Code Section 65943.
- D. The application shall include the required fee and the following minimum information:
  - 1. For a requested density bonus.

- a. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.
  - b. Subparagraph of Government Code Section 65915(b)(1) under which the housing development qualifies for a density bonus and reasonable documentation demonstrating that the housing development is eligible for a bonus under that subparagraph.
  - c. Where the housing development is seeking an additional bonus, the subparagraph of Government Code Section 65915(v)(1) under which the housing development qualifies for an additional density bonus and reasonable documentation demonstrating that the housing development is eligible for the additional bonus under that subparagraph.
  - d. A tentative map or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.
  - e. The zoning and general plan designations and assessor's parcel number(s) of the housing development site.
  - f. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period; subject to any form of rent control through a public entity's valid exercise of its police power; or subject to a recorded covenant ordinance, or law restricting rents to levels affordable to households of lower or very low income.
  - g. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying the dwelling units when the site contained the maximum number of dwelling units, if known.
  - h. The phasing of the construction of the affordable housing units in relation to the nonrestricted units in the housing development.
  - i. A marketing plan for the affordable housing units, as well as an explanation of the methods to be used to verify tenant and/or buyer incomes and to maintain affordability of the affordable housing units.
  - j. If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code Section 65915 (g) can be met.
2. Requested incentives. Incentives are those defined by State Density Bonus Law. The number of incentives that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law. The application shall include the following minimum information for each incentive requested, shown on a site plan (if appropriate):
  - a. The city's usual regulation and the requested regulatory incentive or concession.

- b. Except where mixed-use zoning is proposed as a concession or incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
  - c. If approval of mixed-use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the costs of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs and rents.
- 3. Requested waivers. For each waiver requested, the applicant shall include, shown on a site plan, and shown for each existing or proposed parcel (if applicable), the city's required development standard and the requested development standard.
- 4. Parking reductions. If a housing development is eligible for a density bonus pursuant to State Density Bonus Law, the applicant may request an on-site vehicular parking ratio specified in Government Code Section 65915(p). An applicant may request this parking reduction in addition to the incentives and waivers permitted by paragraphs (2) and (3) of this subsection. The application shall include a table showing parking required by the zoning regulations, parking proposed under State Density Bonus Law, the statute under which the project qualifies for the parking reduction, and reasonable documentation that the project is eligible for the requested parking reduction.
- 5. Density bonus or incentive for a childcare facility in a housing development. The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.
- 6. Density bonus or incentive for a condominium conversion. The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.

**17.104.040 Application review process.**

- A. All requests under State Density Bonus Law shall be part of the planning application and shall be applied for, reviewed, and acted upon concurrently with the planning application by the city council, within the timelines prescribed by California Government Code Section 65950 et seq. or other statute.
- B. To ensure that an application for a housing development conforms with the provisions of State Density Bonus Law, the staff report presented to the city council shall state whether the application conforms to the following requirements of State Density Bonus Law, as applicable:
  - 1. The housing development provides the housing required by State Density Bonus Law to be eligible for a density bonus and any incentives, parking reduction, or waivers requested, including housing required to replace units rented or formerly rented to very low- and low-income households as required by California Government Code Section 65915(c)(3).
  - 2. If applicable, the housing development provides the housing required by State Density Bonus law to be eligible for an additional density bonus under Government Code Section 65915(v)(1).

3. If an incentive is requested, reasonable documentation has been presented showing that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing or costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of Government Code Section 65915(k)(2).
  4. If a waiver is requested, the development standards for which a waiver is requested would have the effect of physically precluding the construction of the housing development at the densities or with the incentives permitted.
  5. The housing development is eligible for any requested parking reductions under Government Code Section 65915(p) or other statute.
  6. If the density bonus is based all or in part on donation of land, the requirements of Government Code Section 65915(g) have been met.
  7. If the density bonus or incentive is based all or in part on the inclusion of a childcare facility or condominium conversion, the requirements included in Government Code Section 65915(h) or 65915.5, as appropriate, have been met.
- C. The city council shall grant an incentive requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
1. The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5; or for affordable rents, as defined in Health and Safety Code Section 50053; or
  2. The proposed incentive would be contrary to state or federal law; or
  3. The proposed incentive would have a specific, adverse impact upon the public health or safety or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, "specific, adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.
- D. The city council shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
1. The proposed waiver would be contrary to state or federal law; or
  2. The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources; or
  3. The proposed waiver would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, "specific, adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.

- E. If a childcare center complies with the requirements of Government Code Section 65915(h), the city council may deny a density bonus or incentive that is based on the provision of childcare facilities only if it makes a written finding, based on substantial evidence, that the city already has adequate childcare facilities.
- F. A request for minor modification of an approved density bonus housing plan may be granted by the city clerk, or their designee, if the modification substantially complies with the original density bonus housing plan and conditions of approval. Other modifications to the density bonus housing plan shall be processed in the same manner as the original plan.

**17.104.050 Density bonus agreement.**

- A. If a density bonus, incentive, parking reduction, or waiver is approved pursuant to this chapter, the applicant shall enter into a binding affordable housing agreement or restrictive covenant, as described below, with the city, which sets forth the conditions and guidelines to be met in the implementation of State Density Bonus Law and that ensures compliance with all of the provisions of this chapter. The agreement will also establish specific compliance standards and remedies available to the city upon failure by the applicant to comply with State Density Bonus Law, this chapter, or the affordable housing agreement.
- B. For rental projects, the applicant shall enter into an affordable housing agreement with the city, running with the land, in a form approved by the city attorney, to be executed by the city clerk, or their designee. The agreement shall require the continued affordability of all rental units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction for a minimum of fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size and location of each affordable unit; shall specify the eligible occupants; shall specify phasing of the affordable units in relation to the market-rate units; and shall contain other relevant provisions approved by the city attorney. Rents for the lower income density bonus units shall be set at an affordable rent as defined in State Density Bonus Law.
- C. For for-sale projects, the applicant shall enter into an affordable housing agreement with the city, running with the land, in a form approved by the city attorney, to be executed by the city clerk, or their designee. The affordable housing agreement shall require that, the initial purchasers of those for-sale units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction are persons and families of lower or moderate income, as applicable, or if any for-sale unit is not purchased by an income-qualified household within one-hundred eighty (180) days after the issuance of the certificate of occupancy, then the unit(s) must be sold pursuant to a contract that satisfies the requirements of Revenue and Taxation Code Section 402.1(a)(10) to a qualified non-profit housing corporation as defined in State Density Bonus Law and that the units are offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5; and shall contain other relevant provisions approved by the city attorney. The city shall enforce an equity sharing agreement consistent with State Density Bonus Law unless it is in conflict with the requirements of another public funding source or law.
- D. Where a density bonus, waiver or parking reduction is provided for a market-rate senior housing development, the applicant shall enter into a restrictive covenant with the city, running with the land, in a form approved by the city attorney, to be executed by the city clerk, or their designee, to require the housing development to be operated as "housing for older persons" consistent with state and federal fair housing laws.



