

# CITY OF MONTAGUE DRAFT ZONING CODE UPDATE

---

SEPTEMBER 2023

DRAFT



CITY OF MONTAGUE  
230 S. 13TH STREET  
MONTAGUE, CA 96064

## **TITLE 17**

### **ZONING**

#### Chapters:

- 17.04 General Provisions
- 17.08 Definitions
- 17.12 Districts Generally
- 17.16 Residential Agricultural, R-A
- 17.20 Residential Expanded, R-E
- 17.24 Low Density Residential, R-1
- 17.28 Medium Density Residential, R-2
- 17.32 High Density Residential, R-3
- 17.36 Mixed Use, M-U
- 17.40 Town Center, T-C
- 17.44 General Commercial, G-C
- 17.48 Manufacturing, M
- 17.52 Open Space, O-S
- 17.56 Public Facilities, P-F
- 17.60 Planned Development, P-D
- 17.64 Airport Overlay District, A-O
- 17.68 Similar Use Determinations
- 17.72 Off-Street Parking
- 17.76 Signs
- 17.80 Nonconforming Structures, Uses, and Parcels
- 17.84 Use Permits and Variances
- 17.88 Special Provisions
- 17.92 Live/Work Units and Home-Based Businesses
- 17.96 Short-Term Rentals
- 17.100 Bed and Breakfast Inns
- 17.104 Mobile Food Sales
- 17.108 Accessory Dwelling Units
- 17.112 Wireless Telecommunications Facilities
- 17.116 Surface Mining and Reclamation
- 17.120 Reasonable Accommodations
- 17.124 Residential Density Bonuses
- 17.128 Objective Design Standards
- 17.132 Amendments
- 17.136 Hearings and Appeals
- 17.140 Enforcement and Penalties

## **CHAPTER 17.04 GENERAL PROVISIONS**

### **Sections:**

- 17.04.010 Adoption.
- 17.04.020 Short title.
- 17.04.030 Purpose.
- 17.04.040 Establishment of districts.
- 17.04.050 Application.
- 17.04.060 Interpretation.

#### **17.04.010 Adoption.**

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

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

This title shall be known as "The City of Montague 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.

## **CHAPTER 17.08**

### **DEFINITIONS**

#### Sections:

17.08.010	Generally.
17.08.020	Abut, abutting, adjoining.
17.08.030	Accessory dwelling unit.
17.08.040	Accessory structure.
17.08.050	Accessory use.
17.08.060	Acre.
17.08.070	Administrative permit.
17.08.080	Adult day programs.
17.08.090	Adult-oriented business.
17.08.100	Aggrieved applicant, person, or party.
17.08.110	Airport.
17.08.120	Alcoholic beverage sales.
17.08.130	Alley.
17.08.140	Ambulance service.
17.08.150	Animal boarding.
17.08.160	Animal grooming.
17.08.170	Animal hospital.
17.08.180	Applicant.
17.08.190	Area.
17.08.200	Artisan crafts manufacturing and sales.
17.08.210	Artist studio.
17.08.220	Automated teller machines (ATMs).
17.08.230	Automobile and vehicle sales and rental.
17.08.240	Automobile parts and supplies sales.
17.08.250	Automobile service stations.
17.08.260	Awning.
17.08.270	Banks and financial services.
17.08.280	Bed and breakfast inn.
17.08.290	Billiard parlor.
17.08.300	Block.
17.08.310	Brewpub.
17.08.320	Building.
17.08.330	Building footprint.
17.08.340	Building frontage.
17.08.350	Building height.
17.08.360	Building intensity.
17.08.370	Building materials stores and yards.
17.08.380	Building official, building inspector.
17.08.390	Building site.
17.08.400	Bus shelter.
17.08.410	Business.
17.08.420	Business day.
17.08.430	Business office.
17.08.440	Business support services.
17.08.450	Car washing and detailing.
17.08.460	Caretaker housing.

17.08.470 Cargo container.  
17.08.480 Carport.  
17.08.490 Cemetery.  
17.08.500 Centerline.  
17.08.510 Certified farmers' market.  
17.08.520 Chemical product manufacturing.  
17.08.530 City property.  
17.08.540 Clear vision triangle.  
17.08.550 Clothing and fabric product manufacturing.  
17.08.560 Clubs, lodges, and private meeting halls.  
17.08.570 Collectibles.  
17.08.580 Commercial vehicle.  
17.08.590 Common area.  
17.08.600 Community center.  
17.08.610 Community garden.  
17.08.620 Community resource center.  
17.08.630 Concession facilities.  
17.08.640 Concrete batching or ready-mix concrete manufacturing.  
17.08.650 Conditional use permit.  
17.08.660 Condominium.  
17.08.670 Construction.  
17.08.680 Consumer electronics.  
17.08.690 Convenience stores.  
17.08.700 Corner lot.  
17.08.710 Cottage food operation.  
17.08.720 Craft food and beverage production.  
17.08.730 Crop and tree farming.  
17.08.740 Customer area.  
17.08.750 Date of decision.  
17.08.760 Density.  
17.08.770 Density bonus.  
17.08.780 Density transfer.  
17.08.790 Development agreement.  
17.08.800 Dormitory.  
17.08.810 Drive-in and drive-through sales and services.  
17.08.820 Duplex residential.  
17.08.830 Dwelling group.  
17.08.840 Dwelling unit.  
17.08.850 Easement.  
17.08.860 Emergency shelter.  
17.08.870 Employee housing.  
17.08.880 Encroachment permit.  
17.08.890 Equipment and material storage yards.  
17.08.900 Equipment sales and rental.  
17.08.910 Event center.  
17.08.920 Explosives.  
17.08.930 Family.  
17.08.940 Family childcare home.  
17.08.950 Farmworker housing.  
17.08.960 Fence.  
17.08.970 Firearms sales.

17.08.980 Floor area ratio.  
17.08.990 Food and beverage manufacturing.  
17.08.1000 Front yard.  
17.08.1010 Fuel storage and distribution.  
17.08.1020 Furniture and fixtures manufacturing.  
17.08.1030 Garage.  
17.08.1040 Garage sale, yard sale.  
17.08.1050 Garden center, plant nursery.  
17.08.1060 General Plan.  
17.08.1070 General vicinity, proximity.  
17.08.1080 Glass product manufacturing.  
17.08.1090 Grocery store, supermarket.  
17.08.1100 Gross density.  
17.08.1110 Gross floor area.  
17.08.1120 Handcraft industries.  
17.08.1130 Health clinics, medical offices, and laboratories.  
17.08.1140 Hedges and equivalent screening.  
17.08.1150 Heliport.  
17.08.1160 Highway.  
17.08.1170 Home occupation.  
17.08.1180 Hospice care.  
17.08.1190 Hospitals.  
17.08.1200 Hostel.  
17.08.1210 Hotels and motels.  
17.08.1220 Household.  
17.08.1230 Indemnification.  
17.08.1240 Indoor entertainment facility.  
17.08.1250 Indoor sports and fitness facility.  
17.08.1260 Junior accessory dwelling unit.  
17.08.1270 Junk.  
17.08.1280 Kitchen.  
17.08.1290 Landscaping.  
17.08.1300 Legal description.  
17.08.1310 Library.  
17.08.1320 Live-work unit.  
17.08.1330 Living area.  
17.08.1340 Lot, parcel  
17.08.1350 Lot coverage.  
17.08.1360 Lot depth.  
17.08.1370 Lot frontage, street frontage.  
17.08.1380 Lot line.  
17.08.1390 Lot width.  
17.08.1400 Low barrier navigation center.  
17.08.1410 Lumber and wood product processing facility.  
17.08.1420 Main building.  
17.08.1430 Manufactured home.  
17.08.1440 Manufactured home park.  
17.08.1450 Media production.  
17.08.1460 Metal products fabrication, machine/welding shops.  
17.08.1470 Microbrewery.  
17.08.1480 Microdistillery.

17.08.1490 Mixed-use building.  
17.08.1500 Mixed-use development.  
17.08.1510 Mobile food commissary.  
17.08.1520 Mobile food court.  
17.08.1530 Mobile food vendor.  
17.08.1540 Mobile home.  
17.08.1550 Mortuaries and funeral homes.  
17.08.1560 Multifamily residential.  
17.08.1570 Nanobrewery.  
17.08.1580 Net density.  
17.08.1590 Net land area.  
17.08.1600 Nonconforming building or use.  
17.08.1610 Occupancy.  
17.08.1620 Official plan line.  
17.08.1630 Off-site.  
17.08.1640 On-site.  
17.08.1650 Open space.  
17.08.1660 Outdoor commercial recreation facility.  
17.08.1670 Paper product manufacturing.  
17.08.1680 Park and ride facility.  
17.08.1690 Parking space or facility.  
17.08.1700 Parks, picnic areas, and playgrounds.  
17.08.1710 Pending application.  
17.08.1720 Permit.  
17.08.1730 Personal services.  
17.08.1740 Pharmacy.  
17.08.1750 Places of worship and spiritual assembly.  
17.08.1760 Planning Commission.  
17.08.1770 Principally permitted use.  
17.08.1780 Printing and publishing.  
17.08.1790 Private schools.  
17.08.1800 Professional office.  
17.08.1810 Project.  
17.08.1820 Property line.  
17.08.1830 Public agency.  
17.08.1840 Public and quasi-public facilities.  
17.08.1850 Public nuisance.  
17.08.1860 Public right-of-way.  
17.08.1870 Public safety facility.  
17.08.1880 Public schools.  
17.08.1890 Public services.  
17.08.1900 Public utility.  
17.08.1910 Rear yard.  
17.08.1920 Recreational vehicle.  
17.08.1930 Recreational vehicle park.  
17.08.1940 Recycling facility.  
17.08.1950 Residential care facility.  
17.08.1960 Residential care home.  
17.08.1970 Resource protection and restoration.  
17.08.1980 Resource-related recreation.  
17.08.1990 Restricted personal services.



17.08.2000 Restricted retail sales.  
17.08.2010 Retail food establishment.  
17.08.2020 Retail sales.  
17.08.2030 Salvage yard.  
17.08.2040 Second dwelling unit.  
17.08.2050 Secondhand sales.  
17.08.2060 Setback.  
17.08.2070 Shopping center.  
17.08.2080 Short-term rental.  
17.08.2090 Side yard.  
17.08.2100 Sign.  
17.08.2110 Single-family residential.  
17.08.2120 Small acreage farming and ranching.  
17.08.2130 Small equipment maintenance and repair.  
17.08.2140 Special event.  
17.08.2150 Split zoning.  
17.08.2160 Sporting goods.  
17.08.2170 Stone product manufacturing.  
17.08.2180 Storage facility.  
17.08.2190 Structure.  
17.08.2200 Supportive housing.  
17.08.2210 Taproom brewery.  
17.08.2220 Temporary structure.  
17.08.2230 Temporary use.  
17.08.2240 Theaters and playhouses.  
17.08.2250 Townhouse.  
17.08.2260 Transient occupancy.  
17.08.2270 Transitional housing.  
17.08.2280 Uplighting.  
17.08.2290 Utility infrastructure.  
17.08.2300 Variance.  
17.08.2310 Vehicle storage.  
17.08.2320 Vehicles for hire.  
17.08.2330 Vehicular access.  
17.08.2340 Vertical mixed-use development.  
17.08.2350 Veterinary office.  
17.08.2360 Wholesale business.  
17.08.2370 Wireless communications facilities.  
17.08.2380 Yard.  
17.08.2390 Zero lot line.  
17.08.2400 Zoning district.

#### **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 Montague 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 Montague 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 17.108 (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 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.

**17.08.120 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.

**17.08.130 Alley.**

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

**17.08.140 Ambulance service.**

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

**17.08.150 Animal boarding.**

A facility where 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.

**17.08.160 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).

**17.08.170 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.

**17.08.180 Applicant.**

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

**17.08.190 Area.**

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

**17.08.200     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.”

**17.08.210     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.

**17.08.220     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.

**17.08.230     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.

**17.08.240     Automobile parts and supplies sales.**

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

**17.08.250     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.

**17.08.260     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.

**17.08.270     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.

**17.08.280     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.

**17.08.290     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.

**17.08.300     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.

**17.08.310     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.

**17.08.320     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.

**17.08.330     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.

**17.08.340     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.

**17.08.350 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.

**17.08.360 Building intensity.**

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

**17.08.370 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."

**17.08.380 Building official, building inspector**

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

**17.08.390 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.

**17.08.400 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.

**17.08.410 Business.**

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

**17.08.420 Business day.**

Any day the city's offices located at 230 S. 13th Street, Montague, California, are open to the public.

**17.08.430 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.

**17.08.440 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.

**17.08.450 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.

**17.08.460 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.

**17.08.470 Cargo container.**

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

**17.08.480 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.

**17.08.490 Cemetery.**

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

**17.08.500 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.

**17.08.510 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.

**17.08.520 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.

**17.08.530 City property.**

Real property over which the City of Montague: (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.

**17.08.540 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.

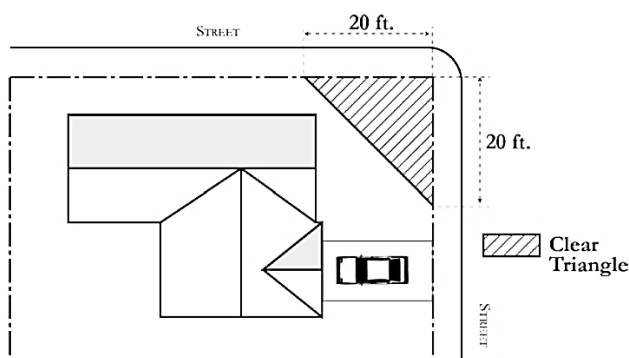


Fig. 17.08-1, Clear Vision Triangle

**17.08.550 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.

**17.08.560 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.

**17.08.570 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.

**17.08.580 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.

**17.08.590 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.

**17.08.600 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.

**17.08.610 Community garden.**

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

**17.08.620 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.

**17.08.630 Concession facilities.**

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

**17.08.640 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.

**17.08.650 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.

**17.08.660 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.

**17.08.670 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.

**17.08.680 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.

**17.08.690 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.

**17.08.700 Corner lot.**

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

**17.08.710 Cottage food operation.**

As defined in Chapter 17.92 (Live Work Units and Home-Based Businesses).

**17.08.720 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.

**17.08.730 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.

**17.08.740 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.

**17.08.750 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.

**17.08.760 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.

**17.08.770 Density bonus.**

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

**17.08.780 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.

**17.08.790 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.

**17.08.800 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.

**17.08.810 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.

**17.08.820 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.

**17.08.830 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.

**17.08.840 Dwelling unit.**

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

**17.08.850 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.

**17.08.860 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.

**17.08.870 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 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.

**17.08.880 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).

**17.08.890 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.

**17.08.900 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.

**17.08.910 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.

**17.08.920 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.

**17.08.930 Family.**

See definition of "Household."

**17.08.940 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.

**17.08.950 Farmworker housing.**

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

**17.08.960 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.

**17.08.970 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.

**17.08.980 Floor area ratio.**

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

**17.08.990 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.

**17.08.1000 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.

**17.08.1010 Fuel storage and distribution.**

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

**17.08.1020 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.

**17.08.1030 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.

**17.08.1040 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.

**17.08.1050 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.

**17.08.1060 General Plan.**

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

**17.08.1070 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.

**17.08.1080 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.

**17.08.1090 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.

**17.08.1100 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.

**17.08.1110 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.

**17.08.1120 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.

**17.08.1130 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.

**17.08.1140 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.

**17.08.1150 Heliport.**

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

**17.08.1160 Highway**

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

**17.08.1170 Home occupation.**

As defined in Chapter 17.92 (Live Work Units and Home-Based Businesses).

**17.08.1180 Hospice care.**

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

**17.08.1190 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.

**17.08.1200 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.

**17.08.1210 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.

**17.08.1220 Household.**

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

**17.08.1230 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.

**17.08.1240 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.

**17.08.1250 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.

**17.08.1260 Junior accessory dwelling unit.**

As defined in Chapter 17.108 (Accessory Dwelling Units).

**17.08.1270 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.

**17.08.1280 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.



**17.08.1290 Landscaping.**

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

**17.08.1300 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.

**17.08.1310 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.

**17.08.1320 Live/work unit.**

As defined in Chapter 17.92 (Live/Work Units and Home-Based Businesses).

**17.08.1330 Living area.**

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

**17.08.1340 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.

**17.08.1350 Lot coverage.**

The percent of lot area covered by all building footprints.

**17.08.1360 Lot depth.**

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

**17.08.1370 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.

**17.08.1380 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.

**17.08.1390 Lot width.**

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

**17.08.1400 Low barrier navigation center.**

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

**17.08.1410 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.

**17.08.1420 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.

**17.08.1430 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.

**17.08.1440 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.

**17.08.1450 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.

**17.08.1460 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.

**17.08.1470 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.

**17.08.1480 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.

**17.08.1490 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.

**17.08.1500 Mixed-use development.**

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

**17.08.1510 Mobile food commissary.**

As defined in Chapter 17.104 (Mobile Food Sales).

**17.08.1520 Mobile food court.**

As defined in Chapter 17.104 (Mobile Food Sales).

**17.08.1530 Mobile food vendor.**

As defined in Chapter 17.104 (Mobile Food Sales).

**17.08.1540 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.

**17.08.1550 Mortuaries and funeral homes.**

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

**17.08.1560 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).

**17.08.1570 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.

**17.08.1580 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.

**17.08.1590 Net land area.**

The area or land remaining after any required public dedication.

**17.08.1600 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.

**17.08.1610 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.

**17.08.1620 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.

**17.08.1630 Off-site.**

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

**17.08.1640 On-site.**

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

**17.08.1650 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.

**17.08.1660 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.

**17.08.1670 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.

**17.08.1680 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.

**17.08.1690 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.

**17.08.1700 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.

**17.08.1710 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.

**17.08.1720 Permit.**

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

**17.08.1730 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.

**17.08.1740 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.

**17.08.1750 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.

**17.08.1760 Planning Commission.**

The City of Montague Planning Commission, appointed by the City of Montague City Council in compliance with Government Code Section 65101.

**17.08.1770 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.

**17.08.1780 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; establishments manufacturing business forms and binding devices.

**17.08.1790 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.

**17.08.1800 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.

**17.08.1810 Project.**

Proposed development or a new land use.

**17.08.1820 Property line.**

A legal boundary of parcel land.

**17.08.1830 Public agency.**

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

**17.08.1840 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.

**17.08.1850 Public nuisance.**

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

**17.08.1860 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.

**17.08.1870 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.

**17.08.1880 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.

**17.08.1890 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.

**17.08.1900 Public utility.**

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

**17.08.1910 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.

**17.08.1920 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.

**17.08.1930 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.

**17.08.1940 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.

**17.08.1950 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. This classification includes group care homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California. 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.



**17.08.1960 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. This classification includes group care homes, rest homes, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California. 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.

**17.08.1970 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.

**17.08.1980 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.

**17.08.1990 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.

**17.08.2000 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.

**17.08.2010 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 17.88.160 (Commercial outdoor dining and seating) as an incidental activity to a retail food establishment.

**17.08.2020 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.

**17.08.2030 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.

**17.08.2040 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.

**17.08.2050 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.

**17.08.2060 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.

**17.08.2070 Shopping center.**

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

**17.08.2080 Short-term rental.**

As defined in Chapter 17.96 (Short-Term Rentals).

**17.08.2090 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.

**17.08.2100 Sign.**

As defined in Chapter 17.76 (Signs).

**17.08.2110 Single-family residential.**

A building designed exclusively for occupancy by one household on a single lot. This classification includes manufactured homes.

**17.08.2120 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.

**17.08.2130 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.

**17.08.2140 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.

**17.08.2150 Split zoning.**

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

**17.08.2160 Sporting goods.**

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

**17.08.2170 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.

**17.08.2180 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.

**17.08.2190 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".

**17.08.2200 Supportive housing.**

Any dwelling unit or a group living accommodation that is occupied by the target population as defined in subdivision (d) of Section 53260 of the CA Health and Safety Code with no limit on length of stay, 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.

**17.08.2210 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.

**17.08.2220 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.

**17.08.2230 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.

**17.08.2240 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.

**17.08.2250 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.

**17.08.2260 Transient occupancy.**

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

**17.08.2270 Transitional housing.**

Any dwelling unit or a group living accommodation configured as a rental housing development 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.

**17.08.2280 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.

**17.08.2290 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.

**17.08.2300 Variance.**

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

**17.08.2310 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.

**17.08.2320 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.

**17.08.2330 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.

**17.08.2340 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).

**17.08.2350 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.

**17.08.2360 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.

**17.08.2370 Wireless telecommunications facility.**

As defined in Section 17.112.020 (Definitions).

**17.08.2380 Yard.**

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

**17.08.2390 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.

**17.08.2400 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-A	Rural Agricultural
R-E	Residential Expanded
R-1	Low Density Residential
R-2	Medium Density Residential
R-3	High Density Residential
M-U	Mixed Use
T-C	Town Center
G-C	General Commercial
M	Manufacturing
O-S	Open Space
P-F	Public Facilities
P-D	Planned Development

B. Overlay Districts. In addition to the foregoing base zoning districts, the following overlay districts are established:

A-O	Airport Overlay
-----	-----------------

C. The permitted uses and development standards for each zoning district and overlay 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 Montague 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 17.132 (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 planning commission 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 Low Density Residential (R-1), 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, other than those maintained for public purposes, shall be created, reconfigured, or zoned to have split zoning.



