

## Chapter 29 ZONING<sup>1</sup>

### ARTICLE I. BASIC PROVISIONS

#### DIVISION 1. PURPOSE AND APPLICABILITY

##### Sec. 29-1. Purpose and scope.

The city zoning ordinance consisting of this chapter and the official zoning map is hereby established and adopted by the city council for the purpose of promoting and protecting the public health, safety and welfare of the people of the city, to implement the general plan of the city, and to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources.

##### Sec. 29-2. Applicability of the chapter.

The chapter shall be applicable to all areas of the city. The use and employment of all land and any buildings or structures located upon the land and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all regulations applicable to the zone in which the land is located. No land, building, structure, or premises shall be used for any purpose or in any manner other than is permitted by this chapter and by the zone in which such land, building, structure, or premise is located.

##### Sec. 29-3. Interpretation of the chapter.

If ambiguity arises concerning the content or application of the chapter, it shall be the duty of the community development director to ascertain all pertinent facts and set forth the community development

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<sup>1</sup>Editor's note(s)—Ord. No. 07-17, §§ 1, 2, adopted November 27, 2007, repealed Ch. 29 in its entirety, and enacted new provisions therefor. Former Ch. 29 was concerned with similar provisions, and derived from the prior zoning ordinance, Ord. No. 89-3, and the following legislation:

Ord. No.	Ord. No.	Ord. No.	Ord. No.
90-11	91-15	94-4	97-3
90-20	92-6	94-16	98-5
90-23	92-10	94-18B	00-6
91-3	92-14	96-10	02-07
91-5	93-4	96-12	03-04
91-9	93-15	96-18	07-13

Lack of a history note immediately following a section indicates that section derived directly from Ord. No. 07-17. Capitalization style and number style have been amended to conform to established Code style.

Cross reference(s)—Administration generally, Ch. 2; limitations on location of poolrooms or places licensed for card games, § 4-61; compliance by kennels with zoning regulations required, § 5-119; planning, Ch. 20; signs, Ch. 22.1; subdivision regulations, Ch. 24.

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director's finding and interpretation. Unless such finding and interpretation is appealed to the planning commission pursuant to article V, division 9, of this chapter, the community development director's interpretation shall thereafter govern.

(Ord. No. 13-16, § 1, 4-2-13)

#### **Sec. 29-4. Interpretation of conflicting provisions.**

In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience, and general welfare. The intent of these regulations is not to interfere with or abrogate or annul any easement, covenant, or other agreement between parties. When these regulations impose a greater restriction upon the use of buildings or land, or upon the height of buildings, or require larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of these regulations shall control.

#### **Sec. 29-5. No relief from other provisions.**

Except as otherwise specifically provided, no provision of this chapter shall be construed as relieving any party to whom a permit or variance is issued from any other provision of state or federal law or from any provision, ordinance, rule, or regulation of the city requiring a license, franchise, or permit to accomplish, engage in, carry on, or maintain a particular business, enterprise, occupation, transaction, or use.

#### **Sec. 29-6. Completion of existing projects.**

Nothing contained herein shall require any change in the plans, construction or designated use of a building or structure for which a building permit has been issued prior to the effective date of any amendment of these regulations provided that actual construction of such building or structure is commenced within one hundred eighty (180) days after the date of issuance of the building permit and is completed within one (1) year from the effective date of such amendment, and provided further that such construction and proposed use of such building or structure is not on said effective date in violation of any other ordinance or law.

#### **Sec. 29-7. Severability of provisions.**

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations, it being hereby expressly declared that this chapter and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, adopted, approved, and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

#### **Sec. 29-8. Chapter supersedes existing zoning ordinance.**

- (a) This chapter supersedes Ordinance No. 89-3, as amended, of the city, and to the extent that Ordinance No. 89-3 is inconsistent with this chapter, it is hereby repealed. If any provisions of this chapter should be determined to be not applicable to land regulated by said Ordinance No. 89-3, the provisions of Ordinance No. 89-3 shall continue to apply. Nothing in this chapter shall be construed as validating or legalizing any land use or building or structure conducted, constructed, erected, or maintained in violation of any city ordinance, and nothing in this chapter shall prevent or bar the filing of a complaint or punishment of any act in violation of said Ordinance No. 89-3 or bar the bringing of any action to compel the discontinuance of any use or the removal of any building or structure conducted, constructed, erected, or maintained in violation of

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said Ordinance No. 89-3. Insofar as the provisions of this chapter impose the same regulations as imposed by said Ordinance No. 89-3, this chapter shall be construed as a continuation of said Ordinance No. 89-3 and not as a new enactment.

- (b) Any existing zone or reclassification adopted pursuant to Ordinance No. 89-3 prior to the operative date of this chapter shall on the effective date of this chapter be deemed automatically converted to the comparable zones under this chapter.

### **Sec. 29-9. Consistency with hazardous waste management plan.**

Zone changes, conditional use permits, variances and other land use decisions shall be consistent with the portions of the county hazardous waste management plan (approved February 28, 1990) relating to siting and siting criteria for hazardous waste facilities. Nothing herein shall limit the ability of the city to attach appropriate conditions to the issuance of any such approval in order to protect the public health, safety or welfare nor to establish more stringent planning requirements or siting criteria than those specified in the county plan.

### **Secs. 29-10—29-13. Reserved.**

## ***DIVISION 2. DEFINITIONS***

### **Sec. 29-14. Purpose and applicability.**

The purpose of this division is to promote consistency and precision in the interpretation of this chapter. The meaning and construction of words and phrases as set forth shall apply throughout this chapter, except where the context of such words or phrases clearly indicates a different meaning or construction. Definitions contained in the Uniform Building Code shall be applicable except when in conflict with definitions contained herein, in which case the chapter definition shall prevail.