- E. The executed affordable housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development, whichever is earliest. The affordable housing agreement shall be binding on all future owners and successors in interest.

**17.104.060 Density bonus calculations.**

- A. In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.
- B. When calculating the number of affordable units needed to qualify for a given density bonus, any fractions of affordable dwelling units shall be rounded up to the next whole number.
- C. Except where a housing development is eligible for an additional bonus pursuant to Government Code Section 65915(v), each housing development is entitled to only one density bonus. If a housing development qualifies for a density bonus under more than one category, the applicant shall identify the category under which the density bonus is requested to be granted.
- D. In determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law, units added by a density bonus are not included in the calculations. Any on-site units that satisfy inclusionary housing requirements adopted by the city and which are required to be constructed concurrently with the housing development may qualify the housing development for a density bonus if those units meet the requirements of State Density Bonus Law. Payment of fees in lieu of providing affordable units does not qualify a housing development for a density bonus.
- E. The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of affordable units required by State Density Bonus Law. Regardless of the number of affordable units, no housing development shall be entitled to a density bonus greater than what is authorized under State Density Bonus Law.
- F. Nothing in this chapter requires the provision of direct financial incentives from the city for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The city, at its sole discretion, may choose to provide such direct financial incentives.

**17.104.070 Development standards.**

- A. Building permits and final inspections or certificates of occupancy shall be issued concurrently for the market rate units and for any affordable units that qualified the project for a density bonus, incentive, waiver, or parking reduction, so that the affordable units comprise the required percentage of total units.
- B. Affordable units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the city.
- C. To comply with fair housing laws, the affordable units shall contain the same proportional mix of bedroom sizes as the market-rate units. In mixed-income buildings, the occupants

of the affordable units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market-rate housing units, and the affordable units shall be located throughout the building and not isolated on one floor or to an area on a specific floor.

**17.104.080 Density bonus for commercial development.**

- A. The following definitions shall apply to this section:
1. "Commercial development" means a development project for nonresidential and nonindustrial uses.
  2. "Commercial development bonus" means modification of development standards mutually agreed upon by the city and a commercial developer and provided to a commercial development eligible for such a bonus under subdivision (C). Examples of a commercial development bonus include an increase in floor area ratio, increased building height, or reduced parking.
  3. "Partnered housing agreement" means an agreement approved by the city between a commercial developer and a housing developer identifying how the commercial development will provide housing available at an affordable ownership cost or affordable rent consisted with subdivision (C). A partnered housing agreement may consist of the formation of a partnership, limited liability company, corporation, or other entity recognized by the state in which the commercial developer and the housing developer are each partners, members, shareholders, or other participants, or a contract between the commercial developer and the housing developer for the development of both the commercial developer and the housing development.
- B. When an applicant proposes to construct a commercial development and has entered into a partnered housing agreement approved by the city, the city shall grant a commercial development bonus mutually agreed upon by the developer and the city. The commercial development bonus shall not include a reduction or waiver in fees imposed on the commercial development to provide for affordable housing.
- C. The partnered housing agreement shall include all of the following provisions:
1. The housing development shall be located either: (a) on the site of the commercial development; or (b) on a site within the city that is within one-half mile of a major transit stop, as defined in Public Resources Code Section 21155, and is in close proximity to public amenities, including schools and employment centers.
  2. At least thirty percent (30%) of the total units in the housing development shall be made available at an affordable ownership cost or affordable rent to low-income households, or at least fifteen percent (15%) of the total units in the housing development shall be made available at an affordable ownership cost or affordable rent to very low-income households.
  3. The commercial development must agree either to directly build the affordable housing units, donate a site consistent with the requirements of Government Code Section 65915(g) for the development of the affordable housing units, or make a cash payment to the housing developer for the development of the affordable housing units.
- D. An approved partnered housing agreement shall be described in the Housing Element annual report as required by Government Code Section 65915.7(k).

**17.104.090 Interpretation.**

If any portion of this chapter conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this chapter. Any ambiguities in this chapter shall be interpreted to be consistent with State Density Bonus Law. Statutory references in this ordinance include successor provisions.

## **CHAPTER 17.108**

### **OBJECTIVE DESIGN STANDARDS**

Sections:

- 17.108.010 Purpose.
- 17.108.020 Applicability.
- 17.108.030 Approval authority.
- 17.108.040 Objective design standards.

#### **17.108.010 Purpose.**

The objective design standards set forth in this chapter supplement the development standards in this title and serve as minimum requirements for multifamily residential development and mixed-use development that contains residential uses.

#### **17.108.020 Applicability.**

These standards are mandatory for any qualifying residential project that requests streamlined processing and ministerial approval pursuant to state law provisions that reference objective design standards. Qualifying residential projects are those that comply with Government Code Section 65913.4(a).

Section 65913.4(a)(2)(C) provides that Section 65913.4 applies to areas within a jurisdiction that are zoned for residential use or residential mixed-use development or have a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use. As such, these objective design standards apply to developments meeting these requirements within the following zoning districts: R-R, R-1-10, R-1-12, R-2, R-3, M-H, and T-C. Section 65913.4(a)(1) defines a multifamily development as a development that contains two (2) or more residential units.

#### **17.108.030 Approval authority.**

The city clerk or designee shall use the objective design standards set forth in this chapter to approve developments that meet all of the criteria set forth in Government Code Section 65913.4.

#### **17.108.040 Objective design standards.**

##### **A. Site Standards.**

1. Street connectivity.
  - a. External Connectivity. Streets within any proposed subdivision or development site shall be aligned with existing and planned streets in adjacent neighborhoods so as to create a continuous street pattern. All streets, alleys, and pedestrian pathways in any subdivision or development site shall connect to other streets and to existing and planned streets outside the proposed subdivision or development.
  - b. Internal connectivity. New streets must form a continuous and linked vehicular and pedestrian network within the development.

- c. Cul-de-sacs and dead-end streets. Any cul-de-sac or other dead-end street longer than three hundred (300) feet shall be connected to other streets by a pedestrian path.
  - d. No gates/barriers. Automobile and pedestrian access points into multifamily residential developments shall not be gated or closed off to the public.
  - e. Block length/mid-block pedestrian connections. Blocks shall not exceed six hundred (600) feet in length, measured from street centerline to street centerline, unless mid-block pedestrian connections are provided at intervals of no more than three hundred fifty (350) feet apart. Such pedestrian connections shall include a walkway at least ten (10) feet wide.
- 2. Parking required.
  - a. Pursuant to Government Code Section 65913.4(e), no parking shall be required for those developments located within one-half (0.5) mile of public transit or within a designated historic district.
  - b. Pursuant to Government Code Section 65913.4(e), the maximum required parking shall be one (1) space per dwelling unit. A carport or enclosed garage is optional.
- 3. Parking location, design, and access.
  - a. All parking areas shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site. Barriers shall be provided where deemed necessary by the city to protect property.
  - b. Entrances and exits to parking lots and other parking facilities shall be provided at locations approved by the city engineer.
  - c. The parking area, aisles, and access drives shall be constructed with a minimum of six (6)-inch base and a double chip and seal to provide a durable, dustless surface, and shall be graded and drained to dispose of surface water, with the design and specifications for such work approved by the city engineer.
  - d. The use of cluster parking spaces into small parking areas, dispersed around the site, to avoid large paved expanses is required.
  - e. All parking lots shall include appropriately striped spaces for standard and compact cars as well as accessible spaces.
  - f. No parking is allowed in setback areas along project boundaries.
  - g. A separation of pedestrian and automobile traffic paths is required to minimize conflict areas for safety.
  - h. Walkways to connect parking lots to building entrances shall be provided. Landscaping, lighting, and paving shall be used to define walkways.
- 4. Parking lot lighting.
  - a. Light fixture design shall be compatible with the design and the use of the principal structure on the site. Light fixtures shall be equipped with appropriate reflectors and shielded to prevent illumination of the adjacent properties.