## **CHAPTER 17.16**

### **RESIDENTIAL AGRICULTURAL, R-A**

#### **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 Residential Agricultural (R-A) zoning district is intended to be applied to areas which, due to limited availability of utilities, are suitable for low density residential development and the raising of crops and farm animals. The R-A district is consistent with the 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 Planning Commission are similar, will be allowed as a principally permitted use in the R-A zoning district:

- A. Farmworker housing.
- B. Residential care homes.
- C. Single-family residential.
- D. Small acreage agriculture.
- E. Small employee housing.
- F. Supportive housing.
- G. 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-A zoning 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 17.108 (Accessory Dwelling Units).
- B. Cottage food operations pursuant to Section 17.92.050 (Cottage food operations).
- C. Family childcare homes.
- D. Home occupations pursuant to Section 17.92.040 (Home occupations).
- E. Roadside stands two hundred (200) square feet or less limited to agricultural products produced onsite.
- F. Second dwelling units pursuant to Section 17.88.040 (Second dwelling units).
- G. Short-term rentals pursuant to Chapter 17.96 (Short-Term Rentals).
- H. Signs pursuant to Chapter 17.76 (Signs).

- I. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.88.120 (Fences, walls, hedges, and equivalent screening).

**17.16.040 Conditional uses.**

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

- A. Commercial stables.
- B. Roadside stands exceeding two hundred (200) square feet and/or which include sale of agricultural products produced offsite.
- C. Large employee housing.
- D. Public and quasi-public facilities.
- E. Other uses similar to those listed in this section.

**17.16.050 Lot requirements.**

- A. Minimum parcel size.
  - 1. With sewer and water: One (1) acre.
  - 2. With well and/or septic: Two and one half (2.5) acres.
- B. Minimum width: One hundred fifty (150) feet.
- C. Minimum depth: Three hundred (300) feet.

**17.16.060 Development standards.**

- A. Dwelling units per acre.
  - 1. With sewer and water: One (1) unit.
  - 2. With well and/or septic: Four-tenths of one (0.4) unit.
- B. Maximum building height.
  - 1. All uses, except as specified herein: Thirty-five (35) feet.
  - 2. Building and structures taller than established height limits may be permitted pursuant to Section 17.88.180 (Height limits).
- C. Maximum lot coverage: Forty (40) percent.
- D. Minimum front yard setback.
  - 1. All uses, except as specified herein: Twenty (20) feet.
  - 2. Garage or carport: Twenty (20) feet.
  - 3. Barns, stables, and other structures that house animals: Fifty (50) feet.
  - 4. All other accessory structures: Fifty (50) feet or rear half of lot, whichever is less.
- E. Minimum rear yard setback.
  - 1. All uses, except as specified herein: Ten (10) feet.
  - 2. Barns, stables, and other structures that house animals: Fifty (50) feet.
  - 3. All other accessory structures: Five (5) feet.
- F. Minimum side yard setback.

1. All uses, except as specified herein: Five (5) feet.
  2. Barns, stables, and other structures that house animals: Fifty (50) feet.
  3. Nonresidential uses: Ten (10) feet.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.72 (Off-Street Parking).

## **CHAPTER 17.20**

### **RESIDENTIAL EXPANDED, R-E**

#### **Sections**

- 17.20.010 Purpose and applicability.
- 17.20.020 Permitted uses.
- 17.20.030 Accessory uses.
- 17.20.040 Conditional uses.
- 17.20.050 Lot requirements.
- 17.20.060 Development standards.

#### **17.20.010 Purpose and applicability.**

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

#### **17.20.020 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 Planning Commission are similar, will be allowed as a principally permitted use in the R-E zoning district:

- A. Residential care homes.
- B. Single-family residential.
- C. Small employee housing.
- D. Supportive housing.
- E. Transitional housing.

#### **17.20.030 Accessory uses.**

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the R-E zoning 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 17.108 (Accessory Dwelling Units).
- B. Cottage food operations pursuant to Section 17.92.050 (Cottage food operations).
- C. Family childcare homes.
- D. Home occupations pursuant to Section 17.92.040 (Home occupations).
- E. Second dwelling units pursuant to Section 17.88.040 (Second dwelling units).
- F. Short-term rentals pursuant to Chapter 17.96 (Short-Term Rentals).
- G. Signs pursuant to Chapter 17.76 (Signs).
- H. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.88.120 (Fences, walls, hedges, and equivalent screening).

**17.20.040 Conditional uses.**

The following uses are permitted in the R-E zoning 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 17.100 (Bed and Breakfast Inns).
- B. Community gardens pursuant to Section 17.88.170 (Community gardens).
- C. Crop and tree farming.
- D. Parks, picnic areas, and playgrounds.
- E. Places of worship and spiritual assembly.
- F. Public and private schools.
- G. Public and quasi-public facilities.
- H. Residential care facilities.
- I. Other uses similar to those listed in this section.

**17.20.050 Lot requirements.**

- A. Minimum parcel size: Fifteen thousand (15,000) square feet.
- B. Minimum width: Fifty (50) feet.
- C. Minimum depth: One hundred (100) feet.

**17.20.060 Development standards.**

- A. Dwelling units per acre: One (1) to two and one half (2.5) units.
- B. Maximum building height.
  - 1. All uses, except as specified herein: Thirty (35) feet.
  - 2. Nonresidential uses: Forty-five (45) feet.
  - 3. Accessory structures: Eighteen (18) feet.
  - 4. Building and structures taller than established height limits may be permitted pursuant to Section 17.88.190 (Height limits).
- C. Maximum lot coverage: Forty (40) percent.
- D. Minimum front yard setback.
  - 1. All uses, except as specified herein: Twenty (20) feet.
  - 2. Accessory structures other than garage or carport: Fifty (50) feet or rear half of lot, whichever is less.
- E. Minimum rear yard setback.
  - 1. All uses, except as specified herein: Ten (10) feet.
  - 2. Nonresidential uses: Twenty (20) feet.
  - 3. Accessory structures: Five (5) feet.
- F. Minimum side yard setback.
  - 1. Interior side yard.
    - a. All uses, except as specified herein: Five (5) feet.

- b. Nonresidential uses: Ten (10) feet.
- 2. Exterior side yard: Ten (10) feet.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.72 (Off-Street Parking).

## **CHAPTER 17.24**

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

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

#### **17.24.020 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 Planning Commission are similar, will be allowed as a principally permitted use in the R-1 zoning district:

- A. Residential care homes.
- B. Single-family residential.
- C. Small employee housing.
- D. Supportive housing.
- E. 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-1 zoning 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 17.108 (Accessory Dwelling Units).
- B. Cottage food operations pursuant to Section 17.92.050 (Cottage food operations).
- C. Family childcare homes.
- D. Home occupations pursuant to Section 17.92.040 (Home occupations).
- E. Second dwelling units pursuant to Section 17.88.040 (Second dwelling units).
- F. Short-term rentals pursuant to Chapter 17.96 (Short-Term Rentals).
- G. Signs pursuant to Chapter 17.76 (Signs).
- H. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.88.120 (Fences, walls, hedges, and equivalent screening).

**17.24.040 Conditional uses.**

The following uses are permitted in the R-1 zoning 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 17.100 (Bed and Breakfast Inns).
- B. Community gardens pursuant to Section 17.88.170 (Community gardens).
- C. Crop and tree farming.
- D. Off-site parking and shared parking facilities pursuant to Chapter 17.72 (Off-street parking).
- E. Parks, picnic areas, and playgrounds.
- F. Places of worship and spiritual assembly.
- G. Public and private schools.
- H. Public and quasi-public facilities.
- I. Residential uses:
  - 1. Multifamily residential, four (4) dwelling units or fewer.
  - 2. Residential care facilities.
- J. Other uses similar to those listed in this section.

**17.24.050 Lot requirements.**

- A. Minimum parcel size: Seven thousand five hundred (7,500) square feet.
- B. Minimum width.
  - 1. Interior and corner lots: Fifty (50) feet.
  - 2. Cul-de-sac lot: Fifty (50) feet at front yard setback.
- C. Minimum depth: One hundred (100) feet.

**17.24.060 Development standards.**

- A. Dwelling units per acre: One (1) to five (5) units.
- B. Maximum building height.
  - 1. All uses, except as specified herein: Thirty-five (35) feet.
  - 2. Nonresidential uses: Forty-five (45) feet.
  - 3. Accessory structures: Eighteen (18) feet.
  - 4. Building and structures taller than established height limits may be permitted pursuant to Section 17.88.190 (Height limits).
- C. Maximum lot coverage: Forty (40) percent.
- D. Minimum front yard setback.
  - 1. All uses, except as specified herein: Twenty (20) feet.
  - 2. Accessory structures other than garage or carport: Fifty (50) feet or rear half of lot, whichever is less.
- E. Minimum rear yard setback.
  - 1. All uses, except as specified herein: Ten (10) feet.



2. Nonresidential uses: Twenty (20) feet.
  3. Accessory structures: Five (5) feet.
- F. Minimum side yard setback.
1. Interior side yard.
    - a. All uses, except as specified herein: Five (5) feet.
    - b. Nonresidential uses: Ten (10) feet.
  2. Exterior side yard: Ten (10) feet.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.72 (Off-Street Parking).

## **CHAPTER 17.28**

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

#### **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 Medium Density Residential (R-2) zoning district is intended to be applied to areas suitable for a combination of low-density and medium-density residential development consistent with the Residential land use designation.

#### **17.28.020 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 Planning Commission are similar, will be allowed as a principally permitted use in the R-2 zoning district:

- A. Multifamily residential, three (3) dwelling units or fewer.
- B. Residential care homes.
- C. Single-family residential.
- D. Small employee housing.
- E. Supportive housing.
- F. 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-2 zoning 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 17.108 (Accessory Dwelling Units).
- B. Cottage food operations pursuant to Section 17.92.050 (Cottage food operations).
- C. Family childcare homes.
- D. Home occupations pursuant to Section 17.92.040 (Home occupations).
- E. Second dwelling units pursuant to Section 17.88.040 (Second dwelling units).
- F. Short-term rentals pursuant to Chapter 17.96 (Short-Term Rentals).
- G. Signs pursuant to Chapter 17.76 (Signs).
- H. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.88.120 (Fences, walls, hedges, and equivalent screening).

#### **17.28.040 Conditional uses.**

The following uses are permitted in the R-2 zoning 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 17.100 (Bed and Breakfast Inns).
- B. Community gardens pursuant to Section 17.88.170 (Community gardens).
- C. Crop and tree farming.
- D. Parks, picnic areas, and playgrounds.
- E. Places of worship and spiritual assembly.
- F. Public and private schools.
- G. Public and quasi-public facilities.
- H. Residential uses.
  - 1. Manufactured home parks pursuant to Section 17.88.060 (Manufactured home parks).
  - 2. Multifamily residential, four (4) dwelling units.
  - 3. Residential care facilities.
- I. Other uses similar to those listed in this section.

#### **17.28.050 Lot requirements.**

- A. Minimum parcel size: Seven thousand five hundred (7,500) square feet.
- B. Minimum width.
  - 1. Interior and corner lots: Fifty (50) feet.
  - 2. Cul-de-sac lot: Fifty (50) feet at front yard setback.
- C. Minimum depth: One hundred (100) feet.

#### **17.28.060 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. Nonresidential uses: Forty-five (45) feet.
  - 3. Accessory structures: Eighteen (18) feet.
  - 4. Building and structures taller than established height limits may be permitted pursuant to Section 17.88.190 (Height limits).
- C. Maximum lot coverage: Sixty (60) percent.
- D. Minimum front yard setback.
  - 1. All uses, except as specified herein: Twenty (20) feet.
  - 2. Accessory structures other than garage or carport: Fifty (50) feet or rear half of lot, whichever is less.
- E. Minimum rear yard setback.
  - 1. All uses, except as specified herein: Twenty (20) feet.

2. Accessory structures: Five (5) feet.
- F. Minimum side yard setback.
1. Interior side yard.
    - a. All uses, except as specified herein: Five (5) feet.
    - b. Nonresidential uses: Ten (10) feet.
  2. Exterior side yard: Ten (10) feet.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.72 (Off-Street Parking).

## **CHAPTER 17.32**

### **HIGH DENSITY RESIDENTIAL, R-3**

#### **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 High Density Residential (R-3) zoning district is intended to be applied to areas suitable for a variety of low-, medium-, and high-density residential development consistent with the 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 Planning Commission are similar, will be allowed as a principally permitted use in the R-3 zoning district:

- A. Community gardens pursuant to Section 17.88.170 (Community gardens).
- B. Emergency shelters pursuant to Section 17.88.110 (Emergency shelters).
- C. Multifamily residential.
- D. Residential care homes.
- E. Single-family residential.
- F. Small employee housing.
- G. Supportive housing.
- H. 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 R-3 zoning 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 17.108 (Accessory Dwelling Units).
- B. Cottage food operations pursuant to Section 17.92.050 (Cottage food operations).
- C. Family childcare homes.
- D. Home occupations pursuant to Section 17.92.040 (Home occupations).
- E. Second dwelling units pursuant to Section 17.88.040 (Second dwelling units).
- F. Short-term rentals pursuant to Chapter 17.96 (Short-Term Rentals).
- G. Signs pursuant to Chapter 17.76 (Signs).

- H. Usual and customary structures associated with a permitted use, including fences and walls pursuant to Section 17.88.120 (Fences, walls, hedges, and equivalent screening).

**17.32.040 Conditional uses.**

The following uses are permitted in the R-3 zoning 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. Business and professional offices.
- C. Clubs, lodges, and private meeting halls.
- D. Crop and tree farming.
- E. Health clinics, medical offices, and laboratories.
- F. Off-site parking and shared parking facilities pursuant to Chapter 17.72 (Off-street parking).
- G. Parks, picnic areas, and playgrounds.
- H. Places of worship and spiritual assembly.
- I. Public and private schools.
- J. Public and quasi-public facilities.
- K. Residential uses:
  - 1. Dormitories.
  - 2. Dwelling groups.
  - 3. Manufactured home parks pursuant to Section 17.88.060 (Manufactured home parks).
  - 4. Residential care facilities.
  - 5. Single-room occupancy pursuant to Section 17.88.100 (Single-room occupancy).
- L. Transient uses:
  - 1. Bed and breakfast inns pursuant to Chapter 17.100 (Bed and Breakfast Inns).
  - 2. Hotels and motels.
- M. Other uses similar to those listed in this section.

**17.32.050 Lot requirements.**

- A. Minimum parcel size: Seven thousand five hundred (7,500) square feet.
- B. Minimum width.
  - 1. Interior lot: Fifty (50) feet.
  - 2. Corner lot: Seventy-five (75) feet.
  - 3. Cul-de-sac lot: Fifty (50) feet at front yard setback.
- C. Minimum depth: One hundred (100) feet.

**17.32.060 Development standards.**

- A. Dwelling units per acre: One (1) to seventeen (17) units.

- B. Maximum lot coverage: Sixty (60) percent.
- C. Maximum building height.
  - 1. All uses, except as specified herein: Forty-five (45) feet.
  - 2. Accessory structures: Eighteen (18) feet.
  - 3. Building and structures taller than established height limits may be permitted pursuant to Section 17.88.190 (Height limits).
- D. Minimum front yard setback.
  - 1. All uses, except as specified herein: Fifteen (15) feet.
  - 2. Accessory structures other than garage or carport: Fifty (50) feet or rear half of lot, whichever is less.
- 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.
    - a. All uses, except as specified herein: Five (5) feet.
    - b. Nonresidential uses: Ten (10) feet.
  - 2. Exterior side yard: Ten (10) feet.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.72 (Off-Street Parking).

## **CHAPTER 17.36**

### **MIXED USE, M-U**

#### 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 Mixed Use (M-U) zoning district is intended to be applied primarily to centrally located areas outside of the Town Center that are suitable for a compatible mixture of residential and nonresidential uses. The M-U zoning district is consistent with the 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 planning commission are similar, will be allowed as principally permitted uses in the M-U zoning district:

- A. Adult day programs.
- B. Artisan crafts manufacturing.
- C. Artist studios.
- D. Banks and financial services.
- E. Business and professional offices.
- F. Business support services.
- G. Clubs, lodges, and private meeting halls.
- H. Community gardens pursuant to Section 17.88.170 (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 sports and fitness facilities.
- N. Live/work units pursuant to Section 17.92.030 (Live/work units).
- O. Media production.
- P. Mixed-use developments of two (2) or more uses permitted pursuant to this section.
- Q. Personal services.
- R. Printing and publishing.



- S. Public and quasi-public facilities.
- T. Residential uses:
  - 1. Low barrier navigation centers pursuant to Section 17.88.260 (Low barrier navigation centers).
  - 2. Multifamily residential, four (4) dwelling units or fewer.
  - 3. Residential care home.
  - 4. Single-family residential.
  - 5. Small employee housing.
  - 6. Supportive housing.
  - 7. Transitional housing.
- U. Retail food establishments.
- V. Retail sales.
- 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 M-U zoning 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 17.108 (Accessory Dwelling Units).
- B. Certified farmers' markets.
- C. Cottage food operations pursuant to Section 17.92.050 (Cottage food operations).
- D. Family childcare homes.
- E. Home occupations pursuant to Section 17.92.040 (Home occupations).
- F. Mobile food sales pursuant to Chapter 17.104 (Mobile Food Sales).
- G. Second dwelling units pursuant to Section 17.88.040 (Second dwelling units).
- H. Short-term rentals pursuant to Chapter 17.96 (Short-Term Rentals).
- I. Signs pursuant to Chapter 17.76 (Signs).
- J. Temporary outside sales such as sidewalk or patio sales not exceeding three (3) days in any thirty (30)-day period.
- K. Usual and customary structures associated with a principally permitted use, including fences and walls pursuant to Section 17.88.120 (Fences, walls, hedges, and equivalent screening).

**17.36.040 Conditional uses.**

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

- A. Animal grooming, animal hospitals, and veterinary offices.
- B. Automobile and vehicle sales and rental.

- C. Automobile service stations.
- D. Building material stores and yards.
- E. Car washing and detailing.
- F. Drive-in and drive-through sales and services.
- G. Equipment sales and rental.
- H. Event centers.
- I. Funeral homes.
- J. Garden centers and plant nurseries.
- K. Hospitals and hospice care.
- L. Hotels and motels.
- M. Indoor entertainment facilities.
- N. Mobile food courts pursuant to Chapter 17.104 (Mobile Food Sales).
- O. Off-site parking and shared parking facilities pursuant to Chapter 17.72 (Off-street parking).
- P. Places of worship and spiritual assembly.
- Q. Public and private schools.
- R. Residential uses:
  - 1. Dormitories.
  - 2. Dwelling groups.
  - 3. Emergency shelters pursuant to Section 17.88.110 (Emergency shelters).
  - 4. Multifamily residential, more than four (4) dwelling units.
  - 5. Residential care facilities.
  - 6. Single-room occupancy pursuant to Section 17.88.100 (Single-room occupancy).
- S. Restricted personal services.
- T. Restricted retail sales.
- U. Theaters and playhouses.
- V. Transient uses:
  - 1. Bed and breakfast inns pursuant to Chapter 17.100 (Bed and Breakfast Inns).
  - 2. Hotels and motels.
  - 3. Recreational vehicle parks.
- W. Vehicles for hire.
- X. Other uses similar to those listed in this section.

**17.36.050 Lot requirements.**

- A. Minimum parcel size: Two thousand five hundred (2,500) square feet.
- B. Minimum width: Twenty-five (25) feet.

C. Minimum depth: One hundred (100) feet.

**17.36.060 Development standards.**

A. Dwelling units per acre: One (1) to seventeen (17) 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: Eighteen (18) feet.

3. Building and structures taller than established height limits may be permitted pursuant to Section 17.88.190 (Height limits).

D. Minimum front yard setback.

1. Adjacent to residential district: Ten (10) feet.

2. Adjacent to all other districts: None.

E. Minimum rear yard setback.

1. Adjacent to residential district: Ten (10) feet.

2. Adjacent to all other districts: None.

F. Minimum side yard setback.

1. Adjacent to residential district: Ten (10) feet.

2. Adjacent to all other districts: None.

G. Minimum distance between buildings: As required by California Building Code.

H. Minimum parking: As specified in Chapter 17.72 (Off-Street Parking).

## **CHAPTER 17.40**

### **TOWN CENTER, T-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 Town Center (T-C) zoning district is intended to be applied to commercial 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. The T-C zoning district is consistent with the Mixed Use land use designation.

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

The following uses are permitted in the T-C zone district subject to issuance of a building permit, business license or other required permit(s):

- A. Adult day programs.
- B. Alcoholic beverage sales.
- C. Artisan crafts manufacturing.
- D. Artist studios.
- E. Banks and financial services.
- F. Business and professional offices.
- G. Business support services.
- H. Clubs, lodges, and private meeting halls.
- I. Community gardens pursuant to Section 17.88.170 (Community gardens).
- J. Convenience stores and pharmacies.
- K. Craft food and beverage production.
- L. Grocery stores and supermarkets.
- M. Health clinics, medical offices, and laboratories.
- N. Hotels.
- O. Indoor entertainment facilities.
- P. Indoor sports and fitness facilities.
- Q. Live/work units pursuant to Section 17.92.030 (Live/work units).
- R. Low barrier navigation centers pursuant to Section 17.88.260 (Low barrier navigation centers).

- S. Media production.
- T. Mixed-use developments of two (2) or more nonresidential uses permitted pursuant to this section.
- U. Personal services.
- V. Printing and publishing.
- W. Public and private schools, onsite attendance of twenty-five (25) or fewer students.
- X. Public and quasi-public facilities.
- Y. Retail food establishments.
- Z. Retail sales.
- AA. Theaters and playhouses.
- BB. Vertical mixed-use developments of one (1) or more permitted nonresidential use and one (1) or more of the following residential uses:
  - 1. Multifamily residential.
  - 2. Residential care home.
  - 3. Single-family residential.
  - 4. Small employee housing.
  - 5. Supportive housing.
  - 6. Transitional housing.