### **Sec. 29-15. General rules for construction and interpretation of language.**

The following general rules of construction shall apply to the textual provisions of this chapter:

- (1) *Headings.* Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the chapter.
- (2) *Illustration.* In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control.
- (3) *Shall and may.* "Shall" is always mandatory and not discretionary. "May" is discretionary.
- (4) *Tenses and numbers.* Words used in the present tense include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) *Conjunctions.* Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
  - a. "And" indicates that all connected items or provisions apply;
  - b. "Or" indicates that the connected items or provisions may apply singly or in any combination; and
  - c. "Either... or" indicates that the connected items or provisions shall apply singly but not in combination.

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- (6) *Departments, bodies, etc.* All public officials, bodies, and agencies to which reference is made are those of the city unless otherwise indicated.
- (7) *Public officials and their designees.* All references to public officials include designated representatives of such officials, unless otherwise indicated.
- (8) *City Code.* All references to City Code shall mean the Code of the City of El Centro.
- (9) *State.* All references to the "state" shall mean the State of California. Any reference to a specific State of California regulation or law shall also mean "as the regulation or law may be subsequently amended by the State of California."
- (10) *Calendar days.* All references to days are to calendar days unless otherwise indicated. If a deadline falls on a Saturday, Sunday or holiday, it shall be extended to the next full day in which the offices of the ~~department of planning~~community development department are open for business.
- (11) *Building/structure.* The words "structure" and "building" shall have the same meaning.
- (12) *Activities/facilities.* The words "activities" and "facilities" include any part thereof.
- (13) *Used.* The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used.
- (14) All terms shall be construed pursuant to division 2, definitions of this article I. Terms that are not defined shall be construed according to the context and approved usage of the language, and as ultimately determined by the community development director. If the definition of a term provided herein conflicts with a term defined by a state law or regulation, the definition provided by the state law or regulation shall prevail.

(Ord. No. 13-16, § 2, 4-2-13)

## **Sec. 29-16. "A" definitions.**

*Abandonment:* To cease the intended and designated use of a property or building for a period of one hundred eighty (180) days or more.

*Abate:* To end a nuisance, emergency, or non-conformance.

*ABC license:* A license issued by the state department of alcoholic beverage control.

*Abutting:* Two (2) adjoining parcels of property, with a common property line, are herein considered as one (1) parcel abutting the other, except where two (2) or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two (2) parcels measures not less than eight (8) feet in a single direction.

*Access or access way:* The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress or egress to a property or use as required by this Chapter.

*Accessory building:* A building, part of a building, or structure which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot.

~~*Accessory unit:* A dwelling unit, attached to a primary residence by roofline, providing complete, independent living facilities for no more than two (2) persons including permanent provisions for living, sleeping, eating, cooking and sanitation, and having only one (1) kitchen. Note that an accessory unit is not a "second dwelling unit" pursuant to California Government Code section 65852.2. See California Government Code section 65852.2(i)(4) for the definition of a second dwelling unit.~~

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*Accessory Dwelling Unit:* A dwelling on the same property as a primary dwelling that provides complete independent living facilities for one or more people in compliance with Government Code Section 65852.2. An Accessory Dwelling Unit may be attached, detached, or internal to a primary dwelling. See also *Junior Accessory Dwelling Unit*.

*Accessory Dwelling Unit, attached:* An accessory dwelling that shares at least one common wall with the primary dwelling but is not entirely internal to the primary dwelling.

*Accessory Dwelling Unit, detached:* An accessory dwelling that does not share any common wall with the primary dwelling and is not internal to the primary dwelling. A detached accessory dwelling unit may share one or more common walls with another detached accessory dwelling unit.

*Accessory Dwelling Unit, internal:* An accessory dwelling that is entirely internal to the primary dwelling.

*Accessory use:* A use which is customarily incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the zone.

*Actual construction:* The actual placing of construction materials in their permanent position, fastened in a permanent manner, except that where a basement is being excavated such excavating shall be deemed to be actual construction, or where demolition or removal of an existing structure has been begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

*Adjacent:* Near, close, or abutting; for example, an industrial zone across a street or highway from a residential zone shall be considered "adjacent."

*Adjoining:* The same as "abutting."

*Administrative decision:* A decision in which an agency or official applies existing law or policy to a given set of facts.

*Adult bookstore or adult video store:* See section 29-245 for this definition.

*Adult cabaret:* See section 29-245 for this definition.

*Adult motion picture theater:* See section 29-245 for this definition.

*Advertising structure:* An on- or off-site structure of any kind or character other than the main business identification sign, erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting, or other advertisement of any kind whatsoever may be placed, including statuary for advertising purposes. Includes billboards.

~~*Affordable ownership cost:* See section 29-206 for this definition.~~

~~*Affordable rent:* See section 29-206 for this definition.~~

*Agricultural uses:* The use of land for small scale farming and animal keeping, including the growing of row crops, fruit, fiber, horticulture, and pasturage. Animal keeping shall abide by section 5-1, et seq. of the City Code and section 29-169, et seq., except that at no time shall the keeping of horses, bovine animals, sheep, goats and swine exceed a combined density of one (1) such animal per 21,780 square feet (one-half ½ acre) of gross area of the lot(s) upon which the same are kept and at no time shall any one (1) lot contain more than ten (10) such animals. The keeping of roosters is solely and expressly an agricultural use. Uses and structures incidental and accessory to said farming and animal keeping shall be permitted, including one (1) single-family residence per lot, barns, stables, pens, coops, greenhouses, apiaries, and small grain and produce storage buildings not exceeding 10,000 square feet in gross floor area. Incidental farm employee housing shall constitute an agricultural use (see section 29-21 for definition of "farm employee housing").

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*Airport:* Any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport building or facilities, including open spaces, taxiways and tie-down areas, hangars, and other necessary buildings and open spaces.