- b. Incorporate placement of light fixtures into the landscape scheme of the project. Show location and type of all exterior lights on the landscape plans.
  - c. Height of any light poles shall be appropriate for the project and surrounding environment. Height of the light poles shall not exceed that of the main building.
  - d. Use bollard type luminaries, maximum of eight (8) feet high for pedestrian areas.
  - e. Shield light sources to prevent any glare or direct illumination on public streets, adjacent properties, or highways.
  - f. All area lights shall be energy efficient type (LED, High Pressure Sodium, or equivalent).
  - g. All on-site pedestrian and automobile traffic areas shall be illuminated for safety and security.
5. Onsite open space and outdoor recreation areas.
- a. On each multifamily development of five (5) units or more, the open space requirements pursuant to Section 17.76.090 (Open space requirements for multifamily developments) shall be met.
  - b. In addition to those standards in Section 17.76.090, any multifamily project of fifteen (15) or more units shall provide a recreation area that complies with the following:
    - i. A defined and fenced recreation area which may include fixed play equipment, pools, ball courts, and similar facilities.
    - ii. The recreation area shall not be less than five hundred (500) square feet, or twenty-five (25) square feet per dwelling unit, whichever is greater.
    - iii. The recreation area shall be visible from more than one (1) dwelling unit within the project.
    - iv. The recreation area shall be protected from any adjacent streets or parking lots with a fence or other barrier at least four (4) feet in height.
  - c. Exemptions. The recreation area requirement shall not apply to any development that is:
    - i. Located within five hundred (500) feet of a public park; or
    - ii. Age-restricted to senior citizens.
  - d. For minimum setback requirements, refer to the zoning district.
6. Landscaping.
- a. At a minimum, the following landscaping is required:
    - i. All areas not occupied by parking, driveways, pedestrian walkways, recreation areas, buildings, structures, and hardscape shall be landscaped.
    - ii. The required front yard shall be landscaped and not used for parking. The only area not landscaped within the required front yard is the driveway access to the required parking area, which shall not exceed twenty-five (25) feet in width.

- iii. Landscaping within the front setback area shall include one (1) fifteen (15)-gallon size tree for each fifty (50) feet of frontage, and at least one (1) one (1)-gallon sized shrub for each five (5) feet of frontage.
- iv. In addition to the required trees and shrubs, the landscaped area may also be planted with lawn or ground cover plants. Other decorative, non-plant ground covers may be used as long as they do not exceed twenty-five (25) percent of the landscaped area.
- v. Parking lot landscaping shall be provided to enhance sites and building parking areas in compliance with subsection (C) of Section 17.60.090 (Design, construction, and maintenance standards).
- vi. Where landscaping is provided, adequate irrigation and maintenance thereof shall be provided, including replacement of dead trees, shrubs, vines, or other ground cover required pursuant to this section.

7. Fencing.

- a. All fences shall comply with Section 17.76.120 (Fences, walls, hedges, and screen planting).
  - b. Any perimeter fencing utilized along a public street shall be constructed of decorative iron, pre-painted welded steel, vinyl, or wood picket material.
  - c. Fences and walls shall be compatible in style and material with the main structures on a site.
  - d. To avoid the monotony of long, solid walls and fences around the perimeter of projects, variation in height and depth is encouraged.
  - e. Barbed wire and chain link fencing is prohibited.
  - f. Fences and walls used for noise control shall be made of materials most suited for noise reduction and which minimize reflective sound.
  - g. Security fencing and gates shall be of an open type to allow for maximum visibility of the secured area. Wrought iron and cast-iron fences are recommended for security fences and gates for all uses.
8. Refuse containers. Provide dumpsters for garbage collection and containers for recycling within a screened enclosure design specifically for that use pursuant to Section 17.76.230 (Trash and recycling enclosures).

B. Building Design Standards.

1. Building mass and articulation.

- a. Building length. Buildings shall not be less than twenty (20) feet or exceed two hundred (200) feet in width or length on any side.
- b. Facade articulation. All building facades that face or will be visible from a public street shall include one (1) or more of the following treatments.
  - i. Exterior building walls shall vary in depth through a pattern of offsets, recesses, or projections.

- ii. The building height shall be varied so that a portion of the building has a noticeable change in height; or roof forms are varied over different portions of the building through changes in pitch, plane, and orientation.
  - iii. The building facades shall incorporate details such as window trim, window recesses, cornices, belt courses, and other design elements.
- c. Maximum building height. As established for the zoning district in which the development is located.
- d. Vertical articulation for tall buildings. In buildings of three (3) or more stories, upper and lower stories shall be distinguished by incorporating one (1) or more of the following features. These features may be applied to the transitions between any floors, except where otherwise specified.
  - i. A change in facade materials, along with a change in plane at least one (1) inch in depth at the transition between the materials.
  - ii. A horizontal design feature such as a water table, belt course, or belly band.
  - iii. A base treatment at the ground floor consisting of a material such as stone, concrete masonry, or other material distinct from the remainder of the facade and projecting at least one (1) inch from the wall surface of the remainder of the building.
  - iv. Setting back the top floor(s) of the building at least five (5) feet from the remainder of the facade.
- 2. Facade transparency/limitation on blank walls.
  - a. At least twenty (20) percent of the area of each street-facing facade of a residential building must consist of windows, doors, or other openings. No wall that faces a sidewalk, pedestrian walkway, or publicly accessible outdoor space shall run in a continuous plane of more than thirty (30) feet without a window, door, or other opening.
- 3. Roofline.
  - a. Minimum roof slope: 3:12.
  - b. Minimum roof eave overhang. Twelve (12) inches.
- 4. Exterior theme.
  - a. Buildings shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.
  - 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.
- 5. Screening. All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings in accordance with Section 17.76.240 (Screening).