**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 T-C zoning 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 17.108 (Accessory Dwelling Units).
- B. Certified farmers' markets.
- C. Cottage food operations pursuant to Section 17.92.050 (Cottage food operations).
- D. Family childcare homes.
- E. Home occupations pursuant to Section 17.92.040 (Home occupations).
- F. Mobile food sales pursuant to Chapter 17.104 (Mobile Food Sales).
- G. Second dwelling units pursuant to Section 17.88.040 (Second dwelling units).
- H. Short-term rentals pursuant to Chapter 17.96 (Short-Term Rentals).
- I. Signs pursuant to Chapter 17.76 (Signs).
- J. Temporary outside sales such as sidewalk or patio sales not exceeding three (3) days in any thirty (30)-day period.
- K. Usual and customary structures associated with a principally permitted use, including fences and walls pursuant to Section 17.88.120 (Fences, walls, hedges, and equivalent screening).

**17.40.040 Conditional uses.**

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

- A. Automobile and vehicle sales and rental.
- B. Event center.
- C. Mobile food courts pursuant to Chapter 17.104 (Mobile Food Sales).
- D. Off-site parking and shared parking facilities pursuant to Chapter 17.72 (Off-street parking).
- E. Places of worship and spiritual assembly.
- F. Public and private schools, onsite attendance of more than twenty-five (25) students.
- G. Residential uses pursuant to subsection BB of Section 17.40.020 (Permitted uses) when residential use is located at street level.
- H. Restricted personal services.
- I. Restricted retail sales (alcoholic beverage sales by right).
- J. Veterinary offices.
- K. Other uses similar to those listed in this section.

**17.40.050 Lot requirements.**

- A. Minimum parcel size: Two thousand five hundred (2,500) square feet.
- B. Minimum width: Twenty-five (25) feet.
- C. Minimum depth: One hundred (100) feet.

**17.40.060 Development standards.**

- A. Dwelling units per acre: One (1) to seventeen (17) units.
- B. Maximum building height.
  - 1. All uses, except as specified herein: Forty-five (45) feet.
  - 2. Accessory structures: Eighteen (18) feet.
- C. Maximum lot coverage: Eighty-five (85) percent.
- D. Minimum front yard setback: None.
- E. Minimum rear yard setback.
  - 1. Adjacent to residential district: Ten (10) feet.
  - 2. Adjacent to all other districts: None.
- F. Minimum side yard setback: None.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.72 (Off-Street Parking).

## **CHAPTER 17.44**

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

#### **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 General Commercial (G-C) zoning district is intended to be applied to areas suitable for heavier commercial uses than those typically allowed in the M-U and T-C zoning districts consistent with the Commercial 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 planning commission are similar, will be allowed as principally permitted uses in the G-C zoning district:

- A. Adult day programs.
- B. Animal grooming, animal hospitals, and veterinary offices.
- C. Artisan crafts manufacturing and sales.
- D. Automobile and vehicle sales and rental.
- E. Automobile service stations, no fuel sales.
- F. Banks and financial services.
- G. Building material stores and yards.
- H. Business and professional offices.
- I. Business support services.
- J. Car washing and detailing.
- K. Clothing and fabric product manufacturing.
- L. Convenience stores and pharmacies.
- M. Craft food and beverage production.
- N. Equipment sales and rental.
- O. Garden centers and plant nurseries.
- P. Grocery stores and supermarkets.
- Q. Handcraft industries.
- R. Health clinics, medical offices, and laboratories.
- S. Indoor sports and fitness facilities.

- T. Indoor storage facilities.
- U. Low barrier navigation centers pursuant to Section 17.88.260 (Low barrier navigation centers).
- V. Media production.
- W. Mixed-use developments of two (2) or more uses permitted pursuant to this chapter.
- X. Mortuaries and funeral homes.
- Y. Outdoor commercial recreation facilities.
- Z. Personal services.
- AA. Printing and publishing.
- BB. Public and quasi-public facilities.
- CC. Retail food establishments.
- DD. Retail sales.
- EE. Small equipment maintenance and repair.
- FF. Theaters and playhouses.
- GG. 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 G-C zoning 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 17.108 (Accessory Dwelling Units).
- B. Certified farmers' markets.
- C. Cottage food operations pursuant to Section 17.92.050 (Cottage food operations).
- D. Family childcare homes.
- E. Home occupations pursuant to Section 17.92.040 (Home occupations).
- F. Mobile food sales pursuant to Chapter 17.104 (Mobile Food Sales).
- G. Short-term rentals pursuant to Chapter 17.96 (Short-Term Rentals).
- H. Signs pursuant to Chapter 17.76 (Signs).
- I. Temporary outside sales such as sidewalk or patio sales not exceeding three (3) days in any thirty (30)-day period.
- J. Usual and customary structures associated with a principally permitted use, including fences and walls pursuant to Section 17.88.120 (Fences, walls, hedges, and equivalent screening).

**17.44.040 Conditional uses.**

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

- A. Ambulance service.



- B. Animal boarding,
- C. Autobody repair and painting.
- D. Automobile service stations that include fuel sales.
- E. Drive-in and drive-through sales and services.
- F. Equipment and material storage yards.
- G. Event centers.
- H. Food and beverage manufacturing.
- I. Fuel storage and distribution.
- J. Furniture and fixtures manufacturing.
- K. Glass product manufacturing.
- L. Lumber and wood product processing facilities.
- M. Metal products fabrication, machine/welding shops.
- N. Mobile food courts and commissaries pursuant to Chapter 17.104 (Mobile Food Sales).
- O. Off-site parking and shared parking facilities pursuant to Chapter 17.72 (Off-street parking).
- P. Outdoor commercial recreation facilities.
- Q. Outdoor storage facilities.
- R. Paper product manufacturing.
- S. Public utilities.
- T. Recycling facilities.
- U. Residential uses:
  - 1. Multifamily residential.
  - 2. Residential care home.
  - 3. Single-family residential.
  - 4. Single-room occupancy pursuant to Section 17.88.100 (Single-room occupancy).
  - 5. Small employee housing.
  - 6. Supportive housing.
  - 7. Transitional housing.
- V. Restricted personal services.
- W. Restricted retail sales.
- X. Transient uses:
  - 1. Bed and breakfast inns pursuant to Chapter 17.100 (Bed and Breakfast Inns).
  - 2. Hotels and motels.
  - 3. Recreational vehicle parks.

- Y. Wireless telecommunication facilities pursuant to Chapter 17.112 (Wireless Telecommunication Facilities).
- Z. Other uses similar to those listed in this section.

**17.44.050 Lot requirements.**

- A. Minimum parcel size: Two thousand five hundred (2,500) square feet.
- B. Minimum width: Twenty-five (25) feet.
- C. Minimum depth: One hundred (100) feet.

**17.44.060 Development standards.**

- A. Dwelling units per acre: One (1) to seventeen (17) 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: Eighteen (18) feet.
  - 3. Building and structures taller than established height limits may be permitted pursuant to Section 17.88.190 (Height limits).
- D. Minimum front yard setback: None.
- E. Minimum rear yard setback.
  - 1. Adjacent to residential district: Ten (10) feet.
  - 2. Adjacent to all other districts: None.
- F. Minimum side yard setback.
  - 1. Adjacent to residential district: Ten (10) feet.
  - 2. Adjacent to all other districts: None.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.72 (Off-Street Parking).

## **CHAPTER 17.48**

### **MANUFACTURING, M**

#### Sections

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

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

The Manufacturing (M) zoning district is intended to be applied to areas suitable for heavier commercial and light 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.

#### **17.48.020 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 Planning Commission are similar, will be allowed as principally permitted uses in the M zoning district:

- A. Animal boarding, animal grooming, animal hospitals, and veterinary offices.
- B. Artisan crafts manufacturing and sales.
- C. Automobile and vehicle sales and rental.
- D. Automobile service stations, no fuel sales.
- E. Building material stores and yards.
- F. Business and professional offices.
- G. Car washing and detailing.
- H. Clothing and fabric product manufacturing.
- I. Craft food and beverage production.
- J. Equipment sales and rental.
- K. Food and beverage manufacturing.
- L. Furniture and fixtures manufacturing.
- M. Garden centers and plant nurseries.
- N. Glass product manufacturing.
- O. Handcraft industries.
- P. Indoor sports and fitness facilities.
- Q. Lumber and wood product processing facilities.
- R. Metal products fabrication, machine/welding shops.

- S. Mixed-use developments of two (2) or more uses permitted pursuant to this chapter.
- T. Paper product manufacturing.
- U. Printing and publishing.
- V. Public and quasi-public facilities.
- W. Public utilities, except wireless telecommunication facilities.
- X. Retail food establishments.
- Y. Retail sales.
- Z. Small equipment maintenance and repair.
- AA. Storage facilities.
- BB. Wholesale businesses.

**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 M zoning district subject to issuance of a building permit, business license, or other required permit(s):

- A. Mobile food sales pursuant to Chapter 17.104 (Mobile Food Sales).
- B. Signs pursuant to Chapter 17.76 (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 17.88.120 (Fences, walls, hedges, and equivalent screening).

**17.48.040 Conditional uses.**

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

- A. Ambulance service.
- B. Autobody repair and painting.
- C. Automobile service stations that include fuel sales.
- D. Chemical product manufacturing.
- E. Concrete batching or ready-mix concrete manufacturing.
- F. Drive-in and drive-through sales and services.
- G. Equipment and material storage yards.
- H. Fuel storage and distribution.
- I. Off-site parking and shared parking facilities pursuant to Chapter 17.72 (Off-street parking).
- J. Recycling facilities.
- K. Restricted retail sales.
- L. Salvage yards.
- M. Stone product manufacturing.

- N. Surface mining operations pursuant to Chapter 17.116 (Surface Mining and Reclamation).
- O. Wireless telecommunication facilities pursuant to Chapter 17.112 (Wireless Telecommunication Facilities).
- P. Other uses similar to those listed in this section.

**17.48.050 Lot requirements.**

- A. Minimum parcel size: Two thousand five hundred (2,500) square feet.
- B. Minimum width: Twenty-five (25) feet.
- C. Minimum depth: One hundred (100) feet.

**17.48.060 Development standards.**

- A. Dwelling units per acre: None.
- B. Maximum building height: Sixty (60) feet.
- C. Maximum lot coverage: One hundred (100) percent.
- D. Minimum front yard setback:
  - 1. Adjacent residential or mixed-use district: Ten (10) feet.
  - 2. Adjacent to all other districts: None.
- E. Minimum rear yard setback:
  - 1. Adjacent residential or mixed-use district: Ten (10) feet and screened with six (6) foot solid fencing.
  - 2. Adjacent to all other districts: None.
- F. Minimum side yard setback:
  - 1. Adjacent residential or mixed-use district: Ten (10) feet and screened with six (6) foot solid fencing.
  - 2. Adjacent to all other districts: None.
- G. Minimum distance between buildings: As required by California Building Code.
- H. Minimum parking: As specified in Chapter 17.72 (Off-Street Parking).

## **CHAPTER 17.52**

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

#### 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 Open Space (O-S) zoning district is intended to be applied to public 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.

#### **17.52.020 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 planning commission 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. Resource protection and restoration.
- D. Resource-related recreation.

#### **17.52.030 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 17.104 (Mobile Food Sales).
- C. Signs pursuant to Chapter 17.76 (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 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. Public utilities.
- C. Wastewater treatment plants.

- D. Wireless telecommunication facilities pursuant to Chapter 17.112 (Wireless Telecommunication Facilities).
- E. Other uses similar to those listed in this section.

**17.52.050 Lot requirements.**

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

**17.52.060 Development standards.**

- A. Dwelling units per acre: None.
- B. Maximum building height.
  - 1. All uses, except as specified herein: Thirty-five (35) feet.
  - 2. Accessory structures: Eighteen (18) feet.
- C. Maximum lot coverage: Twenty-five (25) percent.
- D. Minimum setbacks.
  - 1. Front yard: Ten (10) feet.
  - 2. Side yard: Five (5) feet.
  - 3. Rear yard: Five (5) feet.
- E. Minimum distance between buildings: As required by California Building Code
- F. Minimum parking: As specified in Chapter 17.72 (Off-Street Parking).

## **CHAPTER 17.56**

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

#### **Sections**

- 17.56.010 Purpose and applicability.
- 17.56.020 Permitted uses.
- 17.56.030 Accessory uses.
- 17.56.040 Conditional uses.
- 17.56.050 Lot requirements.
- 17.56.060 Development standards.

#### **17.56.010 Purpose and applicability.**

The Public Facilities (P-F) zoning district is intended to be applied to public lands that house schools, the airport, public and non-public utilities, government offices, and other public and quasi-public facilities consistent with the Public Agency land use designation.

#### **17.56.020 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 planning commission are similar, will be allowed as principally permitted uses in the P-F zoning district:

- A. Parks, picnic areas, playgrounds.
- B. Public and quasi-public facilities.
- C. Public utilities, except wireless telecommunication facilities.
- D. Public schools.

#### **17.56.030 Accessory uses.**

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

- A. Certified farmers' markets.
- B. Mobile food sales pursuant to Chapter 17.104 (Mobile Food Sales).
- C. Signs pursuant to Chapter 17.76 (Signs).
- D. Special events.
- E. Usual and customary structures associated with a principally permitted use.

#### **17.56.040 Conditional uses.**

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

- A. Airports.
- B. Cemeteries.



- C. Wireless telecommunication facilities pursuant to Chapter 17.112 (Wireless Telecommunication Facilities).
- D. Wastewater treatment facilities.

**17.56.050 Lot requirements.**

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

**17.56.060 Development standards.**

- A. Dwelling units per acre: None.
- B. Maximum building height.
  - 1. All uses, except as specified herein: Fifty (50) feet.
  - 2. Accessory structures: Fifteen (15) feet.
- C. Maximum lot coverage: Eighty (80) percent.
- D. Minimum setbacks.
  - 1. Front yard: Ten (10) feet.
  - 2. Side yard: Ten (10) feet.
  - 3. Rear yard: Ten (10) feet.
- E. Minimum distance between buildings: As required by California Building Code.
- F. Minimum parking: As specified in Chapter 17.72 (Off-Street Parking).

## **CHAPTER 17.60**

### **PLANNED DEVELOPMENT, P-D**

#### **Sections**

- 17.60.010 Purpose and applicability.
- 17.60.020 Permitted uses.
- 17.60.030 Accessory uses.
- 17.60.040 Conditional uses.
- 17.60.050 Development standards.
- 17.60.060 Prohibited uses.
- 17.60.070 Processing of an application for a planned development permit.

#### **17.60.010 Purpose and applicability.**

The Planned Development (P-D) zoning district is intended to enable and encourage flexibility of design and development of land in such manner as to promote its most appropriate use. The P-D zoning district also allows diversification in the relationship of various uses, structures, and spaces.

Planned developments, involving the careful application of design, are encouraged to achieve a more functional, aesthetically pleasing and harmonious living and working environment within the city which otherwise might not be possible by strict adherence to the regulations of specific zoning districts. The P-D zoning district is designed to accommodate various types of developments, such as shopping centers, single-family housing developments, multifamily housing developments, professional and administrative areas, commercial service centers and industrial parks, or any other use or combination of uses that can be made appropriately a part of a planned development.

The proposed development shall be designed to produce an environment with a stable and desirable character and shall provide standards of open space and permanently reserved areas for off-street parking adequate for the occupancy proposed, and at least equivalent to those required elsewhere by the provisions of this title for such use. In case of residential development, it should include provisions for recreation areas to meet the needs of the anticipated population. The P-D zoning district is consistent with the Planned Development land use designation.

#### **17.60.020 Permitted uses.**

Provided there is no division of property, and subject to issuance of a building permit, business license or other required permit(s), the following uses, and uses which in the opinion of the Planning Commission are similar, are allowed as principally permitted uses in the P-D zoning district without the need for a planned development permit:

- A. Residential care homes.
- B. Single-family residential.
- C. Small employee housing.
- D. Supportive housing.
- E. Transitional housing.

#### **17.60.030 Accessory uses.**

When established or constructed concurrently with or subsequent to the principally permitted use, the following uses are permitted in the P-D zoning 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 17.108 (Accessory Dwelling Units).
- B. Cottage food operations pursuant to Section 17.92.050 (Cottage food operations).
- C. Family childcare homes.
- D. Home occupations pursuant to Section 17.92.040 (Home occupations).
- E. Short-term rentals pursuant to Chapter 17.96 (Short-Term Rentals).
- F. Signs pursuant to Chapter 17.76 (Signs).
- G. Usual and customary structures associated with a principally permitted use, including fences and walls pursuant to Section 17.88.120 (Fences, walls, hedges, and equivalent screening).

#### **17.60.040 Conditional uses.**

Upon approval and validation of a conditional use permit, in addition to any other permits or licenses required for the use, the following uses are permitted in the P-D zoning district without need for a planned development permit, provided there is no division of property:

- A. Bed and breakfast inns pursuant to Chapter 17.100 (Bed and Breakfast Inns).
- B. Community gardens pursuant to Section 17.88.170 (Community gardens).
- C. Crop and tree farming.
- D. Off-site parking and shared parking facilities pursuant to Chapter 17.72 (Off-street parking).
- E. Parks, picnic areas, and playgrounds.
- F. Places of worship and spiritual assembly.
- G. Public and private schools.
- H. Public and quasi-public facilities.
- I. Residential uses:
  - 1. Multifamily residential, four (4) dwelling units or fewer.
  - 2. Residential care facilities.
- J. Other uses similar to those listed in this section.

#### **17.60.050 Development standards.**

The standards of site area and dimensions, site coverage, yard spaces, distances between structures, off-street parking and off-street loading facilities, and landscaped areas need not be equivalent to the standards prescribed for the regulations for other districts, which involve similar uses if the applicant has demonstrated, by their design proposal, that the objectives of this title will be achieved.

The average population density per net acre may not exceed the maximum population density prescribed in the general plan. Since planned developments also typically involve the subdivision

process, the applicant must be prepared to show what changes in conventional street and lot design will be necessary to achieve the desired goals.

**17.60.060 Prohibited uses.**

No use shall be permitted, and no process, equipment, or material shall be employed, which is found by the planning commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illuminations, glare, unsightliness or heavy truck traffic or to involve any hazard of fire or explosion.

**17.60.070 Processing of an application for a planned development permit.**

- A. Prior to development of properties within the P-D zoning district that includes subdivision of property, the owner/applicant shall submit an application to the city:
  - 1. The application shall be accompanied by a development plan of the entire site, drawn to scale and showing the contours of the site in intervals of not more than five (5) feet and provisions for: stormwater detention; public utility rights-of-way; streets; public and private access; driveways and sidewalks; off-street parking and loading facilities; reservations and dedications for public uses; residential uses, including dwelling types; nonresidential uses, including types; lot layout, including setbacks; heights and elevations of structures; and landscaped areas.
  - 2. In addition to the data prescribed in subsection (A)(1) of this section, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average population density per net acre and per gross acre in the area or areas proposed to be devoted to residential use.
  - 3. The application shall also be accompanied by text that establishes development standards for the planned development including lot sizes, setbacks, building heights, parking requirements, etc.
  - 4. A written statement setting forth the source of water supply, method of sewage disposal, and provisions for maintenance of landscaped areas.
  - 5. Proposed parcel or subdivision map consistent with the development plan.
- B. The planning commission shall review and act upon the parcel map or tentative subdivision map application in accordance with the procedures prescribed by the Subdivision Map Act and Title 16 (Subdivisions). Any approval shall be conditioned on the map becoming effective concurrently with the effective date of the rezone establishing the planned development district.
- C. The planning commission may recommend approval of the planned development permit application and establishment of the planned development district only if it first makes the following findings:
  - 1. That the proposed location of the planned development is in accordance with the objectives of this title.
  - 2. That the proposed location of the planned development and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity.

3. That the proposed planned development will comply with each of the applicable provisions of this chapter.
  4. That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking and off-street loading facilities, and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the city.
  5. That the standards of population density, site area and dimensions, site coverage, yard spaces, height of structures, distances between structures and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.
  6. That the combination of different dwelling types and variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.
  7. The proposed planned development or the first use or group of uses can be substantially completed within the time schedule submitted by the applicant.
- D. The planning commission shall forward its recommendation regarding approval of the planned development permit and establishment of the planned development district to the city council for final action.
- E. The city council shall consider the application and development plan, together with the recommendation of the planning commission. The council may approve the planned development permit and establish the planned development district if it finds that:
1. The proposed district and development plan, as recommended by the planning commission, are consistent with the general plan and with the purposes of this title.
  2. The proposed district and all uses provided for therein will be compatible with existing and anticipated development in the general vicinity.
- F. If the city council determines that the project as proposed should not be approved, the council may refer the project back to the planning commission for further consideration.
- G. An ordinance establishing a planned development district, if enacted by the city council, shall reference the development plan for the district approved by the city council.

## **CHAPTER 17.64**

### **AIRPORT OVERLAY DISTRICT**

#### **Sections**

- 17.64.010 Purpose.
- 17.64.020 Definitions.
- 17.64.030 Airport Overlay district established.
- 17.64.040 Use restrictions.
- 17.64.050 Prohibited uses.
- 17.64.060 Height limits.
- 17.64.070 Other requirements.
- 17.64.080 Nonconforming uses.
- 17.64.090 Variances.
- 17.64.100 Administration of provisions.
- 17.64.110 Airport zoning commission—Duties.
- 17.64.120 Appeals to commission.
- 17.64.130 Violation—Penalty.