*Albedo:* A measurement of solar reflectance on a surface. A “High Albedo” means a high reflectance of sun and low absorption of heat on constructed surfaces of a building and development.

*Alley:* Any dedicated way, intended for vehicular service to the rear or side of property served by a street. Buildings facing only on an alley shall not be construed as satisfying the requirements of this Chapter related to frontage on a dedicated street.

*Altered:* The same as "structural alteration."

*Alternative tower structure:* See section 29-256 for this definition.

*Amendment:* A change in the wording, context, or substance of this chapter, an addition or deletion, or a change in the zone boundaries or classifications upon the zoning map, which imposes any regulation not theretofore imposed or removes or modifies any such regulation theretofore imposed.

*Amateur radio (HAM) facility:* See section 29-256 for this definition.

*Amateur radio (HAM) operator:* See section 29-256 for this definition.

*Amateur radio (HAM) service:* See section 29-256 for this definition.

*Anatomical areas:* See "specified anatomical areas."

*Animal hospital:* A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

*Animal husbandry:* Raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis. Typical uses include grazing, ranching, dairy farming and poultry farming.

*Animal waste processing:* The processing of animal waste and by-products, including but not limited to animal manure, animal bedding waste, or similar by-product of an animal-raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting operations.

*Annexation:* The incorporation of land area into the jurisdiction of the city with a resulting change in the boundaries of the city.

*Antenna:* See section 29-256 for this definition.

*Apartment:* A room or suite of two (2) or more rooms with a single kitchen in a multi-family dwelling, occupied or suitable for occupancy as a residence for one (1) family.

*Appeal:* A request by a project applicant or other qualified individual or agency for a city body to modify, or reverse a decision rendered by a subordinate city body or city staff.

*Arcade:* A roofed passageway or lane, especially one with shops or enclosed living spaces on one (1) side and exterior open arches on the other side~~or both sides~~ (figure 29-16.1).

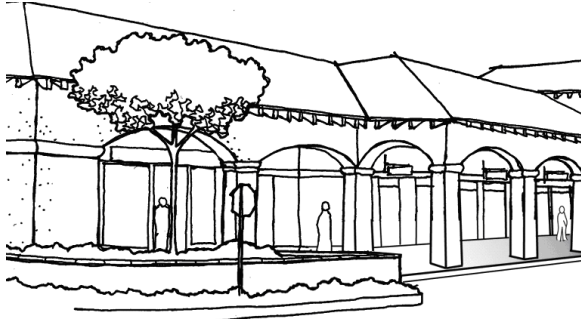


Figure 29-16.1. Arcade

*Area, gross:* The area of a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

~~*Area median income:* See section 29-206 for this definition.~~

*Area, net:* The area within the property lines of a lot or parcel of land after all streets and other dedications have been complied with and to which development standards of this chapter shall apply.

*Art gallery:* An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This classification does not include libraries, museums, or non-commercial art galleries.

*Artisan manufacturing and production:* The small-scale manufacture and production of commercial and specialty goods using hand tools or small-scale, light mechanical equipment by a craftsman, artist, or manual worker, such as jewelry, metal work, cabinetry and furniture, glassblowing, stained glass, textiles, ceramics/pottery, photograph and printing making, fine arts and crafts, clothing/apparel, food and bakery products, and other uses determined by the Director to be similar. This classification does not include any activity that causes noise, odor, or vibration to be detectable on a neighboring property. May include incidental indoor storage associated with the permitted use. May include retail/gallery space for sale of the artisan products produced on-site; however, no more than 10 percent of sales may be from non-artisan products.

*Artisan loft:* Combined commercial and residential space for artisan manufacturing and production activities. See definition of live/work. See related definition of mixed use development, artisan loft.

*Assessor:* The assessor of the county.

*Assistant community development director:* Assists the community development director in managing the community development department and assumes the duties and responsibilities of a city building official as referenced in the California Building Code.

*Attic:* The uninhabitable space between the upper surface of the top floor of a building and the roof above. An attic is not considered a story.

*Automated teller machine (ATM):* An unmanned machine that customers use to perform financial transactions including deposits and withdrawals of currency.

*Automobile impound:* The permitted storage of wrecked, partially dismantled or abandoned vehicles as required by the state department of motor vehicles. The use shall be incidental to the main use permitted in the zone.

*Automobile wrecking:* The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of five (5) or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their

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own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

*Automobile service station:* A lot or portion of a lot primarily used for the retail sale of gasoline for use in motor vehicles, and incidental servicing of motor vehicles. Such servicing may include sale of motor oils, lubrication, car washing (with no steam equipment), waxing and polishing, sale and service of tires, tubes, batteries, and service of auto accessories. Such servicing shall not include tire recapping, sale of major auto accessories, parts, sale or rebuilding of engines, battery manufacturing or rebuilding, radiator repair or steam cleaning, body repair, painting or upholstery, installation of auto glass, or trailer rental, unless such use or uses are also permitted in the zone in which the automobile service station is located or proposed.

*Automotive services:* General maintenance, repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, including, but not limited to, body and fender work, framework, welding, upholstering, and painting service.

*Awning:* A roof-like structure, attached to and supported entirely by the exterior wall of a building, often made of canvas or similar material that serves as a shelter over a storefront, window, door, or deck.

(Ord. No. 09-06, § 1, 9-2-09; Ord. No. 13-16, § 3, 4-2-13; Ord. No. 13-20, § 1, 5-21-13)

## **Sec. 29-17. "B" definitions.**

*Backhaul network:* See section 29-256 for this definition.

*Bail:* The pledge of cash or property to secure the release of a thing or person which would otherwise be held in custody.