## **CHAPTER 17.112 SURFACE MINING AND RECLAMATION**

### **Sections:**

- 17.112.010 Purpose and intent.
- 17.112.020 Definitions.
- 17.112.030 Incorporation by reference.
- 17.112.040 Applicability.
- 17.112.050 Vested rights.
- 17.112.060 Use permits.
- 17.112.070 Reclamation plans.
- 17.112.080 Modifications to reclamation plans.
- 17.112.090 Interim management plans.
- 17.112.100 Financial assurances.
- 17.112.110 Appeals.
- 17.112.120 State review.
- 17.112.130 Transferability.
- 17.112.140 Annual inspections and reports.
- 17.112.150 Record keeping.
- 17.112.160 Enforcement.
- 17.112.170 Fees.

### **17.112.010 Purpose and intent.**

The city recognizes that the extraction of minerals is essential to the continued economic well-being of the city and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The city also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

The purpose and intent of this chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code [PRC] Section 2710 et seq.), as amended, hereinafter referred to as "SMARA", PRC Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "state regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Section 3500 et seq.), to ensure that:

- A. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
- B. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
- C. Residual hazards to the public health and safety are eliminated.

### **17.112.020 Definitions.**

The definitions set forth in this section shall govern the construction of this chapter.

"Area of regional significance" means an area designated by the State Mining and Geology Board (SMGB) which is known to contain a deposit of minerals, the extraction of which is judged to be

of prime importance in meeting future needs for minerals in a particular region of the State within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.

“Area of statewide significance” means an area designated by the SMGB which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the state and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.

“Borrow pits” means excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

“Compatible land uses” means land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.

“Haul road” means a road along which material is transported from the area of excavation to the processing plant or stockpile area of the surface mining operation.

“Idle” means an operator of a surface mining operation has curtailed production at the surface mining operation, with the intent to resume the surface mining operation at a future date, for a period of one (1) year or more by more than ninety (90) percent of its maximum annual mineral production within any of the last five (5) years during which an interim management plan has not been approved.

“Incompatible land uses” means land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.

“Mined lands” means the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

“Minerals” means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

“Mining waste” means the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

“Operator” means any person who is engaged in surface mining operations, or who contracts with others to conduct operations on their behalf, except a person who is engaged in surface mining operations as an employee with wages as their sole compensation.

“Permit” means any authorization from, or approval by, a lead agency, the absence of which would preclude surface mining operations.

“Reclamation” means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

“Stream bed skimming” means excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.

“Surface mining operations” means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in-place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same).

“Vested rights” means a person shall be deemed to have vested rights if, prior to January 1, 1976, the person has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary for the surface mining operations. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

#### **17.112.030 Incorporation by reference.**

- A. The provisions of SMARA (PRC Section 2710 et seq.), PRC Section 2207, and state regulations CCR Section 3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this chapter are more restrictive than correlative state provisions, this chapter shall prevail.
- B. PRC Sections 2762, 2763 and 2764 and Chapter 14 California Code of Regulations Section 3676, and subsequent amendments regarding mineral classification studies and general plan resource management policies are incorporated into this chapter.

#### **17.112.040 Applicability.**

- A. Except as provided in this chapter, no person shall conduct surface mining operations unless a permit, reclamation plan, and financial assurances for reclamation have first been approved by the city. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances, or policies of the city, including but not limited to, the application of the California Environmental Quality Act (“CEQA”, PRC, Division 13, Section 21000 et seq.), the requirement of site approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this chapter shall apply to all lands within the city, public and private.
- B. This chapter does not apply to any of the following activities, subject to the above-referenced exceptions:
  - 1. Excavations or grading conducted for farming.

2. Onsite excavation and onsite earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:
  - a. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, CEQA.
  - b. The city's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA.
  - c. The approved construction project is consistent with the general plan or zoning of the site.
  - d. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.
3. Operation of a mineral processing site, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling, crushing, screening, batching, and onsite recovery of mined materials, subject to all of the following conditions:
  - a. The site is located on lands designated for industrial or commercial uses in the general plan.
  - b. The site is located on lands zoned industrial or commercial or on lands appropriately zoned for mineral processing.
  - c. None of the minerals being processed are extracted onsite.
  - d. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred onsite after January 1, 1976.
4. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than one thousand (1,000) cubic yards in any one location of one (1) acre or less.
5. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.
6. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.
7. Surface mining operations and emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board as specified in PRC Section 2714.
8. Excavations or grading for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operations or forest management on land owned by the same person or entity. This exemption is

limited to excavation and grading that is conducted adjacent to timber operation or forest management roads and shall not apply to onsite excavation or grading that occurs within one hundred (100) feet of a Class One watercourse or seventy-five (75) feet of a Class Two watercourse, or to excavation for materials that are, or have been, sold for commercial purposes.

- a. This exemption shall be available only if slope stability and erosion are controlled in accordance CCR Sections 3704(f) and 3706(d) and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post-closure uses in consultation with the Department of Forestry and Fire Protection.
9. Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to and necessary for ongoing operations for the extraction of oil or gas as specified in PRC Section 2714.

#### **17.112.050 Vested rights.**

- A. No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, state regulations, and this chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, they shall obtain city approval of a reclamation plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-SMARA mining, the reclamation plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of SMARA (January 1, 1976).
- B. All other requirements of state law and this chapter shall apply to vested mining operations.

#### **17.112.060 Use permits.**

A use permit shall be required for a surface mining operation which is not determined to be vested. A use permit shall also be required for the expansion of a surface mining operation beyond the boundaries of the vested area.

#### **17.112.070 Reclamation plans.**

- A. The city's review of reclamation plans is limited to whether the plan substantially meets the applicable requirements of this chapter and PRC Sections 2772, 2773, 2773.3, and Article 1 (commencing with Section 3500), Article 9 (commencing with Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the CCR, as applicable. Reclamation plans determined to substantially meet these requirements shall be approved by the city for purposes of this chapter.
- B. The following standards shall apply to all reclamation plans:
  1. The reclamation plan shall be applicable to a specific piece of property or properties, shall be based upon the character of the surrounding area and such characteristics of the property as type of overburden, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities, and reclamation plan, including topography, revegetation, and sediment and erosion control.
  2. All reclamation plans shall be subject to the reclamation performance standards in 14 CCR Sections 3700 through 3713. These standards shall apply to each mining

operation, but only to the extent that they are consistent with the planned or actual subsequent use or uses of the mining site.