#### **17.64.010 Purpose.**

- A. This chapter is adopted pursuant to the authority conferred by the State Airport Approaches Zoning Law (Government Code Sections 50485-50485.14).
- B. The Montague Yreka-Rohrer Field is acknowledged as an essential public facility to the local community. It is found that an airport hazard endangers the lives and property of users of Montague Yreka-Rohrer Field and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, the following is declared:
  - 1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Montague Yreka-Rohrer Field.
  - 2. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented.
  - 3. That the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation.
- C. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the city may raise and expand public funds and acquire land or interests in land.

#### **17.64.020 Definitions.**

As used in this chapter, unless the context otherwise requires:

“Airport elevation” means the elevation of the airport reference point, which for Montague-Yreka Rohrer Field is two thousand five hundred twenty-seven (2,527) feet above mean sea level.

"Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

"Airport Reference Point" means that point at the geographical center of Montague Yreka-Rohrer Field as shown on the Airport Layout Plan for Montague-Yreka Rohrer Field, which is also the point established for determining the height limits specified in Section 17.64.060 (Height limits), being the official elevation reference.

"Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, city or county, or district, and includes any trustee, receiver, or assignee.

"Structure" means any object constructed or installed, including, but without limitation, buildings, towers, smokestacks, and overhead lines.

"Tree" means any object of natural growth.

#### **17.64.030 Airport Overlay district established.**

In order to carry out the provisions of this chapter, there is hereby created an Airport Overlay (AO) zoning district that is composed of the following surface zones, compatibility, and height review overlay zones. The zones cover a geographic area that is affected by airport activities and are defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development patterns. The boundaries of the airport surface zones are shown on the Airspace Plan for Montague-Yreka Rohrer Field (April 1999), and the compatibility and height review overlay zones are shown on the Compatibility Map: Montague-Yreka Rohrer Field (July 2001), which are attached to the ordinance codified in this chapter and incorporated by reference, and which shall also be on file and open for inspection in the office of the city clerk. The surface, compatibility, and height review zones are overlaid on top of the existing underlying zoning, which remains in full force and effect. Where the requirements imposed by the surface, compatibility, and height review overlay zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced.

A. Surface Zones. In order to carry out the provisions of this chapter, there are created and established certain surface zones which include all the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the airport. Such zones are shown on the Airspace Plan for Montague-Yreka Rohrer Field (April 1999), as such currently exists or is hereafter amended. Within each of the surface zones there are hereby established certain height restrictions for structures and trees. The surface zones are established and defined as follows:

1. Approach Zone. An approach zone is established at each end of all non-instrument runways for non-instrument landings and takeoffs. The approach zone shall have a width of two hundred fifty (250) feet at a distance of two hundred (200) feet beyond each end of each runway with a specially prepared hard surface, and a width of two hundred fifty (250) feet at each end of each runway that has no specially prepared hard surface, widening thereafter uniformly to a width of one thousand two hundred fifty (1,250) feet at a distance of five thousand hundred (5,000) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.
2. Transition Zones. Transition zones are established adjacent to each non-instrument runway and approach zone. Transition zones symmetrically located on either side of the runways have variable widths. Transition zones extend outward and upward, at right angles to the runway centerline and runway centerline extended, from the sides of the primary surface and approach surfaces. The transition zones slope upward and

outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to approach zones for the entire length of the approach zones. These transition zones have variable widths. The transition zones flare symmetrically with either side of the runway approach zones from the base of the zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surface of the horizontal zone.

3. Horizontal Zone. A horizontal zone is established as the area within a circle with its center at the airport reference point and having a radius of five thousand (5,000) feet. The horizontal zone does not include the approach zones and the transition zones.
  4. Conical Zone. A conical zone is established commencing at the periphery of the horizontal zone and extending a horizontal distance of four thousand (4,000) feet. The conical zone does not include the approach zones and transition zones.
- B. Compatibility and Height Review Overlay Zones. In order to carry out the provisions of this chapter and to promote land use compatibility on lands within and adjacent to and in the vicinity of the airport, there are created and established certain compatibility and height review overlay zones. Such compatibility and height review overlay zones are shown on the Compatibility Map Montague-Yreka Rohrer Field (July 2001), as such now exists or is hereafter amended. Within each of the compatibility zones, certain land use limitations are established and certain development standards are imposed in addition to the land uses and development standards of the underlying zoning. Where the requirements imposed by these compatibility zones conflict with the requirements of the underlying zoning, the more restrictive requirements shall be enforced. The compatibility and height review overlay zones are established and defined as follows:
1. Compatibility Zone A. Zone A includes airport runways and immediately adjacent areas wherein uses are restricted to aeronautical functions in accordance with Federal Aviation Administration (FAA) standards. The lateral limits of Zone A are defined by the airfield building restriction lines as depicted on the Airport Layout Plan, dated April 1999 and prepared under the direction of the Siskiyou County Airport Land Use Commission, which is incorporated herein and made a part of this chapter. The length of Zone A is set in most cases to encompass the runway protection zone located at each end of the runway, even if this area is not on airport property. Runway protection zone dimensions are defined by FAA airport design standards and take into account the runway approach type and the type of aircraft the runway is intended to accommodate. In addition to being an area of high risk, Zone A also is subject to high noise levels from individual aircraft operations.
  2. Compatibility Zone B. Zone B generally surrounds Zone A, including areas both immediately beyond the runway protection zones and adjacent to the runways. These are locations where noise levels and risks are both moderate to high. Zone B generally encompasses areas impacted by noise levels of 55 dB CNEL or greater. Noise levels produced by individual aircraft operations also are high enough to disrupt many land use activities. Risk levels are moderate to high because the areas are overflown by aircraft at low altitudes - typically only two hundred (200) to one hundred (100) feet above the runway elevation. Additionally, restrictions on heights of objects are essential for airspace protection purposes.
  3. Compatibility Zone C1. The outer boundary of Zone C1 is defined as the area commonly overflown by aircraft at an altitude of one thousand (1,000) feet or less above ground level. Included are locations beneath the traffic pattern and pattern entry



points. A typical traffic pattern altitude is one thousand (1,000) feet above the airport elevation, although it can be lower or higher. Zone C1 boundaries take into account areas where high or low terrain affects the altitude of aircraft overflights above ground level. Annoyance associated with aircraft overflights is the major concern within Zone C1. Although the traffic pattern zone lies mostly outside the 55-dB CNEL contour, land uses are nevertheless subjected to frequent aircraft noise events.

4. Compatibility Zone D. Zone D includes other areas within the airport vicinity which are overflown less frequently or at a higher altitude by aircraft arriving and departing the airport.
5. Height Review Overlay Zone. The Height Review Overlay Zone encompasses locations where the terrain exceeds or comes within fifty (50) feet of an airspace surface defined by FAR Part 77. The fifty (50)-foot height is intended to represent the tallest likely height of an antenna on top of a building. Lands within Compatibility Zones A and B also are considered to be within the Height Review Overlay Zone because protection of the airspace above these areas is critical to the safety of aircraft approaching and departing a runway. All proposed development within this zone must be reviewed for potential conflicts with FAR Part 77 standards. Unless the structure would be shadowed by tall trees or high terrain situated nearby, information regarding the proposal must also be submitted to the FAA for an aeronautical study.

#### **17.64.040 Use restrictions.**

- A. General Restrictions. Notwithstanding any other provisions of this chapter, no use may be made of land within any zone established by this chapter in such a manner as to create electrical interference with radio communications between the airport and aircraft; make it difficult for flyers to distinguish between airport lights and others; result in glare in the eyes of flyers using the airport, impairing visibility in the vicinity of the airport; or otherwise endanger the landing, taking off, or maneuvering of aircraft.
- B. Residential Development—Density Limitations.
  1. Criteria. Any subdivision of property for the purposes of residential development within the airport influence area shall comply with the following density criteria:
    - a. Compatibility Zone A: No new dwellings permitted.
    - b. Compatibility Zone B: No more than one (1) dwelling unit per five (5) acres.
    - c. Compatibility Zone C1: No more than one (1) dwelling unit per two and one half (2.5) acres.
    - d. Compatibility Zone D: No airport-related limitations apply.
  2. Parcels lying within two (2) or more compatibility zones. If a parcel proposed for development is split by a compatibility zone, the number of dwelling units permitted shall be determined by each zone located within the parcel. However, the development density allowed within the more restricted zone should be transferred to the less restricted zone. This type of transfer is encouraged, even if the resulting development in the less restrictive zone would exceed its allowable density. This transfer of development is also allowed with respect to multiple parcels proposed to be developed as a single project.
  3. Development of existing lots. Except within Compatibility Zone A, a single-family dwelling may be built on any legal lot of record as of the effective date of the ordinance codified in this chapter even if the preceding density criteria would not be met.

4. Secondary units. Construction of a secondary dwelling unit shall not be permitted on any parcel if the resulting density would exceed the preceding criteria.
- C. Nonresidential Development—Usage Intensity Limitations.
1. Criteria. Any proposed nonresidential construction or use of land for which a zoning approval, use permit, building permit, or other county approval is required shall be subject to the following usage intensity limitations:
    - a. Compatibility Zone A: No more than ten (10) people per acre.
    - b. Compatibility Zone B: No more than twenty-five (25) people per acre.
    - c. Compatibility Zones C1: No more than seventy-five (75) people per acre.
    - d. Compatibility Zone D: No airport-related usage intensity limits apply.
  2. Calculation. The maximum number of people permitted on a site shall be calculated based on the following factors:
    - a. Include all people who may be on the property (e.g., employees, customers, visitors, etc.).
    - b. Reflect the total number of people on the site at any time, except rare special events. Rare special events are ones (such as balloon fairs or an air show at an airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.
    - c. If a parcel proposed for nonresidential use is split by compatibility zone boundaries, the usage intensity shall be calculated as if the parcel was divided at the compatibility zone boundary line. The intensity of development allowed within the more restricted portion of the parcel is encouraged to be transferred to the less restricted portion. This transfer of development is also allowed with respect to multiple parcels proposed to be developed as a single project.
  3. Specific land uses. For the purpose of providing a guideline, the number of people per acre associated with specific land uses can be estimated as follows, and the following land uses can generally be assumed to have average usage intensities as indicated. The following list is a typical cross section of land uses, and is not intended to be exhaustive.
    - a. No more than ten (10) people per acre:
      - i. Rangeland and pastures.
      - ii. Forests.
      - iii. Field crops and orchards.
      - iv. Two-lane roads.
    - b. Over ten (10), but no more than twenty-five (25) people per acre:
      - i. Automobile parking lots (no structures).
      - ii. Cemeteries.
      - iii. Indoor storage facilities.
      - iv. Lumber storage yards.
      - v. Equipment sales and service.

- c. Over twenty-five (25), but no more than seventy-five (75) people per acre:
  - i. Parks, picnic areas, and playgrounds.
  - ii. Outdoor sports facilities, not spectator oriented.
  - iii. Retail sales.
  - iv. Small shopping centers, one (1) story only.
  - v. Business and professional offices, two (2) stories or fewer.
  - vi. Motels, two (2) stories or fewer.
  - vii. Light industrial or manufacturing uses.
- d. Over seventy-five (75) people per acre:
  - i. Buildings, three (3) or more stories.
  - ii. Major shopping centers.
  - iii. Movie theaters.
  - iv. Convention halls.
  - v. Sports stadiums.
- 4. All other land uses. The usage intensity of all other uses highly depends upon the specifics of the proposed land use and its design. For uses not listed above, the anticipated number of people per acre can be calculated based on any of the following methods:
  - a. Parking spaces. Unless a substantial number of people would arrive at the site by means other than automobile (or would park off site), the anticipated number of people on the site can be estimated to be at least equal to the number of automobile parking spaces required for the use. A higher number shall be assumed for uses which typically attract more than one (1) person per vehicle.
  - b. Building Code. The anticipated maximum number of people occupying indoor facilities on a site can be assumed to be no higher than the total floor area of the proposed use divided by the minimum square feet per occupant requirements listed in the Building Code. Because the Building Code criteria represent highly intensive levels of usage, the number obtained through this calculation can normally be divided in half for the purposes of the usage intensity criteria in this section.
  - c. Survey or analysis results. A project applicant may provide evidence, such as surveys of existing uses similar to the type proposed, documenting that specific features of a proposal would result in a usage intensity lower than that assumed using the methods indicated above. Acceptance of such evidence shall be at the discretion of the permitting authority.

#### **17.64.050 Prohibited uses.**

Regardless of whether the use would meet the intensity criteria listed in Section 17.64.050 (Use restrictions), the following land uses shall be prohibited within the zones indicated:

- A. Compatibility Zone A.

1. All new structures except ones having an aeronautical function and a location set by FAA standards.
  2. Any assemblage of people, except during a rare special event as defined in subsection (C)(2)(b) of Section 17.64.050 (Use restrictions)
  3. Aboveground bulk storage of hazardous materials.
- B. Compatibility Zone B.
1. Public and private schools – kindergarten through grade twelve (12).
  2. Day cares.
  3. Libraries.
  4. Hospitals.
  5. Senior care facilities.
  6. Highly noise-sensitive uses (e.g., outdoor theaters).
  7. Aboveground bulk storage of hazardous materials with the following exceptions: aviation fuel or other aviation-related flammable materials and/or up to two thousand (2,000) gallons of nonaviation flammable materials.
- C. Compatibility Zone C1.
1. Public and private schools – kindergarten through grade twelve (12).
  2. Daycares.
  3. Libraries.
  4. Hospitals.
  5. Senior care facilities.
- D. All Compatibility Zones. Objects having a height exceeding the limits indicated in Section 17.64.060 (Height limits) and hazards to flight as described in subsection E of this section.
- E. Hazards to flight. Land uses which may cause visual, electronic, or bird strike hazards to aircraft in flight shall not be permitted within the influence area of any airport. Specific characteristics to be avoided include:
1. Glare or distracting lights which could be mistaken for airport lights.
  2. Sources of dust, steam, or smoke which may impair pilot visibility.
  3. Sources of electrical interference with aircraft communications or navigation.
  4. Any use, especially landfills and certain agricultural uses, which may attract an increased number of birds.

**17.64.060 Height limits.**

- A. Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by the provision of this chapter to a height in excess of the height limit established for such zone. The height limitations are computed from the established airport elevation and are established for each of zone as follows:
1. Surface Zones.

- a. Approach Zone. One (1) foot in height for each twenty (20) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the non-instrument runway and extending to a point five thousand (5,000) feet from the end of the runway.
  - b. Transition Zones. One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point one hundred twenty-five (125) feet from the centerline of non-instrument runway, measured at right angles to the longitudinal centerline of the runway, extending upward to a maximum height of one hundred fifty (150) feet above the established airport elevation, which is two thousand five hundred twenty-seven (2,527) feet above mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) horizontal distance measured from the edges of all approach zones for the entire length of the approach zone and extending upward and outward to the points where they intersect the horizontal surfaces.
  - c. Horizontal Zone. One hundred fifty (150) feet above the established airport elevation or a maximum height of two thousand six hundred seventy-seven (2,677) feet above mean sea level elevation, with a radius of five thousand (5,000) feet measured from the airport reference point.
  - d. Conical Zone. One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone and measured in an inclined plane passing through the airport reference point, extending out from the horizontal surface four thousand (4,000) feet measured on a horizontal plane.
2. Compatibility Zones.
  - a. Compatibility Zones A and B: The height of the airspace protection surface indicated on the Airspace Plan for Montague-Yreka Rohrer Field.
  - b. Compatibility Zone C (except Terrain Penetration Area): Fifty (50') feet.
  - c. Compatibility Zones C1: No more than seventy-five (75) people per acre.
  - d. Compatibility Zone D. No airport-related usage intensity limits apply.
- B. Roadways and rail lines. In the design or reconstruction of roadways and rail lines within an airport influence area, allowance shall be made for vehicles having an assumed height as follows:
  1. Vehicles on interstate highways: Seventeen (17) feet.
  2. Vehicles on other public roads: Fifteen (15) feet.
  3. Vehicles on private roads or in parking lots: Ten (10) feet.
  4. Railroad trains: Twenty-three (23) feet.
- C. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.
- D. Nothing in this chapter shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to forty-five (45) feet above the surface of the land.

#### **17.64.070 Other requirements.**

- A. Site Design. In addition to the specific development restrictions set forth in the preceding sections, all structures within Compatibility Zone B shall be located as far as practical from the extended runway centerline unless suggested otherwise by the city administrator.
- B. Hazard Marking and Lighting. If such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, any permit or variance granted may be so conditioned as to require the owner of the structure or tree in question to permit the city, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.
- C. Avigation Easement Dedication. As a condition for approval of new development requiring a discretionary approval within Compatibility Zones A or B, or within a Terrain Penetration Area, the owner of the property on which the development is to be located shall dedicate and record an avigation easement to the City of Montague. The purpose of this requirement is twofold: to protect the airport airspace from objects which could constitute hazards to air navigation, and to inform future owners and prospective purchasers of the property that aircraft may overfly the location at low altitudes while approaching, departing, or maneuvering near the associated airport. An avigation easement shall contain the following provisions:
  - 1. Provide the right of flight in the airspace above the property;
  - 2. Allow the generation of noise and other impacts associated with aircraft overflight;
  - 3. Restrict the height of structures, trees and other objects;
  - 4. Permit access to the property for the removal or aeronautical marking and/or lighting of objects exceeding the established height limit; and
  - 5. Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.
- E. Deed Notification. As a condition for approval of new development requiring a discretionary approval, such as a tentative parcel map, subdivision map, planned development, use permit, zone change, or other discretionary permit, within Compatibility Zone C1, a notice regarding aircraft overflight activity shall be recorded with the deed to the property. Said notice shall indicate that the property is routinely subject to overflight activity by aircraft using the airport; that residents may experience inconvenience, annoyance, or discomfort from the noise of such operations and should be prepared to accept such occurrences; and that the current volume of aircraft activity at the airport could increase in the future. Any subsequent deed conveying the parcel or subdivisions thereof to a new owner shall also contain a statement to this effect.
- F. Zoning and Building Regulations. The development criteria applicable within the Airport Overlay (AO) district are in addition to the requirements and standards of the underlying zoning district with which the AO district is combined. In the event of a conflict between the provisions of this chapter and any other land use or building regulation applicable to the same land area or parcel, including regulations adopted by other public agencies, the more restrictive criteria shall prevail.

#### **17.64.080 Nonconforming uses.**

- A. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher or

become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto or than it is when the application for a permit is made.

- B. Whenever the building inspector determines that a nonconforming structure or tree has been abandoned or more than eighty (80) percent physically damaged, deteriorated, or decayed, no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the regulations contained herein unless a variance has been granted in accordance with Section 17.64.090 (Variances).
- C. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this chapter or otherwise interfere with the continuance of any nonconforming use. Nothing contained in this chapter shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter and is diligently prosecuted.
- D. Notwithstanding the provisions of the previous subsection, the owner of any nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as are deemed necessary by the city administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of the airport hazards. The markers and lights shall be installed, operated, and maintained at the expense of the city.

#### **17.64.090 Variances.**

- A. Variances. Any person desiring to erect or increase the height of any structure or permit the growth of any tree or use their property not in accordance with the regulations prescribed in this chapter may apply to the airport zoning commission for a variance from such regulations.
- B. Variances from the height limit criteria set forth in Section 17.64.060 (Height limits) shall be permitted only if all of the following conditions are met:
  - 1. At least one of the following circumstances exists: terrain, trees, or other objects of equal or greater height are situated within a one hundred (100)-foot radius of the object; or the FAA has conducted an aeronautical study of the proposed object and determined that the object would not create a hazard to the navigable airspace of the airport.
  - 2. The owner of the property has dedicated an aviation easement to the City of Montague.
  - 3. The owner of the property has agreed in writing to the installation, operation, and maintenance of any hazard marking and/or lighting required pursuant to subsection B of Section 17.64.070 (Other requirements).
- C. Prior to granting a variance, the airport zoning commission shall make specific findings as to why the variance is being granted and that the land use will not create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the proposed use. Such findings shall be consistent with the spirit of this chapter and with guidelines established in the Airport Land Use Planning Handbook published by the California Department of Transportation. Findings also shall be made as to the characteristics of the terrain, surrounding land uses, or other extraordinary circumstances which would cause adherence to the criteria of this chapter to result in practical difficulty or unnecessary hardship upon use of the property and thus should warrant the policy variance.
- D. Such variances shall be allowed when it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief

granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of this chapter.

**17.64.100 Administration of provisions.**

It shall be the duty of the city administrator and building inspector to administer and enforce the regulations prescribed in this chapter. Applications for permits and variances shall be made to the city administrator and/or building inspector upon a form furnished by the city clerk. Applications required by this chapter to be submitted to the city administrator and/or building inspector shall be promptly considered and granted or denied. Applications for action by the airport zoning commission shall be forthwith transmitted by the city administrator and/or building inspector.

**17.64.110 Airport zoning commission—Duties.**

- A. The airport zoning commission shall hear and decide appeals from any order, requirement, decision, or determination made by the city administrator or building inspector in the enforcement of this chapter; hear and decide special exceptions to the terms of this chapter upon which the commission under such regulations may be required to pass; and hear and decide specific variances.
- B. The chairperson of the planning commission shall be the chairperson of the airport zoning commission with meetings of the commission being held at the call of the chairperson and at such other times as the commission may determine, but usually concurrently with planning commission meetings. All hearings of the commission shall be public with the city clerk keeping minutes of commission proceedings, records of commission examinations, and other official actions, all of which shall immediately be filed in the office of the city clerk and shall be matters of public record.
- C. The commission shall make written findings of fact and conclusions of law, giving the facts upon which it acted and its legal conclusion from such facts in revising, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this chapter.
- D. The concurring vote of a majority of the members of the commission shall be sufficient to reverse any order, requirement, decision, or determination of the city administrator or building inspector or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.