*Bail bond:* A guarantee by a third-party that a defendant in a court action will appear to all of their criminal court proceedings. The bond is given in return for the release of the defendant from court custody.

*Bakery, retail:* A retail sales facility which offers bakery products only for direct sale to the public and which, as an accessory use, may include the preparation of products normally sold in bakeries, for sale off the premises.

*Bakery, wholesale:* A bakery or other food store that devotes over ninety (90) percent of its gross floor area to the preparation of bakery products for sale at other locations. Wholesale bakeries may offer bakery products for direct sale to the public.

*Balcony:* An unenclosed area either recessed or projected from the walls of a building. Balconies are thirty (30) inches or more above grade, are attached to and supported primarily by the exterior wall of the building, are accessible from the building's interior, and are unenclosed on one (1) or more sides except for a railing or parapet, not less than forty-two (42) inches or greater than sixty (60) inches high. A balcony is not an accessory structure.

*Bar:* An alcohol sales establishment where the primary use is the sale and on-site consumption of alcoholic beverages and where secondary uses may include food service. The premises may contain a counter upon and over which alcoholic beverages, such as beer, wine, and distilled spirits are served.

*Basement:* An area of a structure partially above ground and having no more than fifty (50) percent of its height, at any point, above finish grade on each and every side. A basement is not considered a story.

*Bay Window:* a window or series of windows forming a bay in a room and projecting outward from the exterior wall.

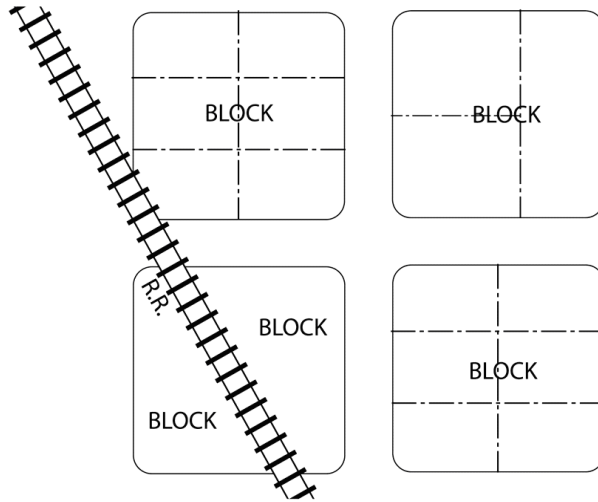
*Bedroom:* Any habitable room other than a living room, family room, bathroom, dining room or kitchen shall be considered a bedroom if:

- (1) It has seventy (70) square feet or more of floor area;



- (2) The minimum horizontal dimension between interior walls is seven (7) feet and the ceiling height is seven (7) feet six (6) inches or more; and
- (3) It meets uniform building and housing requirements.

**Block:** A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development (See figure 29-17.1).



**Figure 29-17.1. Block**

**Block frontage:** All property fronting on one (1) side of a street between a street and right-of-way, waterway, or between intersecting or intercepting streets, the end of a dead-end street, or city or county boundary measured along a street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

**Boarding, lodging or rooming house:** A building containing a single dwelling and not more than five (5) guest rooms, where lodging is provided with or without meals for compensation.

**Bond:** A contractual guarantee by a third-party that something will happen.

**Breezeway:** A roofed passageway, open on at least two (2) sides where the roof is structurally integrated with the structure of the main building.

**Brewery, large:** A large-scale brewery that produces 15,000, or more, barrels of beers and/or similar beverages on-site per year as a primary use in accordance with the regulations of the Alcohol Beverage Control (ABC), other applicable state and federal laws, and which must possess either a Type 1 or Type 23 ABC License. The establishment may also include the retail sale to the general public of beverages for off-site consumption, but which may include on-site consumption only in accordance with the regulations for the zone on which the establishment is located and applicable ABC licenses and regulations. The establishment may include a restaurant on the premises also subject to City Code and ABC requirements.

**Broadcast:** See section 29-256 for this definition.

**Broadband:** See section 29-256 for this definition.

**Brownfield site:** An abandoned, idled, or underused industrial or commercial facility where expansion or redevelopment is complicated by real or perceived environmental contamination.

**Buffer:** an area of land separating two distinct land uses that acts to soften, mitigate or protect the effects of one land use on the other.

**Building:** Any structure that is completely roofed and enclosed on all sides which is built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "structure, temporary."

**Building, main:** A building within which is conducted the principal use permitted on the lot, as provided by this chapter.

**Building height:** The vertical distance measured from the adjoining curb level to the highest point of the structure, exclusive of exceptions permitted by section 29-122; provided, however, that where buildings are set back from the street line, the height shall be measured from the average elevation of the finished grade at the front of the building (see figure 29-17.2).

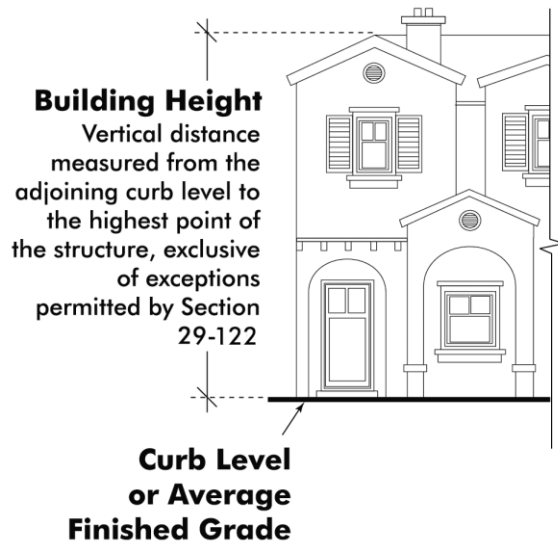


Figure 29-17.2. Building Height

**Building frontage:** That portion of a building which abuts a legally accessible public or approved private street.

**Building plane:** A flat or level surface of a building that is contiguous without offsets or recesses.

**Building site:** The total ground area of a site including open space areas, easements, and rights-of-way. A building site may encompass more than one (1) lot.