3. The city shall employ standards in compliance with state policy. The city may impose additional performance standards (conditions) developed either in review of individual projects, as warranted, or through the adoption of citywide performance standards.
- C. The reclamation plan shall be filed with the city on a form provided by the city clerk, by any person who owns, leases, or otherwise controls or operates on all, or any portion of any, mined lands, and who plans to conduct surface mining operations thereon. The reclamation plan shall include the information and documents required under PRC Sections 2772, 2773, 2773.3, and Article 1 (commencing with Section 3500), Article 9 (commencing with Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the CCR, as applicable. The application shall also include environmental review information required under CEQA as prescribed by the city clerk or their designee.
1. Professional reports, documents, calculations, plans, specifications, maps, cross sections, boring or trench logs, and diagrams (documents hereafter) which must, under applicable law, regulation, or code, be prepared by or under the supervision of licensed professionals will not be accepted or considered unless at least one copy of said document bears an original signature, stamp impression or seal, and date affixed by the author in accordance with applicable law and regulation.
  2. Unless otherwise directed or agreed in advance, all professionally prepared documents included in any application package submitted for formal decision maker action are to be in final form and must be signed, stamped or sealed, and dated in accordance with applicable law and regulation.
- D. Reclamation plans shall be approved, conditionally approved, or denied in accordance with this chapter, including a public hearing, except where preempted by the PRC.
1. Reclamation plans determined not to substantially meet the requirements of this chapter, PRC Sections 2772, 2773, 2773.3, and Article 1 (commencing with Section 3500), Article 9 (commencing with Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the CCR, as applicable, shall be returned to the operator within sixty (60) days. The operator has sixty (60) days to revise the plan to address identified deficiencies, at which time the revised plan shall be returned to the city for review and approval of completeness.
  2. Prior to city approval, reclamation plans shall be forwarded to the Department of Conservation and other state agencies as required under SMARA (PRC Section 2772.1). The city shall certify to the supervisor that the reclamation plan complies with the applicable requirements of PRC Sections 2772, 2773, 2773.3, and Article 1 (commencing with Section 3500), Article 9 (commencing with Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the CCR, as in effect at the time the reclamation plan is submitted to the supervisor for review (PRC Section 2772.1).
- E. The decision on a reclamation plan may be appealed in accordance with Section 17.112.110 (Appeals).
- F. Prior to approving a reclamation plan, the approving body shall make the following findings:
1. The project has been reviewed pursuant to CEQA, all adverse impacts related to the reclamation plan have been mitigated by the plan and/ or the recommended condition of approval, and the appropriate environmental determination has been adopted.

2. The reclamation plan complies with the requirements of the SMARA, specifically PRC Sections 2772 and 2773, and the reclamation standards specified in CCR, Title 14, Division 2, Chapter 8, Subchapter 1, Article 9, Sections 3700 through 3713.
  3. The reclamation plan has been forwarded to the Department of Conservation as prescribed by this chapter and in accordance with PRC Section 2772.1, including all applicable documentation required for submission as outlined in PRC Section 2772.1.
  4. The reclamation plan complies with the purpose, intent, and requirements of this chapter.
  5. The proposed goal of reclamation is consistent with the general plan policies and zoning for the area.
- G. If the surface mining operation for which a reclamation plan has been approved is not commenced within two (2) years of the approval date of the reclamation plan, the reclamation plan shall be null and void. An extension of time for one (1) additional year may be granted by the original approving body provided the operator submits a request prior to the expiration of the reclamation plan. Extension of time shall not be granted to extend the date of completion of the reclamation plan.

#### **17.112.080 Modifications to reclamation plans.**

- A. Any person having an approved reclamation plan may file for an amendment of that reclamation plan as specified herein. Amendment applications shall be in the form specified by the city clerk. An amendment to an approved reclamation plan will be considered minor or major based on whether there is a substantial deviation from the approved reclamation plan. All proposed reclamation plan amendments shall be submitted to the Department of Conservation for concurrence that an amendment is a minor, non-substantial deviation from the approved plan, or for compliance review of a major, substantial deviation plan amendment. A major amendment shall be subject to the standard reclamation plan application fee and a minor amendment shall be subject to the minor amendment application fee.
- B. Minor, Non-Substantial Deviation Reclamation Plan Amendments. Minor reclamation plan amendments may include any of the following if the city clerk and the Department of Conservation determine the amendment does not constitute a substantial deviation from the approved reclamation plan:
1. Modifications that involve minor changes, such as those that improve drainage, improve slope designs within the reclamation plan boundaries or improve re-vegetation success;
  2. Modifications that adjust the reclamation boundaries to incorporate areas disturbed prior to January 1, 1976, or existing components of the mining operation that were established in accordance with all other city requirements;
  3. Approval of interim management plans for idle mines pursuant to this chapter; or
  4. Other modifications that the city clerk determines do not constitute a substantial deviation from the approved reclamation plan upon concurrence from the Department of Conservation.
- C. The city clerk is the decision-making authority for non-substantial reclamation plan amendments. The city clerk's decision may be appealed to the city council pursuant to Section 17.120.020 (Appeals of administrative action).
- D. Major, Substantial Deviation Reclamation Plan Amendments. A major reclamation plan amendment is any reclamation plan amendment that constitutes a substantial deviation from

the existing, approved reclamation plan under this section and SMARA. A substantial deviation shall be defined as a change or expansion to a surface mining operation that substantially affects the completion of the previously approved reclamation plan, or that changes the end use of the approved plan to the extent that the scope of the reclamation required for the surface mining operation is substantially changed. In determining whether a change or expansion constitutes a substantial deviation, the lead agency shall take into consideration the following factors:

1. A substantial increase in the disturbance of a surface area or in the maximum depth of mining;
2. A substantial extension of the termination date of the mining operation as set out in the approved reclamation plan;
3. Changes that would substantially affect the approved end use of the site as established in the reclamation plan;
4. The consistency of any proposed change to the operation with the previously adopted environmental determinations and one that would trigger a new environmental document;
5. Whether the change would trigger a substantial amendment to any approved use permit applicable to the mining activity; and/or
6. Any other changes that the lead agency deems substantial deviations as defined in this subsection.

E. The city council is the decision-making body for substantial deviation reclamation plan amendments.

#### **17.112.090 Interim management plans.**

- A. Within ninety (90) days of a surface mining operation becoming idle, the operator shall submit to the city for review and approval, an interim management plan. The review and approval of an interim management plan shall not be considered a project for purposes of CEQA. The approved interim management plan shall be considered an amendment to the surface mining operation's approved reclamation plan. The interim management plan shall provide the measures that the operator will implement to maintain the site in compliance with SMARA, including all conditions of any applicable use permit and/or reclamation plan.
- B. Prior to city approval, interim management plans shall be submitted for review by the Department of Conservation pursuant to Section 17.112.120 (State review).
- C. The city clerk may approve an interim management plan without public notice or a public hearing if the city clerk determines that the interim management plan does not require any changes to the reclamation plan or conditions of approval and adequately describes the measures that will be implemented to maintain the mine in idle status while complying with SMARA and any applicable permit conditions. The decision of the city clerk may be appealed to the city council pursuant to Section 17.120.020 (Appeals of administrative action).
- D. The interim management plan may remain in effect for a period not to exceed five (5) years, at which time the city shall do one of the following:
  1. Renew the interim management plan for another period not to exceed five (5) years, if the city finds that the surface mining operator has complied fully with the interim management plan;