**17.64.120 Appeals to commission.**

- A. Any person aggrieved or any taxpayer affected by any decision of the city administrator or building inspector, if of the opinion that any such decision is an improper application of these regulations, may appeal to the commission.
- B. All appeals must be taken within a reasonable time as provided by the rules of the commission by filing with the city administrator a notice of appeal specifying the grounds thereof. The city administrator shall forthwith transmit to the commission all the papers constituting the record upon which the action appealed from was taken.
- C. An appeal shall stay all proceedings in furtherance of the action appealed from unless the city administrator or building inspector, as the case may be, certifies to the commission after the notice of appeal has been filed with it that by reason of the facts stated in the certificate a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed except by order of the commission on due cause shown.



- D. The commission shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide appeals within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- E. In conformity with the provisions of this chapter, the commission may reverse or affirm in whole or in part or modify the order, requirement, decision, or determination appealed from and may make the order, requirement, decision, or determination as may be appropriate under the circumstances.

**17.64.130 Violation—Penalty.**

Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than five hundred dollars (\$500) or imprisonment for not more than ninety (90) days or both such fine and imprisonment; and each day a violation continues to exist shall constitute a separate offense.

## **CHAPTER 17.68**

### **SIMILAR USE DETERMINATIONS**

#### **Sections:**

- 17.68.010 Purpose.
- 17.68.020 Applicability.
- 17.68.030 Application required.
- 17.68.040 Review procedure.
- 17.68.050 Findings.
- 17.68.060 Planning commission modifications.
- 17.68.070 Amendments.
- 17.68.080 Appeals.
- 17.68.090 Record of determinations.

#### **17.68.010 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 planning commission to determine whether or not a proposed use is similar to a to a permitted or conditionally permitted use and whether it may be permitted in a particular zoning district.

#### **17.68.020 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.

#### **17.68.030 Application required.**

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

#### **17.68.040 Review procedure.**

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

#### **17.68.050 Findings.**

The planning commission shall approve a similar use determination only if it first makes the following findings. If the planning commission 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.

**17.68.060 Planning commission modifications.**

The planning commission may require modifications to the proposed use, in whole or in part, to ensure consistency with the findings in Section 17.68.050 (Findings).

**17.68.070 Amendments.**

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

**17.68.080 Appeals.**

In case the applicant or other affected party is not satisfied with the decision of the planning commission, they may appeal said decision to the city council in accordance with Section 17.136.030 (Appeals of planning commission action).

**17.68.090 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 17.72 OFF-STREET PARKING**

### **Sections**

17.72.010	Purpose.
17.72.020	General regulations.
17.72.030	Amount of off-street parking.
17.72.040	Parking for compact cars.
17.72.050	Off-site parking.
17.72.060	Shared parking facilities.
17.72.070	Accessible parking facilities.
17.72.080	Off-street loading.
17.72.090	Design, construction, and maintenance standards.
17.72.100	In-lieu parking fees.
17.72.110	Carports.
17.72.120	Conversion of residential garages.
17.72.130	Exceptions.
17.72.140	Minimum off-street parking requirements.

### **17.72.010 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.

### **17.72.020 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 17.72.120 (Exceptions) and Chapter 17.108 (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 17.72.060 (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 17.72.090 (Design, construction, and maintenance standards) and 17.72.140 (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 17.72.050 (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.

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

Parking facilities for each land use shall be provided according to the minimum requirements set forth in Section 17.72.140 (Minimum off-street parking requirements), applied as follows:

- A. When application of Section 17.72.140 (Minimum off-street parking requirements) 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.

**17.72.040 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.

**17.72.050 Off-site parking.**

- A. Where permitted by use permit, the planning commission 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 planning commission 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 planning commission may require such guarantees as deemed necessary to assure continued availability and usability of any off-site parking.

**17.72.060 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 planning commission 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 17.84 (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 planning commission 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 planning commission 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.

**17.72.070 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 17.120 (Reasonable Accommodations).

**17.72.080 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.

**17.72.090 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 the water efficient landscaping requirement of Chapter 15.24 (Water Efficient Landscaping), in which case Chapter 15.24 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.
  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.

#### **17.72.100 In-lieu parking fees.**

- A. Applicability. With the development of any new or expanded commercial, industrial, or mixed-use land use in the city, in lieu of providing off-street parking spaces as required by the provisions of Section 17.72.140 (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.

#### **17.72.110 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.

#### **17.72.120 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 inspector 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 17.108 (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.

**17.72.130 Exceptions.**

- A. The amount of off-street parking required by Section 17.72.140 (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 17.84.010 (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 17.72.060 (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. 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 17.84 (Use Permits and Variances).

**17.72.140 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	
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.
Duplexes and townhouses	One and one half (1.5) spaces per unit, plus one (1) guest space for every three (3) units
Multifamily residential < 700 sq. ft.	One and one quarter (1.25) spaces 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.	One and three quarters (1.75) 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 17.116 (Accessory Dwelling Units)
Dormitories	One (1) space per bed
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 five (5) allowed occupants, plus one (1) space for staff
All other residential uses	As required by the planning commission
<b>Commercial Uses</b>	
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

Use	Minimum Required Off-Street Parking Spaces
Car washing and detailing	Two times (2x) the number of vehicles capable of being serviced simultaneously, plus one (1) space 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 17.100 (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 planning commission
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 planning commission
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 planning commission

## **Chapter 17.76**

### **SIGNS**

#### Sections:

- 17.76.010 General.
- 17.76.020 Definitions.
- 17.76.030 Exempt signs.
- 17.76.040 Prohibited signs.
- 17.76.050 Sign permits.
- 17.76.060 Regulations applicable to zoning districts.
- 17.76.070 Regulations applicable to all land uses.
- 17.76.080 Special signs.
- 17.76.090 Nonconforming signs and uses.
- 17.76.100 Relocation of off-site signs pursuant to relocation agreements.
- 17.76.110 Removal and disposition of signs by city.
- 17.76.120 Construction standards.
- 17.76.130 Maintenance of signs.
- 17.76.140 Variances.
- 17.76.150 Use permits.
- 17.76.160 Appeals.
- 17.76.170 Violations.

#### **17.76.010 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.

#### **17.76.020 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.

“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, flags, or other objects designed and fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

#### **17.76.030 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 recreation and parks district or other 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; 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 G of Section 17.76.120 (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-A, R-E, R-1, R-2, and R-3 zoning 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. Mixed-Use and Town Center Zoning Districts. In the M-U and T-C zoning 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 zoning 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.

#### **17.76.040 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 17.76.090 (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 17.76.100 (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 17.76.110 (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 administrator is authorized to affect 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.
  2. Signs that are located on or project over the roof of a building or structure.
  3. Off-site signs and signs displaying general advertising for hire.
  4. Statues, real or simulated, utilized for advertising purposes.
  5. Sidewalk clocks.

**17.76.050 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 building official.
- 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 building official 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 building official 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 building official 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 building official shall do one of the following:
    - a. If the building official determines that the proposed sign complies with all applicable laws and regulations, then the building official shall issue the permit.
    - b. If the building official determines that the application is incomplete or that the proposed sign does not comply with all applicable laws and regulations, then the building official 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 building official shall process the resubmission in the same way that new applications are processed. Only one (1) resubmission is allowed. If the building official 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 building official does not act on it as required by subsections (D)(1)(a) or (D)(1)(b) 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 building official 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 building official 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 building official 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 building official 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 building official 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 building official's reasonable satisfaction within ten (10) days after the notice of deficiencies, then the building official may, in writing, suspend or revoke the sign permit.

**17.76.060 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 17.76.090 (Nonconforming signs and uses).
- B. Residential Zoning Districts. In the R-A, R-E, R-1, R-2, and R-3 residential zoning districts, signs are allowed as follows:
  1. For each single-family residential, duplex residential, dwelling group, small employee 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 sign, of not more than five (5) square feet per dwelling unit, up to a maximum of forty (40) square feet.
  4. For residential care facilities, one (1) attached or detached sign not exceeding twenty-four (24) square 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 all other nonresidential uses in the residential zoning districts, one (1) attached sign not to exceed sixteen (16) square feet of display area.
7. Attached signs in the residential zoning 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.
8. Detached signs in the residential zoning districts shall meet the following requirements:
  - a. Detached signs shall be a monument type sign with a maximum height of six (6) 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. Mixed-Use Zoning District.

1. In the M-U zoning district, residential uses shall be allowed signs as provided in subsection B of this section.
2. In the M-U zoning district, 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.
  - b. One (1) detached sign not to exceed two (2) square feet of display area per lineal foot of building frontage.
  - c. One (1) sign attached flat against the side or rear of the building, not to exceed one (1) square foot of display area for every lineal foot of building frontage, up to a maximum of twenty (20) square feet, when such side or rear faces a public parking lot or street.
  - d. The maximum combined sign display area for all uses and signs shall not exceed three (3) square feet per each lineal foot of building frontage.
  - e. Height limits.
    - i. Attached signs: Twenty (20) feet.
    - ii. Detached signs: Thirty-five (35) feet.
    - iii. Notwithstanding the above, a conditional use permit for signs taller than the established height limits may be granted by the planning commission, following application and public hearing.
  - f. Use permit required—Roof signs. Notwithstanding subsection K of Section 17.76.040 (Prohibited signs), a conditional use permit for a roof sign may be granted by the planning commission, following application and public hearing.

D. Town Center Zoning District.

1. In the T-C zoning district, residential uses shall be allowed signs as provided in subsection B of this section.
  2. In the T-C zoning district, 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.
    - b. 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.
    - c. One (1) attached sign located flat against the side or rear of the building, not to exceed one (1) square foot of display area for every lineal foot of building frontage, when such side or rear faces a public parking lot or street.
    - d. One (1) detached sign not to exceed two (2) square feet of display area per lineal foot of building frontage.
    - e. The maximum combined display area for all uses and signs may not exceed three (3) square feet per each lineal foot of building frontage.
    - f. Height limits.
      - i. Attached signs: Twenty (20) feet.
      - ii. Detached signs: Twelve (12) feet.
      - iii. Notwithstanding the above, a conditional use permit for signs taller than the established height limits may be granted by the planning commission, following application and public hearing.
- E. Commercial and Manufacturing zoning districts. Within the G-C and M zoning districts, signs are subject to the following regulations:
1. One (1) sign attached to the front of the building per occupancy, not to exceed three (3) square feet of display area for every lineal foot of building frontage, up to a maximum of two hundred (200) square feet of display area. No such sign need less than forty (40) square feet of display area regardless of building frontage.
  2. 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.
  3. 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 one hundred fifty (150) 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.
  4. The maximum combined display area for all signs may not exceed three (3) square feet per each lineal foot of building frontage.
  5. Height limits:
    - a. Attached signs: Twenty (20) feet.

- b. Detached signs: Thirty-five (35) feet.
  - c. Notwithstanding the above, a conditional use permit for signs taller than the established height limits may be granted by the planning commission, following application and public hearing.
- F. Planned Development Zoning District. In order to preserve the character of a planned development in accordance with Chapter 17.60 (Planned Development, P-D), the development standards adopted for a planned development may specify a sign program that allows for signage that otherwise would be prohibited under this chapter, including, but not limited to, signs that would be prohibited by subsection B of Section 17.76.140 (Variances); and to prohibit signage that otherwise would be allowed under this chapter.

#### **17.76.070 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 building official 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 R-A, R-E, R-1, R-2, and R-3 zoning districts shall be indirectly illuminated. Directly illuminated signs are allowed in the R-A, R-E, R-1, R-2, and R-3 zoning 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 building official in the manner provided for in Section 17.76.110 (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 building official.

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.
4. 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.
  5. Moving, Relocating, or Altering Signs.
    - a. 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.
    - b. No existing sign may be altered unless such sign, after alteration thereof, complies with all other provisions of this chapter.

#### **17.76.080 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, Mixed-Use, and Town Center Zoning Districts. If a parcel in the R-A, R-E, R-1, R-2, R-3, M-U, or T-C zoning district is undeveloped, then, in addition to the temporary signs allowed by subsection (K)(1) of Section 17.76.030 (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 17.76.050 (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 Zoning Districts. If a parcel in a G-C or M zoning district is undeveloped, then, in addition to the signs subsection (K)(2) of Section 17.76.030 (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 17.76.050 (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 planning commission in accordance with Section 17.76.150 (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 planning commission shall have the authority to issue a conditional use permit in accordance with Section 17.76.150 (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 17.76.150 (Use permits).

**17.76.090 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. Statuary or representative figures used for advertising purposes;
    - iii. Portable signs on advertising vehicles.
  - b. Within two (2) years from the effective date of the adoption of the ordinance codified herein:
    - i. "A" frame signs;
    - ii. Signs emitting sound, odor, or visible matter;
    - iii. Canvas signs, banners, flags, pennants, streamers, bunting, and wind signs.
  - c. Within three (3) years after the effective date of the ordinance codified herein:
    - i. Animated signs;
    - ii. Moving signs;
    - iii. Signs with exposed neon tubing, incandescent lighting, or other artificial lighting except as otherwise provided in subsection (F)(2)(a) of Section 17.76.070 (Regulations applicable to all land uses);
    - iv. Signs in excess of the number of signs or display area allowance specified in this chapter.
  - c. Within ten (10) years from the effective date of the ordinance codified herein:
    - i. Projecting signs;
    - ii. Roof signs except as otherwise provided in subsection (C)(3)(e) of Section 17.76.060 (Regulations applicable to zoning districts).
2. 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 signs 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 building official or 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 building official or 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 17.76.090 (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.

#### **17.76.100 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 planning commission. Applications for relocation agreements shall be publicly noticed and heard before the planning commission and city council in accordance with the procedures established for use permits pursuant to Section 17.76.150 (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.

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

**A. Removal of Signs by Building Official or Code Enforcement Officer.**

1. The building official or 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 17.76.090 (Nonconforming signs and uses) which has not been removed within the time period specified in such Section 17.76.090, or any other sign maintained in violation of the provisions of this chapter.

The building official or 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 17.76.090 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 building official or 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 planning commission or a committee of the planning commission which the planning commission 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 building officials may cause the immediate removal of a dangerous or defective sign without notice.

**B. Disposal of signs—Fees.**

1. Any sign removed by the building official or 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.

**17.76.120 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. Wind Loads. All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as prescribed in the most current edition of the building code.
- C. Supports and Braces. Metal supports or braces shall be designed for and have sufficient strength to support any sign which is attached thereto.
- D. 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.
- E. 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 building official.
- F. 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.
- G. 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.
- H. Strength of Parapet Wall. A parapet wall must be designed for and have sufficient strength to support any sign which is attached thereto.

#### **17.76.130 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 building official shall require compliance or removal of any sign determined to be in violation of this section in accordance with the provisions of Section 17.76.110 (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.

#### **17.76.140 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 17.84 (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.

#### **17.76.150 Use permits.**

Where a conditional use permit is authorized or required by this chapter, such permit may be granted at the discretion of the planning commission. The commission 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 17.76.010 (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 planning commission 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.

**17.76.160 Appeals.**

- A. Any person aggrieved or dissatisfied with the action of staff resulting from the administration of this chapter may appeal therefrom to the planning commission in accordance with Section 17.136.020 (Appeals of administrative action).
- B. Any person aggrieved or dissatisfied with any action of the planning commission resulting from the administration of this chapter may appeal therefrom to the city council in accordance with Section 17.136.030 (Appeals of planning commission action).
- C. When deciding to affirm, modify, or reverse the action or decision appealed, the planning commission and/or city council shall not consider the content or graphic design of messages other than to determine legality under federal or state law.

**17.76.170 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 17.80**

### **NONCONFORMING USES, STRUCTURES, AND PARCELS**

Sections:

- 17.80.010 Purpose and applicability.
- 17.80.020 Continuation and maintenance.
- 17.80.030 Modification or expansion.
- 17.80.040 Destruction and replacement.
- 17.80.050 Abandonment of nonconforming status.
- 17.80.060 Nonconforming parcels.

#### **17.80.010 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.

#### **17.80.020 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.

#### **17.80.030 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 17.84 (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.

**17.80.040      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 one (1) year of the date of the damage and is diligently pursued to completion.

**17.80.050      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.

**17.80.060      Nonconforming parcels.**

Any lot or parcel of land on 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. The applicant shall submit a site plan in accordance with Section 17.88.020 (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 administrator or their designee may approve the site plan. If the city administrator or their designee denies the application or imposes conditions unacceptable to the applicant, the applicant may file the request with the planning commission who may approve the site plan if it finds the application otherwise complies with all other provisions of this title.

## **CHAPTER 17.84**

### **USE PERMITS AND VARIANCES**

#### **Sections:**

- 17.84.010 Administrative permits.
- 17.84.020 Conditional use permits.
- 17.84.030 Variances.
- 17.84.040 Application.
- 17.84.050 Public hearing.
- 17.84.060 Action by the planning commission on a use permit.
- 17.84.070 Action by the planning commission on a variance.
- 17.84.090 Modification of site plan for which a use permit has been granted.
- 17.84.090 Revocation of use permits.
- 17.84.100 Revocation of variances.

#### **17.84.010 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 administrator 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 administrator or their designee;
    - b. The action taken by the city administrator 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 planning commission 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 aggrieved person is dissatisfied with a city staff action regarding an administrative permit, they may appeal said action pursuant to Section 17.136.020 (Appeals of Administrative Action).

**17.84.020 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.

**17.84.030 Variances.**

- A. The planning commission 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.

**17.84.040 Application.**

- A. Application for a conditional use permit shall be made to the planning commission 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 planning commission 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.

**17.84.050 Public hearing.**

Following a determination by the city planner that an application for a conditional use permit or variance is complete for processing, and upon completion of California Environmental Quality Act compliance, the city clerk shall schedule a public hearing by the planning commission. Notice of the hearing shall be given in the manner set forth in Section 17.136.010 (Notice Required).

**17.84.060 Action by the planning commission on a use permit.**

- A. In order to grant any conditional use permit, the planning commission shall make the finding 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 any of the

following: the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use; property or improvements in the neighborhood; and the general welfare of the city.

- B. The planning commission 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 planning commission shall render its decision on any conditional use permit within thirty-five (35) days following close of the public hearing. Failure of the planning commission 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 planning commission. and the action thereon by the planning commission shall be final and conclusive unless appealed to the city council within ten (10) days.

#### **17.84.070 Action by the planning commission on a variance.**

In order to grant any variance, the findings of the planning commission 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.

#### **17.84.080 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 17.88.020 (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 planning commission, 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 administrator 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.

#### **17.84.090 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 planning commission finds that the continuance of the use permit will endanger the public health, safety, or welfare.

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

**17.84.100 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 planning commission finds, that the continuance of the variance will endanger the public health, safety, or welfare.
- C. The planning commission 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 17.88 SPECIAL PROVISIONS**

### **Sections:**

- 17.88.010 Application.
- 17.88.020 Site plan.
- 17.88.030 Official plan lines.
- 17.88.040 Second dwelling units.
- 17.88.050 Manufactured homes.
- 17.88.060 Manufactured home parks.
- 17.88.070 Recreational vehicles.
- 17.88.080 Recreational vehicle parks.
- 17.88.090 Open space requirements for multifamily developments.
- 17.88.100 Single-room occupancy.
- 17.88.110 Emergency shelters.
- 17.88.120 Fences, walls, hedges, and equivalent screening.
- 17.88.130 Outdoor lighting.
- 17.88.140 Temporary structures.
- 17.88.150 Temporary uses.
- 17.88.160 Commercial outdoor dining and seating.
- 17.88.170 Community gardens.
- 17.88.180 Garage sales.
- 17.88.190 Height limits.
- 17.88.200 Setback exceptions.
- 17.88.210 Dish-type or satellite antennas.
- 17.88.220 Cargo containers.
- 17.88.230 Trash and recycling enclosures.
- 17.88.240 Screening.
- 17.88.250 Cannabis and cannabis products.
- 17.88.260 Low barrier navigation centers.

### **17.88.010 Application.**

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

### **17.88.020 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 planning commission 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.

**17.88.030 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.

**17.88.040 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.

**17.88.050      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.

**17.88.060      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. 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.
- C. 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.
- D. 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.
- E. Separation Requirements. The minimum distance between manufactured homes shall be ten (10) feet. The minimum distance between an accessory structure on one (1) site and a manufactured home on an adjacent site shall be ten (10) feet.
- F. Landscaping and Screening. No less than five (5) feet of yard adjoining a property line of a manufactured home park shall be landscaped and permanently maintained. The planning commission 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.

**17.88.070      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 17.84.010 (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 planning commission. The subject permits shall state the specific location of the vehicle and shall not be transferable.

**17.88.080 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. Perimeter Screening. Each RV park shall have a perimeter fence or wall built to city standards, at least six (6) feet high, except that a fence or wall is not required in the landscaped front setback if individual RV spaces are not visible through the setback area from an adjacent public roadway.
- 11. 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.
12. Signs. RV parks may have identification, directory, and directional signs pursuant to Chapter 17.76 (Signs).

**17.88.090 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.

**17.88.100 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 17.72 (Off-Street Parking).

**17.88.110 Emergency shelters.**

The following development standards shall apply to emergency shelters:

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

- B. The emergency shelter shall provide on-site parking pursuant to Chapter 17.72 (Off-Street Parking).
- C. A written management plan is required for all emergency shelters that includes provisions for staff training, neighborhood outreach, transportation, security, client services, and food services.
- D. The maximum term of staying at an emergency shelter is six (6) months in a consecutive twelve (12)-month period.

**17.88.120 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 planning commission provided all provisions of this code are otherwise satisfied and the planning commission 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 planning commission pursuant to Section 17.136.020 (Appeals of Administrative Action).

#### **17.88.130 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 administrator 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 luminaires 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 (1) 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 administrator 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.