(Ord. No. 09-06, § 2, 9-2-09; Ord. No. 11-16, § 1, 11-15-11; Ord. No. 13-18, § 1, 5-7-13; Ord. No. 17-11, § 3, 9-19-17 )

## Sec. 29-18. "C" definitions.

**Camouflaged tower:** See section 29-256 for this definition.

**Campers (truck-type):** Automotive vehicles used for sleeping and/or with kitchen facilities.

**Caretaker:** A person residing in a dwelling unit (manufactured unit included) on a property, whose duties include, but are not limited to, direct care, supervision, or maintenance of the property or uses on the property.

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*Caretaker's residence (permanent):* A dwelling unit containing living quarters and kitchen facilities located on a premises with a main non-residential use and occupied only by an owner, caretaker, superintendent, or security personnel for the main use~~a caretaker or guard employed on the premises~~, and his or her family.

*Caretaker's residence (temporary):* A temporary dwelling unit containing living quarters and kitchen facilities for housing persons responsible for administering, overseeing, or maintaining security for the main use on the site during the construction period.

*Carport:* A permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile storage for the occupants of the premises. Enclosed storage lockers may be provided within carports for said occupants.

*Cell:* See section 29-256 for this definition.

*Cellular network:* See section 29-256 for this definition.

*CEQA:* The California Environmental Quality Act, California Public Resources Code section 21000 et seq. and the California Environmental Quality Act Guidelines as may be subsequently amended by the state.

*Child day care facilities:*

- (1) *Small family day care home:* A home which provides care, protection, and supervision of eight (8) or fewer children, for a period of less than twenty-four (24) hours per day, while the parents or guardians are away. The total number also includes children under the age of ten (10) years who reside in the caregiver's own home.
- (2) *Large family day care home:* A home which provides care protection, and supervision of seven (7) to fourteen (14) children, inclusive, for a period of less than twenty-four (24) hours per day, while the parents or guardians are away. This total number would also include children under the age of ten (10) years who reside in the caregiver's own home.
- (3) *Child day care center:* Any facility, of any capacity, other than a family day care home as defined herein in which less than twenty-four (24) hours per day non-medical care and supervision is provided for children in a group setting. Child day care centers include nursery schools, but do not include elementary schools.
- (4) *Child day care home provider:* Any person who operates a child care facility and is licensed by the state department of social services.

*Church:* A permanently located building commonly used for religious worship, fully enclosed with walls (including windows and doors) and having a roof (canvas or fabric excluded) and conforming to applicable legal requirements affecting design and construction.

*City:* The City of El Centro.

*Clinic:* A place for group medical services not involving overnight housing of patients. Also see California Health and Safety Code section 1200.

*Cleaning establishment:* A commercial use wherein the cleaning of clothes is incidental to a laundry pickup establishment, launderette, or a coin-operated dry cleaning service, and where non-volatile materials are used in the process.

*Club:* An association of persons (whether or not incorporated) for a common purpose, but not including groups organized solely or primarily to render a service carried on as a business for profit.

*Cluster units:* A group of dwellings connected, or detached such as apartments, row housing and single-family homes which do not individually have direct access to a dedicated street or highway but which are served by a private or common street, driveway or alleyway. Commonly found in planned unit developments.

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*Collocation:* See section 29-256 for this definition.

*College:* A college, junior college or university supported by public funds, or a private college, junior college or university which gives comparable academic instruction and degrees as a public institution.

*Colonnade:* a series of columns set at regular intervals and usually supporting the base of a roof structure under which one can walk.

*Commercial recreation:* Sports and recreation uses primarily conducted by and for participants for compensation. Any spectators would be incidental and on a nonrecurring basis.

*Commercial private wireless communication facility:* See section 29-256 for this definition.

*Commercial public wireless communication facility:* See section 29-256 for this definition.

*Commercial vehicle or commercially-licensed vehicle:* Any vehicle which is registered as commercial under the State Vehicle Code, rated over one (1) ton and having a wheel rim diameter of seventeen (17) inches or greater.

*Commercial wireless communication facility:* See section 29-256 for this definition.

*Commission:* Unless otherwise stated, the use of the term "commission" in this chapter refers to the planning commission of the city.

*Common areas:* All elements of the project excepting units therein granted or reserved.

*Community care facility:* ~~Any facility, place, or building, that is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. See also, "family care home."~~

*Community development department:* The combination of the planning and zoning department, building and safety division, code enforcement and bureau of fire prevention.

*Community development director:* shall be in charge of the planning and zoning department, building and safety division, code enforcement and bureau of fire prevention. The director shall supervise all employees in the community development department. The director shall administer, control, and supervise all assigned functions of the community development department subject to the approval of the city manager or his/her designee.

*Compensation:* Anything of value given or received in return for some item or service.

*Concessions:* ~~See section 29-206 for this definition.~~

*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 residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may include in addition a separate interest in other portions of such real property. Also see California Civil Code section 1351(f).

*Condominium conversion:* The subdivision of any existing building and land to allow for condominium form of ownership.

*Construction:* The placement of construction materials in their permanent position fastened in a permanent manner. See also "actual construction."

*Contiguous:* The same as "abutting."

*Convalescent home:* ~~The same as "rest home."~~ A licensed facility used for the housing and ambulatory care of patients with post-operative convalescent and chronic illness who are unable to care for themselves. Care provided does not include a physician residing on the premises, surgery, or other similar activities that are customarily provided in sanitariums and hospitals.