2. Require the operator to commence reclamation in accordance with the approved reclamation plan.
- E. The financial assurances shall remain in effect during the period that the surface mining operation is idle. If the operation remains idle after the expiration of its interim management plan, reclamation shall commence in accordance with the approved reclamation plan.
  - F. Within forty-five (45) days of the receipt of the interim management plan, or a longer period mutually agreed upon by the city clerk and the operator, the city clerk or their designee shall review the interim management plan in accordance with this chapter, and if the interim management plan satisfies the requirements of this section, forward the plan to the Department of Conservation for comment. Otherwise, the city clerk or their designee shall notify the operator in writing of any deficiencies in the plan. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the city clerk, to submit a revised plan.
  - G. The city clerk or their designee shall submit the interim management plan, including a revised interim management plan, to the Department of Conservation for review, and certify to the supervisor that the interim management plan is a complete submission and complies with the applicable requirements of this chapter and PRC, Division 2, Chapter 9, Section 2710 et seq., Article 1 (commencing with Section 3500) and Article 9 (commencing with Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the CCR.
  - H. The city clerk or their designee shall review and evaluate written comments received from the Department of Conservation relating to the interim management plan within a reasonable amount of time and respond to the supervisor in accordance with PRC Section 2770, including, but not limited to, providing the supervisor notice of an intended approval of the interim management plan.
  - I. The city clerk shall approve or deny the revised interim management plan within sixty (60) days of receipt of the Department of Conservation's comments or within ninety (90) days of submitting the interim management plan to the supervisor if no comments are received from the supervisor. If the city clerk denies the revised interim management plan, the operator may appeal that action to the city council, which shall schedule a public hearing within forty-five (45) days of the filing of the appeal, or any longer period mutually agreed upon by the operator and the city council.
  - J. Unless review of an interim management plan is pending before the city, or an appeal is pending before the city council, a surface mining operation which remains idle for more than one (1) year after becoming idle as defined in Section 2727.1 without obtaining approval of an interim management plan shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved reclamation plan.
  - K. Any enforcement action which may be brought against a person for operating without an approved reclamation plan, financial assurance, or interim management plan, shall be held in abeyance pending review pursuant to PRC Section 2770 subdivision (b) or (h), or the resolution of an appeal filed with the State Mining and Geology Board pursuant to subdivision (e), or with the city council pursuant to subdivision (h) (PRC Section 2770(h)(1) through (6)).

#### **17.112.100 Financial assurances.**

- A. The city's review of financial assurances is limited to whether the financial assurances substantially meet the applicable requirements of PRC Section 2773.1, Article 11 (commencing with Section 3800) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the CCR, and this chapter. Financial assurances for reclamation shall be sufficient to perform

reclamation of lands remaining disturbed. Financial assurances determined to substantially meet these requirements shall be approved by the city for purposes of this chapter. Except as specified in PRC Section 2770(e), an appeal pursuant to PRC Section 2770(e) with regard to non-approval of financial assurances, and that appeal is pending before the State Mining and Geology Board, the continuation of the surface mining operation is prohibited until financial assurances for reclamation are approved by the city.

- B. The city shall require financial assurances of each surface mining operation to ensure reclamation is performed in accordance with the surface mining operation's approved reclamation plan, as follows:
1. Financial assurances may take the form of surety bonds executed by an admitted surety insurer, as defined in subdivision (a) of Section 995.120 of the Code of Civil Procedure, irrevocable letters of credit, trust funds, or other forms of financial assurances specified by the State Mining and Geology Board pursuant to PRC Section 2773.1(e), which the city reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan.
  2. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed.
  3. The amount of financial assurances cost estimate required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. An operator shall be required to replace an approved financial assurance mechanism to bond for the reclamation of the surface mining operation only if the financial assurance cost estimate identifies a need to increase the amount of the financial assurance mechanism.
  4. Financial assurance cost estimates shall be submitted to the city for review on a form developed by the Department of Conservation and approved by the State Mining and Geology Board.
  5. The financial assurances shall be made payable to the city and the Department of Conservation. A financial assurance mechanism shall not be released without the consent of the city clerk and the Department of Conservation. Financial assurances that were approved by the city prior to January 1, 1993, and were made payable to the state geologist shall be considered payable to the Department of Conservation for purposes of this chapter. However, if a surface mining operation has received approval of its financial assurances from a public agency other than the city, the city shall deem those financial assurances adequate for purposes of this section, or shall credit them toward fulfillment of the financial assurances required by this section, if they are made payable to the public agency, the city, and the Department of Conservation and otherwise meet the requirements of this section. In any event, if the city and one or more public agencies exercise jurisdiction over a surface mining operation, the total amount of financial assurances required by the city and the public agencies for any one year shall not exceed that amount which is necessary to perform reclamation of lands remaining disturbed. For purposes of this paragraph, a "public agency" may include a federal agency.
  6. Estimates for financial assurances shall include descriptions of the tasks to be performed, identification of equipment, labor and materials requirements, definition of unit costs, total cost per task, total direct cost of reclamation, and administrative costs including costs of supervision, profit and overhead, contingencies and mobilization.

Additional required information may include a site plan showing the present limits of the disturbed area to be reclaimed, and other information necessary to verify the estimate.

7. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the city or state may need to contract with a third-party for reclamation of the site.
- C. Financial assurances determined not to substantially meet the requirements of PRC Section 2773.1 shall be returned to the operator within sixty (60) days. The operator has sixty (60) days to revise the financial assurances to address identified deficiencies, at which time the revised financial assurances shall be returned to the city for review and approval of completeness.
- D. Prior to city approval, financial assurances shall be forwarded to the Department of Conservation pursuant to Section 17.112.120 (State review) and PRC Section 2773.4.
- E. The decision to approve financial assurances, both with respect to the form and amount thereof, shall be made by the city clerk. The financial assurance estimates shall be based on an approved reclamation plan. The city clerk's decision may be appealed in accordance with Section 17.112.110 (Appeals).
- F. Financial assurances are not required of a surface mining operation, and shall be released, upon written notification by the city clerk and the Department of Conservation, which shall be forwarded to the operator and the institutions providing or holding the financial assurance mechanism, when reclamation has been completed in accordance with the approved reclamation plan. If a mining operation is sold or ownership is transferred to another person, the existing financial assurances shall remain in force and shall not be released by the city clerk and the Department of Conservation until new financial assurances are secured from the new owner and have been approved by the city in accordance with Section 2770, 2773.1, and 2773.4. Within ninety (90) days of the sale or transfer of a surface mining operation, the new operator shall submit an appropriate financial assurance mechanism, which may be the existing mechanism if the existing mechanism is payable in the event of the new operator's financial incapability or abandonment of the surface mining operation, that is subject to review by the city and the Department of Conservation pursuant to subdivision (e) of Section 2773.4. Within fifteen (15) days of the sale or transfer of a surface mining operation, the new operator shall sign a new statement of reclamation responsibility in accordance with paragraph (10) of subdivision (c) of Section 2772.
- G. The city shall conduct a public hearing to determine if the operator is financially incapable of performing reclamation in accordance with the approved reclamation plan, or has abandoned the surface mining operation without completing reclamation. The city shall provide notice of the public hearing to the operator and the Department of Conservation at least thirty (30) days prior to the hearing.
- H. If the city, following a public hearing, determines that the operator is financially incapable of performing reclamation in accordance with the approved reclamation plan, or has abandoned the surface mining operation without completing reclamation, the city clerk or their designee shall do all of the following:
  1. Notify the operator by personal service or certified mail that the city intends to take appropriate action to forfeit the financial assurances and specify the reasons for so doing;