**17.88.140 Temporary structures.**

- A. A conditional use permit for any such temporary structure shall be required in accordance with procedures set forth in Chapter 17.84 (Use Permits and Variances). Any non-complying aspects of the temporary structure shall only be approved by the planning commission if it makes the findings required by Section 17.84.060 (Action by the Planning Commission on a Use Permit).
- B. In cases where the planning commission is able to make the findings required by Section 17.84.060, the planning commission 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.

**17.88.150 Temporary uses.**

- A. Purpose. The purpose of this section is to allow for those short-term and intermittent activities that the planning commission determines would be compatible with adjacent and surrounding uses.
- B. Temporary Use Permit Required. Upon approval of a temporary use permit, the planning commission 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 planning commission.
- 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 17.84 (Use Permits and Variances).
- E. In cases where the planning commission is able to make the findings required by Section 17.84.060 (Action by the Planning Commission on a Use Permit), the planning commission may, but is not obliged to, issue a temporary approval for a specific time period, not to exceed twelve (12) months.

**17.88.160 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 administrator 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 planning commission.
- 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 administrator.

**17.88.170 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-E, R-1, R-2, R-3, and M-U 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.
  - 4. The residential use is located in the R-A district.
- F. Exceptions. Exceptions to the foregoing provisions may be granted by the planning commission 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.

**17.88.180 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 one (1) day prior to the day said sale is to commence, or to allow such sign to remain after 8:00 p.m. on the termination date of such sale. Two (2) 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 7:00 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 dollars (\$100.00) for the second offense within one (1) year, and two hundred 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.

#### **17.88.190 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 17.88.120 (Fences, walls, hedges, and equivalent screening).
- C. Spires, chimneys, machinery, towers, radio and television towers, penthouses, scenery lofts, cupola, water tanks and similar architectural structures may be built and used to a height of not more than fifteen (15) feet above the height limit established for the district in which the structures are located; provided, however, that no such architectural structure in excess of the allowable height shall be used for sleeping or eating quarters or for any commercial advertising purpose.
- D. 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.

#### **17.88.200 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 17.88.120 (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 17.88.120 (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 17.76 (Signs) may occupy setbacks to the extent provided in that chapter.

**17.88.210 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 T-C, 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 planning commission as a condition for issuance of such use permit.

**17.88.220 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-A, R-E, R-1, R-2, R-3, and M-U 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 17.88.140 (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 Town Center and Commercial Districts.
  - 1. The use of storage containers in the T-C district is prohibited.
  - 2. 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 planning commission 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.

**17.88.230 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 fifty (50) percent or more, all new mixed-use projects, and all new multifamily residential projects 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.

**17.88.240 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.

**17.88.250 Cannabis and cannabis products.**

Unless expressly permitted by the Montague 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.

**17.88.260 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.

**CHAPTER 17.92**  
**LIVE/WORK UNITS AND HOME-BASED BUSINESSES**

Sections

- 17.92.010 Purpose and applicability.
- 17.92.020 Definitions.
- 17.92.030 Live/work units.
- 17.92.040 Home occupations.
- 17.92.050 Cottage food operations.

**17.92.010 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.

**17.92.020 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 based business" 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.

**17.92.030 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 17.84 (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 17.72 (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 comply with the requirements of Chapter 5.04 (Business License Taxes).
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 17.84 (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.

**17.92.040 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 a minor 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 17.92.050 (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 planning commission and the application shall be heard and determined as provided in Section 17.136.020 (Appeals of Administrative Action).
- C. Exceptions to the foregoing provisions may be granted subject to obtaining a conditional use permit in accordance with Chapter 17.84 (Use Permits and Variances).

#### **17.92.050 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 17.96 SHORT-TERM RENTALS**

### **Sections:**

17.96.010	Purpose.
17.96.020	Definitions.
17.96.030	Prohibitions.
17.96.040	Registration certificate requirements.
17.96.050	Inspections.
17.96.060	Operational standards.
17.96.070	Penalties - Certificate denial, suspension, and revocation.
17.96.080	Changes in ownership.

### **17.96.010 Purpose.**

Being situated in an area of scenic natural beauty adjacent to a major transportation corridor, Montague offers easy access to recreational opportunities throughout the region. As a result, short-term rentals have existed in the community for many years. Nevertheless, growth in the popularity of this lodging type 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 Montague Municipal Code and pursuant to state and federal law apply.

### **17.96.020 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 individual(s) occupying the short-term rental for the purpose of staying overnight.

"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.

"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.

"Short-term rental registration certificate" means the certificate of registration required by Section 17.96.040 (Registration certificate requirements).

#### **17.96.030 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 short-term rental 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 short-term rental registration certificate shall be issued for any accessory dwelling unit or junior accessory dwelling unit. Each rental occurring without a short-term rental 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 short-term rental 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 barbecues. Grills and barbecues 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.
- G. Subletting. Guests are prohibited from subletting a short-term rental. Only operators with a valid short-term rental 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.



#### **17.96.040      Registration certificate requirements.**

- A. Annual registration required. Short-term rental 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 short-term rental registration certificate, however, no more than two (2) short-term rental registration certificates shall be issued to any property owner for short-term rentals located in the R-A, R-E, R-1, R-2, and R-3 zoning districts.
- B. Application process. An application for a short-term rental registration certificate shall be submitted by the property owner to the city clerk or the clerk's designee. Each short-term rental registration certificate application shall be accompanied by a nonrefundable short-term rental 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 17.96.060 (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 Montague 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 short-term rental registration certificate is not consistent with city records, an additional inspection may

be required prior to or after the issuance of the short-term rental registration certificate. An inspection fee shall be charged for the inspection.

- C. Term and scope of certificate. A short-term rental 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 17.96.060 (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.
- D. Acceptance of registration certificate. Acceptance by an operator of a short-term rental registration certificate shall constitute acknowledgment and acceptance of, and consent to, the requirements and provisions of this chapter.

#### **17.96.050 Inspections.**

All short-term rentals and the parcels on which they are located shall be inspected by the city and the Montague 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 Montague Fire Department annually and 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 short-term rental 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.

#### **17.96.060 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. Weekly trash collection and recycling shall be provided for each short-term rental. A minimum service level of one (1) trash can shall be maintained for each short-term rental in addition to recycling service. If one (1) trash can is insufficient to accommodate all trash generated by occupants of the short-term rental, the operator shall arrange for whatever increased level of service is required to accommodate all trash generated onsite. Garbage and recycling shall not be placed outside for collection prior to the day of pickup. When garbage and recycling are stored outdoors prior to the day of pick up, it shall be stored immediately adjacent to the unit and kept within a rodent-resistant container that complies with Section 8.04.200 (Garbage cans required) and 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 of the sheriff's office; 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 short-term rental registration certificate, the maximum number of parking spaces onsite, and the number of the short-term rental registration certificate.

#### **17.96.070 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 administrative citation provisions set forth in Chapter 1.12 (General Penalty), provided that fines for violations of this chapter shall be as set forth below. Any person violating the provisions of this chapter, 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 short-term rental 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 short-term rental registration certificate. The city may deny, suspend, or revoke a short-term rental registration certificate for any of the following reasons:
  - 1. The short-term rental registration certificate application is incomplete;
  - 2. The short-term rental 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 short-term rental 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, short-term rental taxes;
  6. A short-term rental registration certificate application may be denied due to prior revocation or suspension of a short-term rental 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 short-term rental 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 17.136.020 (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.

#### **17.96.080 Changes in ownership.**

Short-term rental 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 short-term rental registration certificate has been issued shall notify the city upon a change of ownership of the short-term rental. Short-term rental 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 17.100 BED AND BREAKFAST INNS**

### **Sections:**

- 17.100.010 Purpose.
- 17.100.020 General regulations.
- 17.100.030 Permit application.
- 17.100.040 Owner or manager residence required.
- 17.100.050 Off-street parking.
- 17.100.060 Number of units/conditions.
- 17.100.070 Signs.
- 17.100.080 Inspection.

### **17.100.010 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.

### **17.100.020 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 Montague 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. Adequate off-street parking is of primary concern in the establishment of bed and breakfast inns and facilities.
- D. 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.

### **17.100.030 Permit application.**

All applications for use permits for bed and breakfast inns and facilities 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. 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 planning commission during processing of the application.

**17.100.040 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.

**17.100.050 Off-street parking.**

Off-street parking shall be provided in accordance with Chapter 17.72 (Off-Street Parking).

**17.100.060 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.

**17.100.070 Signs.**

One sign shall be permitted at any bed and breakfast inn provided it comply with the following:

- A. No sign shall exceed three (3) square feet.
- B. Signs shall not be illuminated except by indirect lighting and shall be attached to the main building.
- C. A sign permit shall be obtained in accordance with Section 17.76.050 (Sign permits).

**17.100.080 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 17.104**

### **MOBILE FOOD SALES**

#### **Sections:**

- 17.104.010 Purpose
- 17.104.020 Applicability.
- 17.104.030 Definitions.
- 17.104.040 Mobile food vendor operating requirements.
- 17.104.050 Mobile food court requirements.
- 17.104.060 Exemptions

#### **17.104.010 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.

#### **17.104.020 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.

#### **17.104.030 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).



#### **17.104.040 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 planning commission 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-A, R-E, R-1, R-2, and R-3 zoning districts between the hours of 8:00 a.m. and 6:00 p.m.
  - 2. **Mixed use zoning district:** All mobile food vendors operating in the M-U zoning district shall cease operation between the hours of 8:00 p.m. and 7:00 a.m.
  - 3. **Open Space and Public Facilities zoning districts:** All mobile food vendors operating in the O-S and P-F zoning districts shall cease operation between the hours of 8:00 p.m. and 7:00 a.m.
  - 4. **Commercial zoning districts:** All mobile food vendors operating in the G-C and T-C zoning district shall cease operation between the hours of 10:00 p.m. and 7:00 a.m.
  - 5. **Industrial zoning district:** All mobile food vendors shall cease operation within the M zoning district between the hours of 9:00 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.
- 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 planning commission 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.

#### **17.104.050 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 planning commission may grant exceptions to these provisions.

#### **17.104.060 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 district administrator.
- 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 17.108**

### **ACCESSORY DWELLING UNITS**

Sections:

- 17.108.010 Purpose.
- 17.108.020 Definitions.
- 17.108.030 Accessory dwelling unit criteria.
- 17.108.040 Junior accessory dwelling unit criteria.

#### **17.108.010 Purpose.**

This chapter provides for accessory dwelling units (ADU) and junior accessory dwelling units (JADU) consistent with Government Code Sections 65852.2 and 65852.22.

#### **17.108.020 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.

#### **17.108.030 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. No more than two (2) 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 between January 1, 2020, and January 1, 2025.
- 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. The height of a one-story detached accessory dwelling unit shall not exceed eighteen (18) feet, and a detached two-story accessory dwelling unit shall not exceed twenty-six (26) feet.
  - 4. Architecture.
    - a. Accessory dwelling units shall be substantially compatible with the principal dwelling and the neighborhood.
    - b. For accessory dwelling units located within the required setbacks of the primary residence, all windows along the wall facing the adjoining property line within the required setback shall be clerestory (minimum of five (5) feet, six (6) inches sill height above the finished floor) or shall have permanently obscured glazing. Windows that vary from this standard may be allowed with written approval from the adjacent property owner that faces the window(s).
  - 5. Setbacks.
    - a. An accessory dwelling unit attached to the primary residence shall be subject to the same minimum side, front, and rear setback requirements as the primary residence.
    - b. One-story accessory dwelling units (both attached and detached) shall have side and rear setbacks of not less than four (4) feet.
    - c. No setback shall be required for a garage or other accessory structure which was constructed with a building permit as of January 1, 2020, that is converted to an accessory dwelling unit.

- d. A setback of no more than five (5) feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
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 administrator, 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. **Lot Coverage.** Accessory dwelling units shall not be considered when calculating the maximum lot coverage allowed.
13. **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.
  - 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), a photograph of 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 vehicle parking.
- G. Existing Nonpermitted Accessory Dwelling Units. The city clerk may approve an accessory dwelling unit constructed without benefit of required permits; provided, that the unit conforms to the current building code, is subject to applicable current permit and impact fees, and conforms to setback, height, area, and other physical development standards otherwise applicable.
- 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.

**17.108.040 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.
- 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 may include an interior entry to the main living area and may include a second interior doorway for sound attenuation.
- 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 17.112**

### **WIRELESS TELECOMMUNICATIONS FACILITIES**

#### **Sections:**

- 17.112.010 Purpose and objectives.
- 17.112.020 Definitions.
- 17.112.030 Use permit required for new facilities.
- 17.112.040 Development and design standards for new facilities not co-located.
- 17.112.050 Application requirements for new facilities not co-located.
- 17.112.060 Entitlement, term, renewal, and expiration.
- 17.112.070 Permit requirements for co-location facilities.
- 17.112.080 Development and design standards for co-location facilities.
- 17.112.090 Application requirements for co-location facilities.
- 17.112.100 Development and design standards for all wireless telecommunications facilities.
- 17.112.110 Performance standards for all wireless telecommunications facilities.
- 17.112.120 Other provisions.

#### **17.112.010 Purpose and objectives.**

The purpose of this chapter is to regulate the establishment and operation of wireless telecommunications facilities within the city to:

- A. Allow for the provision of wireless communications services adequate to serve the public's interest within the city;
- B. Require, where feasible, the co-location of wireless telecommunications facilities;
- C. Minimize the negative aesthetic impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the public health, safety and general welfare;
- D. Strongly encourage the location of wireless telecommunications facilities in those areas of the city where the adverse aesthetic impact on the community is minimal;
- E. Strongly encourage wireless telecommunications providers to configure all facilities in such a way that minimizes displeasing aesthetics through careful design, siting, landscaping, screening, and innovative camouflaging techniques;
- F. Enhance the ability of the providers of telecommunications services to provide such services to the city quickly, effectively, and efficiently; and
- G. Conform to all applicable federal and state laws.

#### **17.112.020 Definitions.**

In addition to those terms defined in Chapter 17.08 (Definitions), the following terms shall have the meanings set forth below, for the purposes of this chapter:

- A. "Abandoned" means a wireless telecommunications facility that is not in use for six (6) consecutive months.
- B. "Applicable law" means all applicable federal, state, and city laws, ordinances, codes, rules, regulations and orders, as the same may be amended or adopted from time to time.

- C. "Co-location" means the placement or installation of wireless telecommunications facilities, including antennas and related equipment onto an existing wireless telecommunications facility in the case of monopoles, or onto the same building in the case of roof/building-mounted sites.
- D. "Co-location facility" means a wireless telecommunications facility that has been co-located consistent with the meaning of "co-location" as defined in subsection C of this section. It does not include the initial installation of a new wireless telecommunications facility where previously there was none, nor the construction of an additional monopole on a site with an existing monopole.
- E. "Monopole" means any single freestanding pole structure used to support wireless telecommunications antennas or equipment at a height above the ground. This includes those poles camouflaged to resemble natural objects.
- F. "Public right-of-way" means any public highway, street, alley, sidewalk, parkway, and all extensions or additions thereto which is either owned, operated, or controlled by the city, or is subject to an easement or dedication to the city, or is a privately owned area within city's jurisdiction which is not yet dedicated, but is designated as a proposed public right-of-way on a tentative subdivision map approved by the city.
- G. "Roof/building-mounted site" means any wireless telecommunications facility, and any appurtenant equipment, located on a rooftop or building, having no support structure such as a monopole or other type of tower.
- H. "Wireless telecommunications facility" means 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.

#### **17.112.030 Use permit required for new facilities.**

A conditional use permit shall be obtained prior to the initial construction and installation of any new wireless telecommunication facility that is not a co-location facility.

#### **17.112.040 Development and design standards for new facilities not co-located.**

All new wireless telecommunications facilities that are not co-location facilities shall meet the following minimum standards:

- A. Location. New wireless telecommunications facilities shall not be located in any residential zoning district unless the applicant demonstrates, by a preponderance of evidence, that a review has been conducted of other options with less environmental impact, and no other sites or combination of sites allows feasible service or adequate capacity and coverage. This review shall include, but is not limited to, identification of alternative site(s) within a one (1)-mile radius of the proposed facility. See additional application requirements in Section 17.112.050 (Application requirements for new facilities not co-located).
- B. Co-location required. New wireless telecommunications facilities shall not be located in areas where co-location on existing facilities would provide equivalent coverage, network capacity, and service quality with less environmental or aesthetic impact.

- C. Accommodation of co-location. Except where aesthetically inappropriate in the determination of the city administrator, new wireless telecommunications facilities shall be constructed so as to accommodate co-location and must be made available for co-location unless technologically infeasible. In cases where technological infeasibility is claimed, it shall be the responsibility of the party making such claim to demonstrate, by a preponderance of evidence, that such co-location is, in fact, infeasible.
- D. Additional development and design standards. Wireless telecommunications facilities also shall be subject to the additional design standards specified in Section 17.112.100 (Development and design standards for all wireless telecommunications facilities).

**17.112.050 Application requirements for new facilities not co-located.**

In addition to the requirements set forth in Section 17.84.040 (Application) and Section 17.88.020 (Site plan), applicants for new wireless telecommunications facilities that are not co-location facilities shall submit the following materials regarding the proposed wireless telecommunications facility:

- A. Photo simulations. Photo simulations of the facility from reasonable line-of-sight locations from public roads or viewpoints.
- B. Maintenance plan. A maintenance plan detailing the type and frequency of required maintenance activities, including maintenance of landscaping and camouflaging, if applicable.
- C. Five (5)-year build-out plan. A description of the planned maximum five (5) year build-out of the site for the applicant's wireless telecommunications facility, including, to the extent possible, the extent of potential expansion to accommodate future co-location facilities by other wireless service providers. The applicant shall use best efforts to contact all other wireless service providers known to be operating in the city upon the date of application, to determine the demand for future co-locations at the proposed site, and, to the extent feasible, shall provide written evidence that these consultations have taken place, and a summary of the results, at the time of application. The city shall, within thirty (30) days of its receipt of an application, identify any known wireless service providers that the applicant has failed to contact and with whom the applicant must undertake their best efforts to fulfill the above consultation and documentation requirements. The location, footprint, maximum tower height, and general arrangement of future co-locations shall be identified by the five (5) year build-out plan. If future co-locations are not technically feasible, a written explanation shall be provided.
- D. Nearby facilities. Identification of existing wireless telecommunications facilities within a one (1)-mile radius of the proposed location of the new wireless telecommunications facility, and an explanation of why co-location on these existing facilities, if any, is not feasible. This explanation shall include such technical information and other justifications as are necessary to document the reasons why co-location is not a viable option. The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall also provide a written explanation for why the alternatives considered were either unacceptable or infeasible. If an existing wireless telecommunications facility was listed among the alternatives, the applicant must specifically address why the modification of such wireless telecommunications facility is not a viable option. The written explanation shall also state the radio frequency coverage and capacity needs and objectives of the applicant, and shall include maps of existing coverage and predicted new coverage with the proposed facility.

- E. Availability for co-location. A statement that the proposed wireless telecommunications facility is available for co-location, or an explanation of why future co-location is not technically feasible.
- F. RF report. A radio frequency (RF) report describing the emissions of the proposed wireless telecommunications facility. The report shall demonstrate that the emissions from the proposed equipment as well as the cumulative emissions from the facility will not exceed the limits established by the Federal Communications Commission (FCC).
- G. Alternative analysis. Applications for the establishment of new wireless telecommunications facilities inside residential zoning districts shall be accompanied by a detailed alternatives analysis that demonstrates that there are no feasible alternative nonresidential sites available to increase the service provider's network capacity.
- H. Height justification. An engineering certification providing technical data sufficient to justify the proposed height of any new monopole or roof/building-mounted site.
- I. Deposit. A cash or other sufficient deposit for a third-party peer review as required by this chapter.

**17.112.060 Entitlement, term, renewal, and expiration.**

- A. Conditional use permits and other entitlements for wireless telecommunications facilities, including approval of the five (5)-year build-out plan as specified in subsection (E)(3) of this section, shall be valid for ten (10) years following the date of decision. A ten (10)-year term is prescribed due to the unique nature of development, exceptional potential for visual and aesthetic impacts, and the rapidly changing technologic aspects that differentiate wireless telecommunications from other land uses allowed in the city. The applicant or operator shall file for a renewal for the entitlement with the city clerk and pay the applicable renewal application fees six (6) months prior to expiration of the permit, if continuation of the use is desired. In addition to providing the standard information and application fees required for renewal, wireless telecommunications facility renewal applications shall provide an updated build-out description prepared in accordance with the procedures established by subsection C of Section 17.112.050 (Application requirements for new facilities not co-located).
- B. Where required, renewals for entitlements for existing wireless telecommunications facilities and co-location facilities constructed prior to the effective date of this chapter are subject to the provisions of Sections 17.112.030 through 17.112.050. Renewals of entitlements approved after the effective date of this chapter shall only be approved if all conditions of the original entitlement have been satisfied, and the five (5)-year build-out plan has been provided.
- C. If the entitlement for an existing wireless telecommunications facility has expired, applications for renewed entitlements, modifications, expansions, or co-locations at that site shall be subject to the standards and procedures for new wireless telecommunications facilities set forth in Sections 17.112.030 through 17.112.050.