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*Convenience store:* A retail store of less than five thousand (5,000) square feet that sells convenience goods, such as pre-packaged food and beverage items, prepared food items for off-site consumption, tobacco, periodicals, and other limited groceries and household items. May include alcohol sales for off-site consumption subject to an alcoholic beverage control license and gasoline sales depending upon the use regulations of the applicable zone.

*Corbel:* an architectural member that projects from within a wall and supports a weight, especially one that is stepped upward and outward from a vertical surface.

*Corner cutback:* The provision for and maintenance of adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets, alleys, or private driveways.

*Court:* An open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two (2) or more sides by such building.

*Court apartment:* A group of dwellings arranged about two (2) or more sides of a court on a lot which opens onto a dedicated street.

*Court, enclosed:* A court enclosed on all sides by exterior walls of a building and lot lines on which fences, hedges or walls are permitted.

*Court, inner:* A court enclosed on all sides by the exterior walls of a building or buildings.

*Court, outer:* A court enclosed on all but one (1) side by exterior walls of a building or buildings or lot lines on which fences, hedges or walls are permitted.

*County:* The County of Imperial.

*County recorder:* The official recorder of the county.

*Council:* The city council of the city.

*Coverage:* The same as "lot coverage."

*Crime Prevention Through Environmental Design (CPTED):* A multi-disciplinary approach to crime prevention that uses urban and architectural design to make communities safer by employing key design techniques (such as windows and doors that face the street and provide natural surveillance or "eyes on the street").

*Cul-de-sac lot:* See "lot, cul-de-sac."

*Curb level:* The level of the established curb at the center of the front of the building. Where no curb level has been established, the director of public works shall establish each curb level or its equivalent for the purpose of this article.

*Curve lot:* See "lot, curve."

(Ord. No. 13-16, § 4, 4-2-13)

## **Sec. 29-19. "D" definitions.**

*Denial without prejudice:* An inability to grant approval for an application for conditions existing outside of the scope of the application. This form of denial carries with it no judgment on the merits or substance of the application itself. The approving authority may reconsider a revised application package when an application is denied without prejudice.

*Density, gross:* The total number of dwelling units divided by the total (gross) area of the property.

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*Density, net:* The number of dwelling units per acre of developable land exclusive of public and private streets, greenways, land designated as open space on the general plan land use and circulation policy map, drainage, power-transmission line easements or other public and semipublic uses.

*Density bonus:* See [Article IV, Division 4](#)~~section 29-206 for this definition.~~

*Density bonus program:* See [Article IV, Division 4](#)~~section 29-206 for this definition.~~

~~*Density bonus unit:* See section 29-206 for this definition.~~

*Designated historic landmark:* A building, structure, site, or collection of buildings or sites which is found by the city council to have historic, cultural, or architectural significance and is designated by the city council as a historic landmark.

*Development plan:* A plan created to describe a proposed development on a specific building site.

*Development project:* Any project undertaken for the purpose of development, as more specifically defined in article 2 of chapter 4.5 of the state planning and zoning law (California Government Code, section 65000 et seq.).

*Development standard:* A numerical maximum or minimum requirement set for each zoning district and regulating the development of building sites. Such standards include, but are not limited to, building setbacks, street frontage, and lot sizes.

*Director:* Community development director of the city; provided, however, that in the event that there is no community development director another position designated by the city manager shall fulfill the duties set forth in this chapter for the community development director.

*Disability:* A physical or mental impairment that substantially limits one (1) or more of the major life activities of individuals, and there is a record of such an impairment or the individual is regarded as having such an impairment. It is the intent of this definition to substantially comply with the term "disability" as defined by the Federal Americans with Disabilities Act of 1990, as may be amended periodically.

*Discretionary project:* A project which requires the exercise of judgment or deliberation when the city (council, commission or other administrative body) decides to approve or disapprove a particular activity, as distinguished from situations where the city merely determines conformity with applicable statutes, ordinances or regulations.

*Dog:* A canine that has reached the age of four (4) months.

*Drive-through facility:* An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product while remaining in a motor vehicle. Also see California Government Code section 65091.

*Duplex:* A multi-family dwelling in which two (2) dwelling units are attached and located together on a lot or building site.

*Dwelling:* A building or portion thereof designed exclusively for residential occupancy, including single-family and multi-family dwellings, but not including hotels, boarding or lodging houses, or trailers (with or without wheels).

*Dwelling, group:* Apartment hotels, boarding, rooming or lodging houses consisting mainly of living units without individual kitchens which are rented on a weekly basis or longer. Also includes student dormitories ~~and retirement homes providing congregate dining facilities.~~

*Dwelling, guest:* Living quarters within an accessory building, for use exclusively by temporary, non-paying guests of the resident family, such quarters having no cooking or plumbing facilities except plumbing facilities for a bathroom.

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*Dwelling, multi-family:* A building or buildings designed and used for occupancy by two (2) or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.

~~*Dwelling, primary:* The main dwelling on a property with an Accessory Dwelling Unit or Junior Accessory Dwelling Unit.~~

~~*Dwelling, second:* A separate residential unit containing sleeping quarters, kitchen and bathroom facilities independent of the main dwelling on the site. Also see California Government Code section 65852.2.~~

~~*Dwelling, single-family:* A detached building or mobile home designed primarily for the use of a single family and no portion of which is to be rented separately.~~

*Dwelling unit:* One (1) or more rooms and a single kitchen designed as a unit for occupancy by one (1) family for living and sleeping purposes. Also see "rental unit."

(Ord. No. 13-16, § 5, 4-2-13)

## **Sec. 29-20. "E" definitions.**

*Easement:* A recorded right or interest in the land of another, which entitles the holder thereof to some use, privilege or benefit out of or over said land.

*Emergency:* A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property or essential public services.