2. Allow the operator sixty (60) days to commence or cause the commencement of reclamation in accordance with its approved reclamation plan and require that reclamation be completed within the time limits specified in the approved reclamation plan or some other time period mutually agreed upon by the city and the operator;
3. Proceed to take appropriate action to require forfeiture of the financial assurances if the operator does not substantially comply with subsection (H)(2) of this section; and
4. Use the proceeds from the forfeited financial assurances to conduct and complete reclamation in accordance with the approved reclamation plan. If the surface mining operation cannot be reclaimed in accordance with its approved reclamation plan, or the financial assurance mechanisms are inadequate to reclaim in accordance with its approved reclamation plan, the city or Department of Conservation may use forfeited financial assurance mechanisms to reclaim or remediate mining disturbances as appropriate for the site conditions as determined by both the city and the supervisor. In no event shall the financial assurances be used for any other purpose. The operator is responsible for the costs of conducting and completing reclamation in accordance with the approved reclamation plan which are in excess of the proceeds from the forfeited financial assurances.

#### **17.112.110 Appeals.**

Decisions of the city clerk or their designee may be appealed to the city council within fifteen (15) calendar days of the decision by filing an appeal pursuant to Section 17.120.020 (Appeals of administrative action).

#### **17.112.120 State review.**

- A. Prior to approving a surface mining operation's reclamation plan, interim management plan, financial assurances, including existing financial assurances reviewed by the city pursuant to PRC Section 2773.4 or any amendments, the city shall submit the plan, assurances, or amendments to the Department of Conservation for review.
- B. Pursuant to PRC Section 2772.1 and PRC Section 2773.4(b) the Department of Conservation shall be given thirty (30) days to review the reclamation plan and fifteen (15) days to review the financial assurance, including any amendments, for completeness. Following the receipt of a complete reclamation plan submission, including any amendments, the supervisor shall be given thirty (30) days to comment. Following the receipt of a complete financial assurance submission, including any amendments, the supervisor shall be given forty-five (45) days to comment. For an interim management plan, the supervisor shall be given thirty (30) days to comment pursuant to PRC Section 2770(h)(4)(C). The city shall prepare a written response to the supervisor's comments describing the disposition of the major issues raised by the supervisor's comments, and submit the city's proposed response to the supervisor at least thirty (30) days prior to approval of the reclamation plan, plan amendment, interim management plan, financial assurance, or financial assurance amendment. The city's response to the supervisor's comments shall describe whether the city proposes to adopt the supervisor's comments to the reclamation plan, plan amendment, interim management plan or financial assurance, or financial assurance amendment. If the city does not propose to adopt the supervisor's comments, the city shall specify, in detail, why the city proposes not to adopt the comments. Copies of any written comments received and responses prepared by the city shall be forwarded to the operator. The city shall also give the supervisor at least thirty (30) days' notice of the time, place, and date of the hearing before the city council at which time the reclamation plan, plan amendment, financial assurance, or financial assurance

amendment is scheduled to be approved. If no hearing is required by this chapter or title or state law, then the city shall provide thirty (30) days' notice to the supervisor that it intends to approve the reclamation plan, plan amendment, interim management plan financial assurance, or financial assurance amendment. Within thirty (30) days following the approval of the reclamation plan or plan amendment, the city shall provide the supervisor notice of the approval. The city shall provide, as soon as practicable but no later than sixty (60) days after approval of the reclamation plan or plan amendment, certified copies of all maps, diagrams, or calculations, signed and sealed in accordance with PRC Section 2772.1(b)(7)(A) and PRC Section 2772.1(b)(7)(B), including all required documentation as outlined in said sections. The city shall send to the supervisor its final response to the supervisor's comments within thirty (30) days following its approval of the financial assurance or amendment during which period the department retains all powers, duties, and authorities of this chapter.

- C. The city shall notify the Department of Conservation of the filing of an application for a permit to conduct surface mining operations within thirty (30) days of such an application being filed (and determined complete) with the city.
- D. Whenever surface mining operations are proposed in the 100-year floodplain for any stream, as shown in Zone A of Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one (1) mile upstream or downstream of any state highway bridge, the city shall notify the Department of Transportation that the application has been received. The Department of Transportation shall have a period of not more than forty-five (45) days to review and comment on the proposed surface mining operations with respect to any potential damage to the state highway bridge from the proposed surface mining operations. The city shall not issue or renew the permit until the Department of Transportation has submitted its comments or until forty-five (45) days from the date the application for the permit was submitted, whichever occurs first.
- E. The city shall comply with the procedures and timeframes prescribed in PRC Section 2774.2.5 when submitting to the Department of Conservation for state review. If there is any conflict between the requirements of this section and SMARA, the requirements of SMARA shall govern.

#### **17.112.130 Transferability.**

- A. Whenever one operator succeeds to the interest of another in any uncompleted surface mining operation by sale, assignment, transfer, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved reclamation plan and the provisions of this chapter.
- B. Financial assurances provided by the operator's successor to the city and the Department of Conservation shall have been approved, and the financial assurance mechanism shall be in place prior to the continuation of surface mining operations.

#### **17.112.140 Annual inspections and reports.**

- A. Surface mining operators shall forward an annual status report to the Department of Conservation and to the city on a date established by the supervisor upon forms furnished by the State Mining and Geology Board.
- B. The city shall conduct an inspection of a surface mining operation in intervals of no more than twelve (12) months, solely to determine whether the surface mining operation is in compliance with this chapter. In no event shall the city inspect a surface mining operation less than once in any calendar year. The city may cause such an inspection to be conducted by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or

state-registered forester, or a qualified city employee experienced in land reclamation and not previously employed by the mining operation in any capacity during the previous twelve (12) months. All inspections shall be conducted using a form developed by the Division of Mine Reclamation and approved by the State Mining and Geology Board. The operator shall be solely responsible for the reasonable cost of the inspection. The city shall provide a notice of completion of inspection to the supervisor within ninety (90) days of conducting the inspection. The notice shall contain a statement regarding the surface mine's compliance with this chapter, shall include a copy of the completed inspection form, and shall specify, as applicable, all of the following:

1. Aspects of the surface mining operations, if any, are inconsistent with this chapter but were corrected before the submission of the inspection form to the supervisor;
  2. Aspects of the surface mining operation, if any, that were found to be inconsistent with this chapter but were not corrected before the submission of the inspection form to the supervisor;
  3. A statement describing the city's intended response to any aspects of the surface mining operation found to be inconsistent with this chapter but were not corrected before the submission of the inspection form to the supervisor; and
  4. A statement as to whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the city.
- C. If the surface mining operation has a review of its reclamation plan, financial assurances, or an interim management plan pending under subdivision (b) or (h) of Section 2770, or an appeal pending before the State Mining and Geology Board or the city council under subdivision (b) or (h) or Section 2770, the notice shall so indicate. The city shall forward to the operator a copy of the notice, a copy of the completed inspection form, and any supporting documentation, including, without limitation, any inspection report prepared by the geologist, civil engineer, landscape architect, or forester, or qualified city employee who conducted the inspection.