**17.112.070 Permit requirements for co-location facilities.**

- A. Co-location facilities requiring a conditional use permit. Applications for co-location facilities will be subject to the standards and procedures set forth for new wireless telecommunications facilities in accordance with Sections 17.112.030 through 17.112.060, if any of the following apply:
  - 1. No conditional use permit was issued for the original wireless telecommunications facility;

2. The conditional use permit for the original wireless telecommunications facility did not allow for future co-location facilities or the extent of site improvements involved with the co-location project (in this case, an application for a modification to the approved conditional use permit, subject to planning commission review, may be substituted for a new conditional use permit); or
  3. No environmental review was completed for the location of the original wireless telecommunications facility that addressed the environmental impacts of future co-location facilities (in this case, an application for a modification to the approved conditional use permit, subject to planning commission review, may be substituted for a new conditional use permit).
- B. Permit requirements for other co-location facilities. Applications for all other co-location facilities shall be subject to a building permit approval. Prior to filing an application for a building permit for co-location, the applicant shall demonstrate compliance with the conditions of approval, if any, of the original conditional use permit, and with all applicable provisions of this section, by submitting an application for an administrative review in accordance with Section 17.112.090 (Application requirements for co-location facilities). The applicant shall not file an application for a building permit until the applicant receives written notification that this administrative review is complete and approved. The applicant shall pay a fee for the administrative review in the amount adopted by resolution of the city council.

**17.112.080 Development and design standards for co-location facilities.**

- A. Compliance with discretionary approvals. The co-location facility shall comply with all approvals and conditions of the existing discretionary permit for the wireless telecommunications facility.
- B. Harmonious design. To the extent feasible, the design of co-location facilities shall be in visual harmony with the other wireless telecommunications facilities on the site.
- C. Additional design standards. Co-location facilities also shall be subject to the additional design standards specified in Section 17.112.100 (Development and design standards for all wireless telecommunications facilities).

**17.112.090 Application requirements for co-location facilities.**

Applications that qualify for administrative review of co-location facilities in accordance with Section 17.112.070 (Permit requirements for co-location facilities) shall be required to submit the following:

- A. Photo simulations of the facility from reasonable line-of-sight locations from public roads or viewpoints;
- B. A maintenance and access plan that identifies any changes to the original maintenance and access plan associated with the existing wireless telecommunications facility and conditional use permit.
- C. A radio frequency (RF) report demonstrating that the emissions from the co-location equipment as well as the cumulative emissions from the co-location equipment and the existing facility will not exceed the limits established by the Federal Communications Commission (FCC).
- D. Prior to the issuance of a building permit, the applicant shall submit color samples, and materials samples if requested, for the co-location equipment and any screening devices.

Paint colors and materials shall be subject to the review and approval of the city administrator or their designee. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.

**17.112.100 Development and design standards for all wireless telecommunications facilities.**

The following standards shall apply to all wireless telecommunications facilities and co-location facilities:

- A. The adverse visual impact of wireless telecommunications facilities shall be avoided, minimized, and mitigated by:
  - 1. Siting new wireless telecommunications facilities outside of public viewshed whenever feasible;
  - 2. Maximizing the use of existing vegetation and natural features to cloak wireless telecommunications facilities;
  - 3. Constructing towers or monopoles no taller than necessary to provide adequate coverage, network capacity, and service quality;
  - 4. Grouping buildings, shelters, cabinets, ground lease areas, and other equipment together, to avoid spread of these structures across a parcel or lot;
  - 5. Screening wireless telecommunications facilities and co-location facilities with landscaping consisting of drought-tolerant plant material. All ground lease areas shall be landscaped on the exterior of the enclosure wall, planted not more than four (4) feet on center. Adequate irrigation systems shall be provided for landscaping. The landscape screening requirement may be modified or waived by the city administrator in instances where landscaping would not be appropriate; and
  - 6. Painting all equipment to blend with the surrounding environment as specified in subsection C of this section.
- B. Pole design. Use of monopoles that attempt to replicate trees or other natural objects are disingenuous by their obvious falsity, are strongly discouraged, and shall be used only as a last resort when all other options have been exhausted
- C. Paint colors. Paint colors for a wireless telecommunications facility and co-location facility shall minimize the facility's visual impact by blending with the surrounding environment, terrain, landscape, or buildings. Paint colors shall be subject to the review and approval of the city administrator or their designee. Color verification shall occur in the field after the applicant has painted the equipment in the approved color(s), but before the applicant schedules a final inspection.
- D. Roof/building-mounted facilities. For roof/building-mounted wireless telecommunications facilities and co-location facilities, the following standards also shall apply:
  - 1. Antenna location.
    - a. Antennas mounted on the facade of a building are strongly discouraged, but if approved, must be fully integrated into the architecture of the existing structure or otherwise screened from public view. "Stealth boxes" enclosing facade antennas shall not be considered adequate screening.

- b. Antennas shall be mounted on building rooftops or roof decks whenever feasible as a preferred alternative to facade-mounting. Antennas located on the building rooftop shall be located above the ceiling plate of the highest occupied floor.
  - c. Antennas shall be located as far away as possible from the edge of the building or roof, with the goal of reducing or eliminating visibility of the installation from any and all vantage points.
- 2. Equipment location.
  - a. All equipment appurtenant to a roof/building-mounted wireless telecommunications site shall be located inside an existing building whenever possible, to the satisfaction of the city administrator or their designee.
  - b. If it is physically impossible for equipment to be located inside an existing building and the equipment is to be located on a building rooftop, the equipment shall be subject to the same screening and location requirements as the antennas. If no space for the equipment is available for lease in a building because all possible spaces are leased and occupied, this shall constitute a physical impossibility.
- 3. Screening required.
  - a. Where physically possible, antennas and equipment shall be located entirely within an existing architectural feature or screening device. This shall include areas used or occupied by other wireless service providers where feasible.
  - b. All antennas and equipment mounted on a building rooftop shall be screened in a manner that is architecturally compatible with the existing building and is otherwise made as unobtrusive as possible. Screening shall use matching colors, materials, and architectural styles to create a harmonious addition to the building's architecture without disrupting its form, volume, massing, or balance.
  - c. All antennas, including panel antennas, microwave antennas, GPS antennas, any other antennas, and all other equipment mounted on the building, shall be concealed behind the screening device on all sides such that the antennas and appurtenant equipment is not visible from the exterior of the subject property, from other property, or the public right-of-way.
  - d. All cable trays and cable runs shall be located within existing building walls whenever physically possible. Cable trays and runs on the facade of a building are strongly discouraged. Any facade-mounted cable trays and runs shall be painted and textured to match the building and shall be mounted as close to the facade surface as possible, with no discernible gap between. Cable trays and runs mounted on a roof deck and below the height of the parapet wall or screening device shall be exempt from this requirement, provided they are fully screened by the parapet wall or screening device. Exposed cable trays and runs on a sloped roof are prohibited.
  - e. At the discretion of the reviewing authority, part or all of a proposed roof/building-mounted wireless telecommunications facilities or co-location facility may be exempted from screening requirements if the best feasible screening design would result in greater negative visual impacts than if part or all of the proposed installation were unscreened.
- E. Non-reflective materials. The exteriors of wireless telecommunications facilities and co-location facilities shall be constructed of non-reflective materials.



- F. Underlying setbacks. Wireless telecommunications facilities and co-location facilities shall comply with all the setback requirements of the underlying zoning district(s), except as modified by this chapter.
- G. Height. Facilities subject to the provisions of this chapter may be built and used to a greater height than the limit established for the zoning district in which the structure is located, except as otherwise provided below:
1. No monopole or other freestanding structure shall ever exceed a maximum height of one hundred twenty (120) feet in any zoning district. In any residential zoning district, no monopole or other freestanding structure shall exceed a maximum height of fifty-five (55) feet. However, if an applicant demonstrates that the monopole or structure will accommodate a minimum of two (2) carriers, the site may be permitted at a maximum height of sixty (60) feet; or the applicant demonstrates that the monopole or structure will accommodate three (3) carriers, the site may be permitted at a maximum height of sixty-five (65) feet.
  2. A roof/building-mounted wireless telecommunications facilities shall not exceed the maximum height allowed in the applicable zoning district, or ten (10) feet above the building roof deck, whichever is higher, except that in any residential district, no roof/building-mounted site shall exceed the maximum height for structures allowed in that district.
  3. Notwithstanding the height limits set forth in the preceding sections, for facilities to be mounted on towers used for high-voltage electrical power transmission between generating plants and electrical substations (not utility poles), the antennas may be mounted as high as necessary on the tower, provided that the top of the highest antenna is not higher than the top of the existing tower.
- H. Accessory buildings. In any zoning district, accessory buildings in support of the operation of the wireless telecommunications facility or co-location facility may be constructed, provided that they comply with the development standards set forth for accessory structures for the zoning district in which the site is located.
- I. Footprint. The overall footprint of each wireless telecommunications facility shall be as small as possible, to the satisfaction of the city administrator.
- J. Generators and emergency power. Diesel generators are allowed as an emergency power source, although they are discouraged. When a feasible alternative technology for permanent on-site backup power becomes available, the city administrator may require the use of such technology in lieu of a diesel generator, unless the applicant provides written documentation explaining why such an alternative is not feasible. All generator installations shall comply with all containment requirements of the applicable Fire and Building Codes, without exception. Unless otherwise approved by the city administrator, generators and emergency power sources for wireless facilities located in the public right-of-way are prohibited.
- K. Ground lease area enclosures and landscaping. If equipment appurtenant to a facility is to be located in a ground lease area, the lease area shall be enclosed by a block wall, or other appropriate fence, to the satisfaction of the city administrator or designee. The fence shall be of a minimum height of six (6) feet, unless waived at the discretion of the city administrator in cases of infeasibility. The exterior of all ground lease areas shall be landscaped with drought-tolerant plant material, and adequate irrigation systems shall be provided for landscaping. This landscaping requirement may be modified or waived by the city administrator in instances where landscaping would not be appropriate.

**17.112.110 Performance standards for all wireless telecommunications facilities.**

No use may be conducted in a manner that, in the determination of the city administrator or designee, does not meet the performance standards below:

- A. Lighting. Wireless telecommunications facilities and co-location facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the California Public Utilities Commission (CPUC).
- B. Licensing. The applicant or operator shall file, receive, and maintain all necessary licenses and registrations from the FCC, the CPUC, and any other applicable regulatory bodies prior to initiating the operation of the wireless telecommunications facility. The applicant shall supply the city with evidence of these licenses and registrations prior to approval of a final inspection. If any required license is ever revoked, the operator shall inform the city clerk of the revocation within ten (10) days of receiving notice of such revocation.
- C. Building permit required. Once a conditional use permit or other applicable entitlement is obtained, the applicant shall obtain a building permit and shall build in accordance with the approved plans.
- D. Power connection. The project's final electrical inspection and approval of connection to electrical power shall be dependent upon the applicant obtaining a permanent and operable power connection.
- E. Removal after end of use. The wireless telecommunications facility, and/or co-location facility, if present, and all equipment associated therewith shall be removed in its entirety by the operator, at the operator's sole expense, within ninety (90) days of a FCC or CPUC license or registration revocation or if the facility is determined to be abandoned pursuant to subsection A of Section 17.112.020 (Definitions) or is no longer needed. The site shall be restored to its pre-installation condition and where necessary revegetated to blend in with the surrounding area. In the case of roof/building-mounted facilities, all antennas, equipment, screening devices, support structures, cable runs, and other appurtenant equipment shall be removed and the building shall be restored to its pre-installation condition. Restoration and revegetation shall be completed within two (2) months of removal of the facility; hence a maximum of five (5) months from abandonment of the facility to completion of restoration. Facilities not removed within these time limits shall be removed immediately. The city shall not be responsible to provide notice that removal is required under the provisions of this chapter.
- F. Maintenance. Wireless telecommunications facilities and co-location facilities shall be maintained by the permittee(s) and subsequent owners in a manner that implements all of the applicable requirements of this chapter and all other applicable zoning and development standards set forth in this title, and all permit conditions of approval. Site and landscaping maintenance shall be the responsibility of the property owner, who may designate an agent, including the operator, to carry out this maintenance.
- G. Use of backup power sources. The use of diesel generators or any other emergency backup power sources shall comply with city noise standards. The use of backup power sources shall be limited to actual power-outage emergencies and any operation necessary for testing and maintenance. Permanent or continuous use of backup power sources is prohibited.
- H. RF report. Within forty-five (45) days of commencement of operations, the applicant for the wireless communications facility shall provide (at the applicant's expense) the city administrator or designee with a report, prepared by a qualified expert, indicating that the actual radio frequency emissions of the operating facility, measured at the property line or

nearest point of public access and in the direction of maximum radiation from each antenna, is in compliance with the standards established by the Federal Communications Commission. This report shall include emissions from all co-location facilities, if any, at the site as well. The applicant shall subsequently provide such report to the city within forty-five (45) days following any change in design, number of antennas, operation, or other significant change in circumstances, or when such a report is otherwise required by the FCC, to the satisfaction of the city administrator.

#### **17.112.120 Other provisions.**

No use may be conducted in a manner that, in the determination of the city administrator, does not meet the performance standards below:

- A. Temporary wireless telecommunication facilities. Installation, maintenance, or operation of any temporary wireless telecommunications site is prohibited except during a government-declared emergency or as allowed with a use permit for a special event authorized by the city.
- B. Illegal facilities. Illegal wireless telecommunications facilities or co-location facilities have no vested rights and shall either be brought into legal conforming status in accordance with this chapter or shall be removed.
- C. Modifications to wireless telecommunications facilities. Any modification to a wireless telecommunications facility or co-location facility, including but not limited to, replacement of antennas, installation of additional antennas, installation of additional equipment cabinets, installation of a backup generator, paint or camouflage changes, and other physical changes to the facility, shall require, at a minimum, an administrative approval, and, if necessary, a building permit. Prior to issuance of any approval for modification, the applicant shall submit an application for an administrative review to determine the compliance of the proposed modification with this chapter and the existing conditional use permit or other entitlement. For sites not located in the public right-of-way, applications for modification will be subject to the standards and procedures set forth for new wireless telecommunications facilities, as specified in Sections 17.112.030 through 17.112.060, if any of the following apply:
  - 1. No conditional use permit was issued for the original wireless telecommunications facility;
  - 2. The conditional use permit for the original wireless telecommunications facility did not allow for future modification or the extent of site improvements involved with the modification project (in this case, an application for a modification to the approved conditional use permit, subject to planning commission review, may be substituted for a new conditional use permit); or
  - 3. No environmental review was completed for the location of the original wireless telecommunications facility that addressed the environmental impacts of future modifications (in this case, an application for a modification to the approved conditional use permit, subject to planning commission review, may be substituted for a new conditional use permit).
- D. Peer review. The city administrator is authorized to retain on behalf of the city an independent technical expert to peer review any application for a wireless telecommunications facility permit if reasonably necessary, as determined by the city administrator. The review is intended to be a review of technical aspects of the proposed wireless telecommunications facility and shall address all of the following:
  - 1. Compliance with applicable radio frequency emission standards;

2. Whether any requested exception is necessary to increase network capacity or maintain service quality and is the least intrusive means of doing so;
  3. The accuracy and completeness of submissions;
  4. Technical demonstration of the unavailability of alternative sites or configurations;
  5. The applicability of analysis techniques and methodologies;
  6. The validity of conclusions reached;
  7. The compatibility of any required architectural screening;
  8. Technical data submitted by the applicant to justify the proposed height of any new installation including monopoles or roof/building-mounted sites; and
  9. Any specific technical issues designated by the city.
- E. Appeals. All appeals shall be in accordance with Chapter 17.136 (Hearings and Appeals).
- F. Revocation. The planning commission may, after a duly noticed public hearing, revoke, modify or suspend any wireless telecommunications permit on any one (1) or more of the following grounds:
1. That the wireless telecommunications permit was obtained by fraud or misrepresentation;
  2. That the wireless telecommunications permit granted is being, or within the recent past has been, exercised contrary to the terms or conditions of such approval or in violation of any statute, ordinance, law or regulation; or
  3. That the use permitted by the wireless telecommunications permit is being, or within the recent past has been, exercised so as to be detrimental to the public health or safety or as to constitute a nuisance.
- G. Findings. A conditional use permit, site plan review, or modification for a wireless telecommunications facility or co-location facility may be granted only if the following findings are made by the designated reviewing authority, in addition to any findings applicable under Chapter 17.84 (Use Permits and Variances):
1. The proposed wireless telecommunications facility has been designed to achieve compatibility with the community to the maximum extent reasonably feasible;
  2. An alternative configuration will not increase community compatibility or is not reasonably feasible;
  3. The location of the wireless telecommunications facility on alternative sites will not increase community compatibility or is not reasonably feasible;
  4. The proposed facility is necessary to increase network capacity or maintain service quality, and is the least intrusive means of doing so;
  5. The applicant has submitted a statement of its willingness to allow other wireless service providers to co-locate on the proposed wireless telecommunications facility wherever technically and economically feasible and where co-location would not harm community compatibility; and
  6. Noise generated by equipment will not be excessive, annoying nor be detrimental to the public health, safety, and welfare.

- H. Transfer or Change of Ownership/Operator. Upon assignment or transfer of an already approved wireless telecommunications facility or any rights under that permit, the owner and/or current operator of the facility shall within thirty (30) days of such assignment or transfer provide written notification to the city administrator of the date of the transfer and the identity of the transferee. The city administrator may require submission of any supporting materials or documentation necessary to determine that the proposed use is in compliance with the existing permit and all of its conditions including, but not limited to, statements, photographs, plans, drawings, models, and analysis by a state-licensed radio frequency engineer demonstrating compliance with all applicable regulations and standards of the FTC and the CPUC. If the city administrator determines that the proposed operation is not consistent with the existing permit, the city administrator or designee shall notify the applicant who may revise the application or apply for modification of the permit pursuant to the requirements of this chapter.

## **CHAPTER 17.116 SURFACE MINING AND RECLAMATION**

### **Sections:**

- 17.116.010 Purpose and intent.
- 17.116.020 Definitions.
- 17.116.030 Incorporation by reference.
- 17.116.040 Applicability.
- 17.116.050 Vested rights.
- 17.116.060 Use permits.
- 17.116.070 Reclamation plans.
- 17.116.080 Modifications to reclamation plans.
- 17.116.090 Interim management plans.
- 17.116.100 Financial assurances.
- 17.116.110 Appeals.
- 17.116.120 State review.
- 17.116.130 Transferability.
- 17.116.140 Annual inspections and reports.
- 17.116.150 Record keeping.
- 17.116.160 Enforcement.
- 17.116.170 Fees.

### **17.116.010 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.

### **17.116.020 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, inplace 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.

#### **17.116.030 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.

#### **17.116.040 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 (1) 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.

#### **17.116.050 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.

#### **17.116.060 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.

#### **17.116.070 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 administrator 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 supervisor of mine reclamation 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 17.116.110 (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 supervisor of mine reclamation 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.

**17.116.080 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 supervisor of mine reclamation 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 administrator 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 administrator determines do not constitute a substantial deviation from the approved reclamation plan upon concurrence from the Department of Conservation.
- C. The city administrator is the decision-making authority for non-substantial reclamation plan amendments. The city administrator's decision may be appealed to the planning commission pursuant to Section 17.136.020 (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 planning commission is the decision-making body for substantial deviation reclamation plan amendments. The planning commission's decision may be appealed to the city council in accordance with Section 17.136.030 (Appeals of planning commission action).

#### **17.116.090 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 supervisor of mine reclamation pursuant to Section 17.116.120 (State review).
- C. The city administrator may approve an interim management plan without public notice or a public hearing if the city administrator 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 administrator may be appealed to the planning commission pursuant to Section 17.136.020 (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 administrator and the operator, the city administrator 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 supervisor of mine reclamation for comment. Otherwise, the city administrator 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 administrator, to submit a revised plan.
- G. The city administrator or their designee shall submit the interim management plan, including a revised interim management plan, to the supervisor of mine reclamation 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 administrator or their designee shall review and evaluate written comments received from the supervisor of mine reclamation 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 administrator shall approve or deny the revised interim management plan within sixty (60) days of receipt of the supervisor of mine reclamation'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 administrator denies the revised interim management plan, the operator may appeal that action to the planning commission, 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 planning commission. The action of the planning commission may be appealed to the city council in accordance with Section 17.136.030 (Appeals of planning commission action).
- J. Unless review of an interim management plan is pending before the city, or an appeal is pending before the planning commission or 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 planning commission pursuant to subdivision (h) (PRC Section 2770(h)(1)).

through (6)). The action of the planning commission may be appealed to the city council within ten (10) days of said action.

**17.116.100 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 (1) 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 supervisor of mine reclamation 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 administrator and the supervisor of mine reclamation. 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 (1) 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 supervisor of mine reclamation pursuant to Section 17.116.120 (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 administrator. The financial assurance estimates shall be based on an approved reclamation plan. The city administrator's decision may be appealed in accordance with Section 17.116.110 (Appeals).
  - F. Financial assurances are not required of a surface mining operation, and shall be released, upon written notification by the city administrator and the supervisor of mine reclamation, 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 administrator and the supervisor of mine reclamation 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 supervisor of mine reclamation 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 supervisor of mine reclamation 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 administrator 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 supervisor of mine reclamation 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.

**17.116.110 Appeals.**

- A. Decisions of the city administrator or their designee may be appealed to the planning commission within ten (10) calendar days of the decision by filing an appeal pursuant to Section 17.136.020 (Appeals of administrative action).
- B. Decisions of the planning commission may be appealed to the city council within ten (10) calendar days of the decision by filing an appeal pursuant to Section 17.136.030 (Appeals of planning commission action).

**17.116.120 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 supervisor of mine reclamation for review.
- B. Pursuant to PRC Section 2772.1 and PRC Section 2773.4(b) the supervisor of mine reclamation 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 planning commission 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 supervisor of mine reclamation 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 supervisor of mine reclamation for state review. If there is any conflict between the requirements of this section and SMARA, the requirements of SMARA shall govern.

#### **17.116.130 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.

**17.116.140 Annual inspections and reports.**

- A. Surface mining operators shall forward an annual status report to the supervisor of mine reclamation 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.