*Emergency shelter:* A housing facility that provides temporary overnight shelter for persons with no permanent housing with minimal support services in which residency is limited to six (6) months or less and is not related to the person's ability to pay. Such facilities may offer services to meet basic needs such as food, clothing, and limited medical care. See California Health and Safety Code § 50801(e).

*Enhanced specialized mobile radio service (ESMR):* See section 29-256 for this definition.

*Environmental review:* A formal evaluation process to determine whether a proposed project will have a significant impact on the environment in conformance with CEQA.

*Expressway:* See "freeway."

(Ord. No. 11-02, § 1, 4-19-11)

## **Sec. 29-21. "F" definitions**

*FAA:* Federal Aviation Administration.

*Facade:* The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

*Family:* Two or more individuals related by birth, marriage, adoption or convenience who occupy the same dwelling unit. A family also includes the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries or nunneries, nor does it include such commercial group living arrangements as boardinghouses, lodging houses and farm labor camps.

~~*Family care home:* A small or large family care home licensed by the state providing twenty-four (24) hour, non-medical care for persons, including mentally or physically handicapped persons.~~

~~(1) Large family care home means a home that provides care for seven (7) to fourteen (14) persons, including children under the age of eighteen (18) years who reside at the home, as set forth in the California Health and Safety Code.~~

~~(2) Small family care home means a home that provides family care for six (6) or fewer persons including children under the age of eighteen (18) years who reside at the home, as set forth in the California Health and Safety Code.~~

~~Family care institution: A state authorized, certified, or licensed family care home, foster home, or group home which does not qualify as a family care home.~~

*Farm employee housing:* Housing for agricultural employees that is incidental or accessory to a permitted agricultural use, ~~and provides~~ Housing may include accommodations for six (6) or fewer employees within a single-family structure, up to 36 beds in a group quarters, or up to 12 units or spaces designed for use by a single family or household. See section 17021.5 and 17021.6 of the California Health and Safety Code.

*Farmworker housing:* See "Farm employee housing."

*FCC:* Federal Communications Commission.

*Federal Communications Commission (FCC):* See section 29-256 for this definition.

*Federal:* The government of the United States of America.

*Feed lot or feed yard:* A lot, or portion of a lot, used for the enclosing and fattening of livestock for market, and not operated in connection with a bona fide farm.

*Fence:* Any structural device forming a physical barrier which is so constructed that less than fifty (50) percent of the vertical surface is closed and prevents the transmission of light, air and vision through said surface in a horizontal plane. For board or other solid barriers, see "wall." The standards of section 29-143 shall apply.

*Fenestration:* The arrangement, proportioning, and design of windows and doors in a building.

*Flag-lot:* See "lot, flag."

*Flea market:* See "outdoor swap meet."

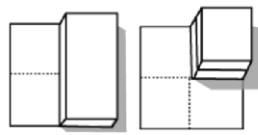
*Flood:* A general and temporary condition of partial or complete inundation of land areas from the overflow of inland and tidal waters, and the rapid accumulation of runoff of surface waters from any source and mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

*Floor area:* The term "floor area" is used in this chapter as a basis for requiring off-street parking for any structure. Unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories or basement of said structure. All horizontal dimensions shall be taken from the exterior faces of walls including enclosed porches.

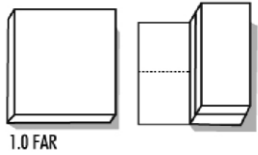
*Floor area ratio (FAR):* The ratio between the total gross floor area of all buildings on a lot and the total area of that lot (see figure 29-21.1).



Floor Area Ratio (FAR):  $\frac{\text{Gross Floor Area}}{\text{Lot Area}}$



In a zone district with a maximum FAR of 0.5, the maximum allowable floor area of a building on a 40,000 sq. ft. lot would be 20,000 sq. ft. (20,000 sq. ft. divided by 40,000 sq. ft. equals 0.50).



NOTE: Variations may occur if upper floors are stepped back from ground level lot coverage.

Figure 29-21.1. Floor Area Ratio (FAR)

**Freeway:** A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections. For the purposes of this chapter, the word "freeway" shall include the word "expressway."

**Freeway service facility:** A comprehensively planned facility providing services for the traveler consisting, at a minimum, of gasoline and diesel sales, automotive and truck repair, and a restaurant. A motel and/or RV park may also be included, together with incidental sales of periodicals, sundries, maps, souvenirs and the like.

**Frontage:** That portion of a parcel of property which abuts a legally accessible public or approved private street or highway, measured along the future street line as indicated on the general plan land use policy map, on a final parcel map or subdivision map.

**Future street line:** The future right-of-way line for a major or secondary highway or traffic collector street as located and dimensioned in the general plan or for a local street as indicated in the setback ordinance. A setback abutting such a highway or street shall be measured from the future street line.

(Ord. No. 13-20, § 1, 5-21-13)

## Sec. 29-22. "G" definitions.

**Garage, private:** A detached accessory building or a portion of a main building on the same lot for the parking or temporary storage of vehicles of the occupants of the premises.

**Garage, public:** Any garage other than a private garage.

**Garage, repair:** A building other than a private garage used for the care, repair, or equipment of automobiles.

**Garage, storage:** Any premises, used exclusively for the storage of vehicles.

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*General bookstore:* An establishment engaged in the buying, selling, and/or trading of new and/or used books, manuscripts, and periodicals of general interest. A general bookstore does not include an establishment that is encompassed by the definition of adult bookstore.

*General motion picture theater:* A building or part of a building intended to be used for the specific purposes of presenting entertainment as termed herein, or displaying motion pictures, slides, or closed-circuit television pictures before an individual or assemblage of persons, whether such assemblage be of a public, restricted or private nature, except a home or private dwelling where no fee, by way of an admission charge, is charged; provided, however, that any such presentations are not distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the plot or story line. A general motion picture theater does not include any establishment that is defined by adult motion picture theater, adult mini-motion picture theater, adult motion picture arcade, or adult drive-in theater.