#### **17.112.150 Record keeping.**

- A. The city shall establish and maintain in-house measures and procedures to ensure organized record keeping and monitoring of surface mining reclamation under its jurisdiction. The city shall forward a copy of each permit and approved reclamation plan and financial assurance instrument to the Department of Conservation.
- B. Reclamation plans, reports, applications, and other documents submitted pursuant to this chapter are public records, unless it can be demonstrated to the satisfaction of the city that the release of that information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The city shall identify such proprietary information as a separate part of the application. Proprietary information shall be made available only to the Department of Conservation and to persons authorized in writing by the operator and by the owner.
- C. A copy of all reclamation plans, reports, applications, and other documents submitted pursuant to this chapter shall be furnished to the Department of Conservation by the city on request.

#### **17.112.160 Enforcement.**

- A. If the city clerk or their designee, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in

compliance with SMARA, the approved reclamation plan, an interim management plan or the provisions of this chapter, then the city clerk may follow the enforcement procedures and remedies provided in PRC Section 2774.1 including issuance of a notice of violation and any subsequent order to comply and administrative penalties. Such enforcement procedures and remedies are non-exclusive and are in addition to any other procedure or remedy provided under the law.

- B. An appeal of an order to comply without administrative penalties must be made to the city council in accordance with Section 17.112.110 (Appeals) except that the appeal may be lodged within thirty (30) days of the order. An appeal of an order setting administrative penalties must be made directly to the city council in accordance with Section 17.112.110 except that the appeal may be lodged within thirty (30) days of the order.

#### **17.112.170 Fees.**

The city council shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this chapter and applicable state laws, including processing of applications, appeals, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator of the surface mining operation as required by the city at the time of filing of the reclamation plan application, modification to reclamation plan application, appeal, or time extension request, and at such other times as are determined by the city to be appropriate in order to ensure that all reasonable costs of implementing this chapter are borne by the mine operator.

## **CHAPTER 17.116**

### **AMENDMENTS**

#### Sections:

- 17.116.010 When made.
- 17.116.020 Initiation.
- 17.116.030 Public hearings.
- 17.116.040 Action by city council.

#### **17.116.010 When made.**

Subject to the approval of the city council, the regulations and districts established by this title, and the boundaries thereof, may be changed, amended, or altered, or any provision thereof may be changed, altered, or amended, and any property within the city may be rezoned, reclassified, or established whenever the public convenience, necessity, or general welfare require the same by following the procedure set forth in this chapter.

#### **17.116.020 Initiation.**

Any such change, amendment, alteration, rezoning, or establishment (singly or collectively referred to herein as an "amendment") may be initiated by the city council or city clerk, or by verified petition of one (1) or more owners of the property affected by the proposed amendment, which petition shall be filed and accompanied by a fee set by the city council.

#### **17.116.030 Public hearings.**

The city council shall hold a public hearing on any proposed amendment and shall give notice of the time and place of the hearings, as set forth in Section 17.120.010 (Notice required). Any such hearing may be continued from time to time.

#### **17.116.040 Action by city council.**

After notice has been given as provided in Section 17.120.010 (Notice required), the city council shall at a regular or special meeting or meetings publicly hear and consider the matter. Any such hearing may be continued from time to time. Within sixty (60) days after the conclusion of the hearing, the city council may amend, alter, adopt, or reject the amendment.



## **CHAPTER 17.120 HEARINGS AND APPEALS**

### **Sections:**

- 17.120.010 Notice required.
- 17.120.020 Appeals of administrative action.

### **17.120.010 Notice required.**

- A. Notice of any public hearing required under the terms of this title shall be given at least ten (10) days prior to the first hearing by at least one (1) publication in a newspaper of general circulation within the city, and by the U.S. Mail, postage prepaid, to all persons whose name and address appear on the latest adopted tax roll as owning property within a distance of not less than three hundred (300) feet from the exterior boundaries of the real property subject to the hearing. If there is no newspaper of general circulation, in lieu of publication, the public hearing notice shall be posted in three (3) public places in the city in accordance with Government Code Section 65090.
- B. Notwithstanding subsection (A) of this section, if a proposed amendment pursuant to Chapter 17.120 (Amendments) affects the permitted uses of real property, notice of the hearing shall be given at least twenty (20) days prior to the first hearing.
- C. Any defect or error appearing in such notice shall not divest the city council of jurisdiction nor invalidate any proceedings.

### **17.120.020 Appeals of administrative action.**

- A. All interpretations and decisions of the city staff authorized by this title are subject to appeal in writing to the city council. Appeals of any administrative interpretation or decision shall be made by filing a written appeal with the city clerk within ten (10) calendar days after rendition of the city staff's decision. Such appeal shall be accompanied by the applicable fee provided in the fee schedule currently in effect in the city.
- B. The city council shall hear and decide on the appeal within forty-five (45) days of filing the appeal and shall make findings supporting their decision on the matter. The city council may reverse, set aside, affirm, amend, or modify the action of staff, provided that the actions of the council are consistent with the general plan and are in compliance with city code. The council may also refer said matter back to staff for additional consideration or to obtain additional information. The decision of the city council shall be final on all matters.
- C. No building permit shall be issued in any case where a conditional use permit is required by the terms of this title until after the period allowed for appeal. In the event of an appeal no such permit shall be granted until the matter has been finally approved by the city council. Building permits issued pursuant to this chapter shall conform to the terms and conditions of the conditional use permit granted.

## **CHAPTER 17.124**

### **ENFORCEMENT AND PENALTIES**

Sections:

- 17.124.010 Officials and city employees to conform – Enforcement.
- 17.124.020 Penalty for violation.
- 17.124.030 Nuisance abatement.
- 17.124.040 Remedies cumulative.

#### **17.124.010 Officials and city employees to conform – Enforcement.**

All departments, officials, and public employees of the city vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title, and shall issue no permit or license for uses, buildings, structures, or purposes in conflict with the provisions of this title; and any such permit or license issued in conflict therewith shall be null and void. It shall be the duty of the building inspector of the city to enforce the provisions of this title pertaining to the erection, construction, reconstruction, maintenance, moving, conversion, alteration, or addition to any building or structure. Any city official may refer any request for interpretation of this title to the city council.

#### **17.124.020 Penalty for violation.**

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this title, is guilty of an infraction or misdemeanor, as determined by the code enforcement officer, and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed or continued by such person, firm, or corporation, and shall be punishable as provided in this section.

#### **17.124.030 Nuisance abatement.**

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title, and any use of lands, buildings, or premises established or conducted thereon, operated or maintained contrary to the provisions of this title is unlawful and a public nuisance; and the city attorney shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and injunction thereof in the manner prescribed by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such buildings or structures, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building, structure, or land contrary to the provision of this title.

#### **17.124.040 Remedies cumulative.**

The remedies provided for herein shall be cumulative and not exclusive.