**17.116.150 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.

#### **17.116.160 Enforcement.**

- A. If the city administrator 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 administrator 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 planning commission in accordance with Section 17.116.110 (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 17.116.110 except that the appeal may be lodged within thirty (30) days of the order.

#### **17.116.170 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 17.120**

### **REASONABLE ACCOMMODATIONS**

#### **Sections**

- 17.120.010 Purpose.
- 17.120.020 Findings.
- 17.120.030 Applicability.
- 17.120.040 Notice to the public of availability of accommodation process.
- 17.120.050 Requesting reasonable accommodation.
- 17.120.060 Reviewing authority.
- 17.120.070 Required findings.
- 17.120.080 Written decision on the request for reasonable accommodation.
- 17.120.090 Appeals.

#### **17.120.010 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 ordinance 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.

#### **17.120.020 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.

#### **17.120.030 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.

**17.120.040 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.

**17.120.050 Requesting reasonable accommodation.**

- A. In order to make housing available to an individual with a disability, any eligible person as defined in Section 17.120.030 (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.

**17.120.060 Reviewing authority.**

- A. Where no approval is sought other than the request for reasonable accommodation, requests shall be reviewed by the city administrator or their designee using the criteria set forth in Section 17.120.070 (Required findings).
  - 1. The city administrator 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 17.120.070.

2. If necessary to reach a determination on the request for reasonable accommodation, the city administrator 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.

#### **17.120.070 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.

#### **17.120.080 Written decision on the request for reasonable accommodations.**

- 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 17.120.070 (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 planning commission or city council in compliance with Chapter 17.136 (Hearings and Appeals).
- C. If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the thirty-day time period allotted by Section 17.120.060 (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.

#### **17.120.090 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 17.124**

### **RESIDENTIAL DENSITY BONUSES**

#### **Sections:**

- 17.124.010 Purpose.
- 17.124.020 Definitions.
- 17.124.030 Application requirements.
- 17.124.040 Density bonus calculations and procedures.
- 17.124.050 Incentives and concessions.
- 17.124.060 Waivers and reductions.
- 17.124.070 Qualifying units.
- 17.124.080 Regulatory agreements.

#### **17.124.010 Purpose.**

The purpose of this chapter is to facilitate the development of affordable housing consistent with the goals, policies, and programs of the housing element and to provide incentives for the development of housing for very low-, low-, and moderate-income, special needs, and senior households in accordance with Government Code Sections 65915-65918.

#### **17.124.020 Definitions.**

##### **A. Terms Defined.** Terms used in this chapter are defined as follows:

1. "Base project" means the maximum allowable residential density on a housing development site pursuant to the applicable zoning district.
2. "Density bonus units" means those residential units, floor area, rental beds, or bedrooms added to the base project pursuant to the provisions of Government Code Section 65915 and this chapter.
3. "Eligible housing development" means as defined in Government Code Section 65917.2.
4. "Housing development" means as defined in Government Code Section 65915(i).
5. "Incentive and concession" mean an incentive or a concession as the terms are used in Government Code Section 65915 and in particular as defined in Section 65915(k) thereof. The city may request reasonable documentation from the applicant to support the request.
6. "Qualifying unit" means a unit that is provided at a below market-rate rent or sales price as set forth in Government Code Section 65915 to receive a density bonus and/or waivers and reductions and/or incentives and concessions.
7. "Waiver and reduction" means a waiver or a reduction as the terms are used in Government Code Section 65915 and in particular in Section 65915(e) thereof, including any and all changes to or exemptions from physical lot development standards that are required to avoid precluding the construction of a housing development with density bonus units, as set forth in Section 65915(e). The city may request reasonable documentation from the applicant to support the request.

##### **B. Terms Not Defined.** Terms not defined in this section shall be interpreted to give this chapter its most reasonable meaning and application, consistent with applicable state and federal law.

#### **17.124.030 Application requirements.**

In addition to any other information required by this title, an application for a density bonus must include the following information:

- A. A description of how the proposed project will satisfy the eligibility requirements of Government Code Section 65915 or 65917.2.
- B. The requested density bonus pursuant to Section 17.124.040 (Density bonus calculations and procedures).
- C. Any waivers and reductions that are sought under Government Code Section 65915(e) that would be required to accommodate the housing development including the density bonus units.
- D. Any incentives and concessions that are sought under Government Code Section 65915(d) accompanied by documentation of resulting cost reductions to provide for affordable housing costs.
- E. Any requested additional bonus units under Government Code Section 65915(n).
- F. Any requested parking reductions under Government Code Section 65915(p).
- G. Whether the applicant elects to receive a density bonus that is less than that mandated by Government Code Section 65915, including a density bonus of zero. In such cases, the applicant retains their entitlement to incentives and concessions.
- H. Documentation of how a project complies with regulations regarding replacement units as described in Government Code Section 65915(c)(3).

#### **17.124.040 Density bonus calculations and procedures.**

- A. Calculation. Density bonuses must be calculated as set forth in Government Code Sections 65915 and 65917.2.
- B. Procedures. Density bonus requests must accompany housing development permit applications and will be decided upon concurrent with the underlying permit for the project.

#### **17.124.050 Incentives and concessions.**

- A. Calculation. For purposes of this chapter, the number of incentives and concessions are counted as follows:
  - 1. Any incentive and concession that would otherwise require discretionary approval by the planning commission or city council of any single dimensional lot development standard, such as height or setbacks, or any single quantitative lot development standard, such as parking or open space, counts as one (1).
  - 2. A proposed incentive and concession that would involve exceedance of a single physical lot development standard counts as one (1) even if that exceedance would otherwise require more than one (1) permit (e.g., extra height may require permits for height, floor area ratio, and/or number of stories but would count as one (1) incentive and concession for height).
  - 3. Where it is ambiguous as to whether a proposed incentive and concession involves one (1) or more dimensional or quantitative lot development standards, the stricter interpretation applies, as determined by the review authority.

B. Procedural Requirements.

1. The city shall grant incentives and concession unless findings are made as set forth in Government Code Section 65915(d)(1).
2. The city is not required to deny a proposed incentive and concession solely because it can make a finding under Government Code Section 65915(d)(1).
3. The city bears the burden of proof for the denial of a requested incentive and concession.
4. Unless denied under Government Code Section 65915, incentives and concessions are exempt from discretionary review of permits under this title and by law do not modify the CEQA review status of a project.

**17.124.060 Waivers and reductions.**

- A. Proposal. An applicant may submit to the city a proposal for waivers and reductions of development standards that physically prevent construction of a housing development and density bonus units meeting the criteria of Government Code Section 65915(b).
- B. Negotiated Process. The city may negotiate changes to the requested waivers and reductions as part of the use permit and objective design review process, in coordination with the applicant, to address aspects of the project that may be of concern in the community or inconsistent with overarching principles of the general plan, zoning ordinance, and objective design guidelines.
- C. Denial. The city may deny waivers and reductions for the reasons set forth in Government Code Section 65915(e)(1).

**17.124.070 Qualifying units.**

Qualifying units must meet the following standards:

- A. Recipient Requirement.
  1. All qualifying units other than those in limited equity cooperatives shall be sold or rented to:
    - a. Very low-income households, low-income households, or lower-income households; or
    - b. The city or its designee.
  2. Qualifying units in limited equity cooperatives shall be sold or rented to households whose gross incomes do not exceed one hundred twenty (120) percent of the median household income.
- B. Agreement. The applicant shall execute a written agreement with the city indicating the number, type, location, approximate size, and construction schedule of all dwelling units and other information as required to determine compliance with this chapter.
- C. Timing. All qualifying units in a project and phases of a project shall be constructed concurrently with, or before, the construction of non-qualifying units.
- D. Criteria. All qualifying units shall be:
  1. Reasonably dispersed throughout the project;

2. Of the same size and contain, on average, the same number of bedrooms as the non-qualifying units in the project; and
  3. Comparable with the design or use of non-qualifying units in terms of appearance, materials, and finish quality.
- E. In-Lieu Fee Requirement. In projects where calculating the unit requirement results in a fraction of a unit, the fraction shall be paid in the form of an in-lieu fee to the city.
1. Where Government Code Section 65915 does not apply, the in-lieu fee shall be the fractional value of the difference between development cost (excluding marketing costs and profit) and actual sales price for the average comparable unit in projects.
  2. Where Government Code Section 65915 does apply, the in-lieu fee shall be the difference between affordable cost for an appropriately sized household and the fractional value of the average comparable actual sales price for the fraction of the unit in projects to require a density bonus or equivalent incentive.
- F. Use of In-Lieu Fees.
1. The in-lieu fee shall be used by the city or its designee, such as a non-profit housing development corporation, to provide, construct, or promote the creation or retention of low-income housing in the city.
  2. The use of in-lieu fees for specific housing programs shall be brought before the city council for review and approval.
- G. Exceptions. Where the applicant shows, and the city agrees, that the direct construction and financing costs of the qualifying units, excluding marketing cost, profit, and land costs, exceeds the sales prices allowed for qualifying units by this chapter, the city council may approve one (1) or more of the following measures to reduce costs or increase profitability:
1. Reduce the floor area or the interior amenities of the qualifying units, provided that such units conform to applicable building and housing codes.
  2. Increase the number of bedrooms in the qualifying units.
  3. Waive the in-lieu fees for fractions of units.

#### **17.124.080 Regulatory agreements.**

Before issuance of a certificate of occupancy for a housing development that has received a density bonus, the applicant must enter into a regulatory agreement in a form provided by the city that implements Government Code Sections 65915-65918 and this chapter.

## **CHAPTER 17.128**

### **OBJECTIVE DESIGN STANDARDS**

Sections:

- 17.128.010 Purpose.
- 17.128.020 Applicability.
- 17.128.030 Approval authority.
- 17.128.040 Objective design standards.

#### **17.128.010 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.

#### **17.128.020 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-A, R-E, R-1, R-2, R-3, M-U, T-C, and G-C. Section 65913.4(a)(1) defines a multifamily development as a development that contains two (2) or more residential units.

#### **17.128.030 Approval authority.**

The city administrator or their 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.

#### **17.128.040 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 to create a continuous street pattern.
  - b. Internal connectivity. New streets and pathways 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 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 ingress and egress to and from a street or alley and include room for turning and maneuvering vehicles.
  - b. 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. Visibility of and between pedestrians, bicyclists, and motorists shall be assured within the parking facility and at all access driveways.
  - c. 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.
  - d. 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.
  - e. The use of cluster parking spaces into small parking areas, dispersed around the site, to avoid large paved expanses is required.
  - f. All parking lots shall include striping for standard, compact, and accessible spaces.
  - g. No parking is allowed in setback areas along project boundaries.
  - h. A separation of pedestrian and automobile traffic paths is required for safety.
  - i. Walkways shall be provided to connect parking lots to building entrances, with landscaping, lighting, and/or paving used to define the walkways.
4. Parking lot lighting.
- a. All parking lot lighting shall use full cut-off luminaires with the light source downcast and fully shielded with no light emitted above the horizontal plane, with the following exceptions:

- i. 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.
    - ii. 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.
    - iii. 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.
  - b. The location and type of all exterior lights shall be shown on landscape plans and outdoor lighting plans.
  - c. The height of light poles shall not exceed the height of the main building.
  - d. Bollard type luminaries, a maximum of eight (8) feet high, shall be used for pedestrian areas.
  - e. Light sources shall be shielded to prevent glare and direct illumination onto public streets, adjacent properties, and 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 17.88.090 (Open space requirements for multifamily developments) shall be met.
  - b. In addition to those standards in Section 17.88.090, 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 that includes fixed play equipment, pools, ball courts, or other recreation equipment or 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 setback area shall be landscaped and not used for parking. The only area not landscaped within the required front yard setback area is the driveway access to the required parking area, which shall not exceed twenty-five (25) feet in width.
    - iii. Landscaping within the front yard 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 shall be planted with lawn or ground cover plants. Decorative non-plant ground covers may be used provided such decorative ground covers 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 17.72.090 (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 17.88.120 (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. Barbed wire and chain link fencing are prohibited.
  - e. Fences and walls used for noise control shall be made of materials designed for noise reduction and which minimize reflective sound.
  - f. Security fencing and gates shall be at least fifty (50) percent open to the passage of air (e.g., wrought iron or cast-iron) to allow for visibility of the secured area.
- 8. Refuse containers. Provide dumpsters for garbage collection and containers for recycling within a screened enclosure design specifically for that use pursuant to Section 17.88.230 (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. 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 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.

## **CHAPTER 17.132 AMENDMENTS**

### **Sections:**

- 17.132.010 When made.
- 17.132.020 Initiation.
- 17.132.030 Public hearings.
- 17.132.040 Action by planning commission.
- 17.132.050 Action by city council.

### **17.132.010 When made.**

Subject to the approval of the city council, the districts established by this title, or 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.

### **17.132.020 Initiation.**

Any such change, amendment, alteration, rezoning, or establishment (singly or collectively referred to herein as an "amendment") may be initiated 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, or by action of the planning commission or the city council.

### **17.132.030 Public hearings.**

The planning commission 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 17.136.010 (Notice required). Any such hearing may be continued from time to time.

### **17.132.040 Action by planning commission.**

Following the aforesaid hearing, the planning commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall submit to the city council by filing with the city clerk an attested copy of such report within sixty (60) days after the completion of said hearing. Failure of the planning commission to report within said period shall be deemed to be denial by the planning commission of the proposed amendment.

### **17.132.050 Action by city council.**

Upon filing of such report by the planning commission or the expiration of the aforementioned sixty (60) days, and after notice has been given as provided in Section 17.136.010 (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. The city council may also refer the matter back to staff or the planning commission to obtain information. The planning commission is not required to conduct another public hearing on the modified proposal.

## **CHAPTER 17.136**

### **HEARINGS AND APPEALS**

#### **Sections:**

- 17.136.010 Notice required.
- 17.136.020 Appeals of administrative action.
- 17.136.030 Appeals of planning commission action.

#### **17.136.010 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. Any defect or error appearing in such notice shall not divest the planning commission or city council of jurisdiction nor invalidate any proceedings.

#### **17.136.020 Appeals of administrative action.**

All interpretations and decisions of the city staff authorized by this title are subject to appeal. Appeals of any administrative interpretation or decision shall be made by filing a written appeal with the city clerk. Such appeal shall be accompanied by the applicable fee provided in the fee schedule currently in effect in the city. The planning commission 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.

#### **17.136.030 Appeals of planning commission action.**

- A. In case the applicant or others affected are not satisfied with the action of the planning commission, they may within ten (10) calendar days after rendition of the commission's decision appeal in writing to the city council. All such appeals shall be filed with the city clerk and shall be accompanied by the applicable fee provided in the fee schedule currently in effect in the city.
- B. The city council will conduct the appeal as a *de novo* hearing and shall render its decision within forty-five (45) days after the conclusion of said hearing. The city council may reverse, set aside, affirm, amend, or modify the action of the planning commission, 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 the planning commission or staff for additional consideration or to obtain additional information.
- C. The decision of the city council shall be final on all matters.
- D. 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 17.140**

### **ENFORCEMENT AND PENALTIES**

#### **Sections:**

- 17.140.010 Officials and city employees to conform – Enforcement.
- 17.140.020 Penalty for violation.
- 17.140.030 Nuisance abatement.
- 17.140.040 Remedies cumulative.
- 17.140.050 Legal remedies.

#### **17.140.010 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 official or public employee of the city vested with the duty or authority to issue permits or licenses for uses, buildings, structures, or purposes permitted by the title may refer any request for interpretation of this title relative to such permits or licenses to the planning commission.

#### **17.140.020 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.

#### **17.140.030 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 enjoinder 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.

#### **17.140.040 Remedies cumulative.**

The remedies provided for herein shall be cumulative and not exclusive.

#### **17.140.050 Legal remedies.**

The city may choose to undertake any, or a combination, of the following legal actions to correct and/or abate any nuisance or violation of this title.

**A. Civil Actions.**

1. Injunction. The city attorney, upon order of the city council, may apply to the superior court for injunctive relief to terminate a violation of this title.
2. Abatement proceedings. Where any person fails to abate a violation after being provided a notice of violation and the opportunity to correct or end the violation, the city attorney, upon order of the city council, shall apply to the superior court for an order authorizing the city to undertake actions necessary to abate the violation and require the violator to pay for the cost of the actions.

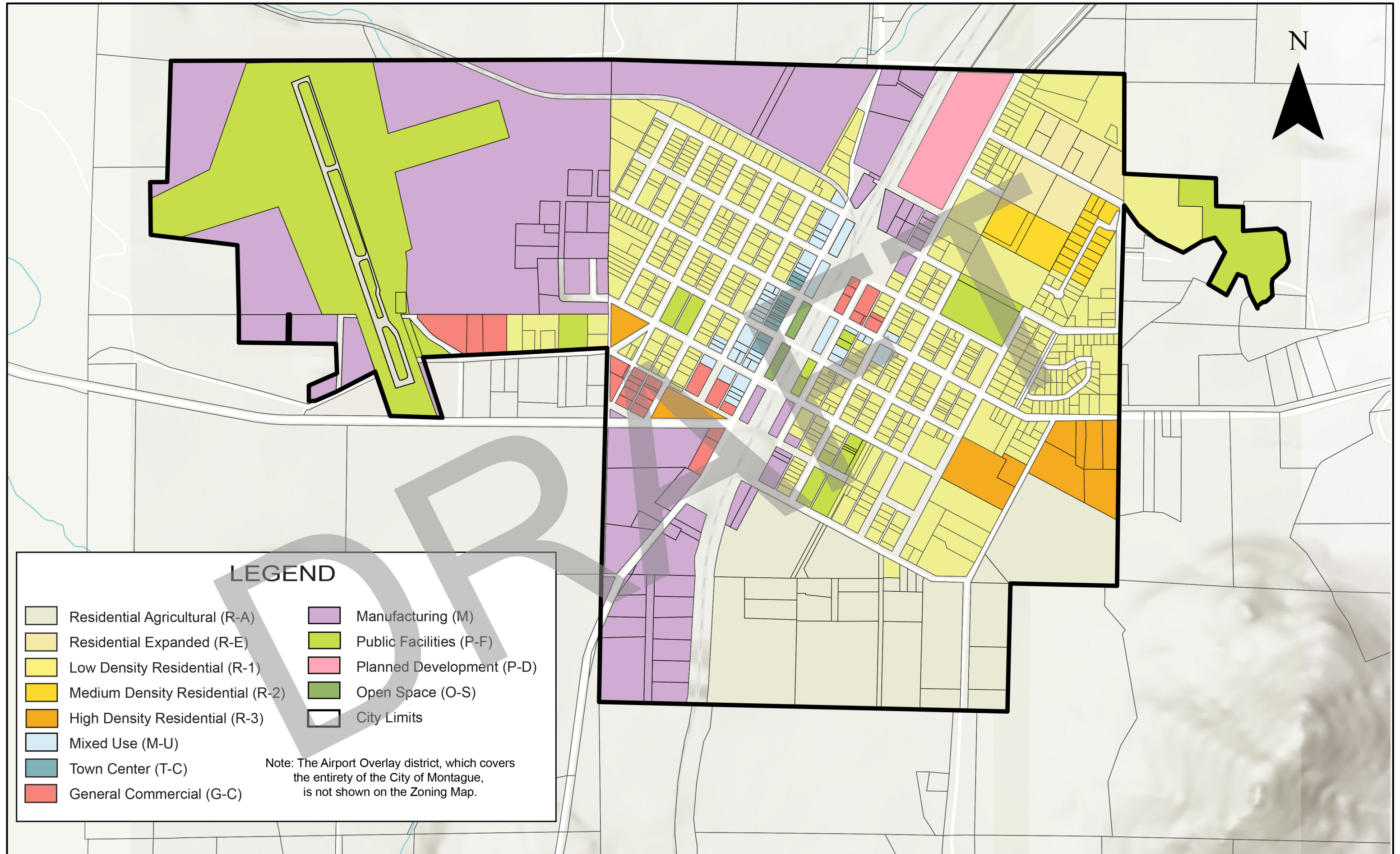
**B. Civil Remedies and Penalties.**

1. Civil penalties. Any person who willfully violates the provisions of this title or any zoning approval issued in compliance with this title, shall be liable for a civil penalty for each day that the violation continues to exist.
2. Costs and damages. Any person violating any provisions of this title or any zoning approval issued in compliance with this title, shall be liable to the city for the costs incurred and the damages suffered by the city, its agents, and agencies as a direct result of the violations.
3. Procedure. In determining the amount of the civil penalty to impose, the court should consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation, the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the defendant, whether corporate or individual, and any corrective action taken by defendant.














**C. Criminal Actions and Penalties.** Any person, whether as agent, principal, or otherwise, violating or causing the violation of any of the provisions of this title shall be guilty of an infraction or misdemeanor, as determined by the code enforcement officer.

**D. No Limit on City's Options.** The penalties identified in this section do not limit the right of the city through its legal representatives, as authorized by the city council upon request of the enforcing officials, to institute any appropriate legal procedures as prescribed by law to abate, correct, enjoin, or restrain any actual or threatened violation of this title.





# LEGEND

- |  |   |
|--|---|
|  Residential Agricultural (R-A)   |  Manufacturing (M)         |
|  Residential Expanded (R-E)       |  Public Facilities (P-F)   |
|  Low Density Residential (R-1)    |  Planned Development (P-D) |
|  Medium Density Residential (R-2) |  Open Space (O-S)          |
|  High Density Residential (R-3)   |  City Limits               |
|  Mixed Use (M-U)                  |   |
|  Town Center (T-C)                |   |
|  General Commercial (G-C)         |   |

Note: The Airport Overlay district, which covers the entirety of the City of Montague, is not shown on the Zoning Map.