*General plan:* The general plan for the city, consisting of the general plan map and text, adopted by the city council.

*Gigahertz (GHz):* See section 29-256 for this definition.

*Glare:* Any brightness within the field of vision of such a character as to cause annoyance, discomfort, interference with vision, or loss in visual performance and visibility.

*Golf course:* A lot or portion of a lot used for the playing of golf, including pitch-and-putt courses, but shall not include driving ranges, miniature golf courses or other similar commercial enterprises, unless expressly permitted in this chapter.

*Grade:* The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the ground level shall be measured at the sidewalk.

~~*Granny flat:* an additional dwelling unit to be attached or detached from a primary residence on a parcel zoned for a single family residence, if the dwelling unit is intended for the sole occupancy of one (1) adult or two (2) adult persons who are sixty-two (62) years of age or over, and the area of floor space of the dwelling unit does not exceed thirty (30) percent of the floor space of the existing dwelling unit or the floor space of a detached unit does not exceed one thousand two hundred (1,200) square feet. Also see California Government Code section 65852.1.~~

*Greyfield site:* An abandoned or underutilized commercial site on which establishments such as shopping centers, big box retail buildings, strip malls or commercial buildings are built. They do not contain contaminated soil like brownfield sites.

*Ground-mounted antenna:* See section 29-256 for this definition.

~~*Group homes:* Any residential care facility for six (6) or fewer persons, which is licensed by the state. See section 29-33 "Residential care facility." Also see California Health and Safety Code § 1502(a).~~

*Grouped facility:* See section 29-256 for this definition.

*Guest:* Any transient person who occupies a room for sleeping purposes.

*Guest house:* The same as "dwelling, guest."

*Guest ranch:* A hotel, including all accessory buildings and commercial uses operated primarily for the convenience of the guests thereof.

*Guest room:* A room which is designed to be occupied by one (1) or more guests for sleeping purposes, and having no kitchen facilities, not including dormitories.

*Guyed tower:* See section 29-256 for this definition.

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(Ord. No. 11-02, § 1, 4-19-11; Ord. No. 13-18, § 2, 5-7-13)

## Sec. 29-23. "H" definitions

*Habitable room:* Any room designed for sleeping or living purposes, excluding such spaces as closets, garages, bathrooms, hallways, unfinished attics, foyers, patios, storage spaces and utility rooms.

*Health club:* Health club means, but is not limited to, gymnasiums (except public), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

*Heliport:* An area used or intended to be used for the landing and takeoff of helicopters, and may include any or all of the area of the building appropriate to accomplish these functions.

*Highway:* A street shown as a freeway, major or secondary highway on the general plan for the city.

*Home occupation:* Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof. See section 29-162(23) for typical home occupations, and criteria for determining home occupation as defined herein.

~~*Homeless shelter:* A facility that provides temporary refuge to indigent men, women, or children, wherein basic non-medical needs such as food and clothing may be provided. Such facilities are operated by eligible organizations, i.e., nonprofit corporations or local government agencies, are not licensed by the California Department of Social Services, and include emergency shelters and transitional housing. See California Health and Safety Code § 50801(d).~~

*Homeowners association:* A private, nonprofit corporation of homeowners for the purpose of owning, operating, and maintaining various common properties.

*Hospital:* Any building or portion thereof used for the accommodation and medical care of sick, injured, or infirm persons and including sanitariums, alcoholic sanitariums, institutions for the cure of chronic drug addicts and mental patients.

*Hotel:* A structure or group of structures containing six (6) or more guest rooms or suites offering transient (twenty-eight (28) days or fewer) lodging accommodations to the general public, with most rooms gaining access through a common lobby and an interior hallway(s). Such a facility may include incidental services that customarily are provided by a hotel such as food service, recreational facilities, retail services provided for the convenience of hotel guests, and banquet, reception and meeting facilities. A hotel does not include any building in which human beings are housed or detained under legal restraint or which is used as a drug or other rehabilitation center.

(Ord. No. 11-02, § 1, 4-19-11)

## Sec. 29-24. "I" definitions.

~~*Incentives:* See section 29-206 for this definition.~~

*Industrial park:* An industrial subdivision developed according to a comprehensive site plan to provide serviced sites for manufacturing plants, distribution warehouses and similar uses, adequate control of the tract and buildings is provided, in order to maintain aesthetic values and to protect the investments of developers of the park, of the occupying industries, of neighboring developments, and of the community as a whole.

*Industry:* The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

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*Institutional use:* a nonprofit or quasi-public use such as a church, library, school, hospital, or municipally owned or operated building, structure or land.

## **Sec. 29-25. "J" definitions.**

*Junior Accessory Dwelling Unit:* An accessory dwelling no more than five hundred (500) square feet and entirely internal to a primary dwelling that includes independent facilities for living, sleeping, cooking, and eating, and shared or independent sanitation facilities.

*Junk:* Any worn out, castoff, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.

*Junkyard:* Any lot, or the use of any portion of a lot, for the dismantling of machinery (not including motor vehicles) or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking, or for the storage or keeping of junk, including scrap metals or other scrap materials.

## **Sec. 29-26. "K" definitions.**

*Kennel:* Any lot or premises on which four (4) or more dogs or cats, or combination of dogs and cats, at least four (4) month of age, are kept, boarded or trained, whether in special buildings or runways or not.

*Kilohertz (kHz):* See section 29-256 for this definition.

*Kiosk, permanent:* A freestanding structure with a foundation located on private property not exceeding a maximum size of one hundred (100) square feet and compatible in design with other existing uses and buildings in the vicinity. Operated for the purpose of vending food, drink, or retail goods or services.

*Kiosk, temporary or semi-permanent:* A freestanding, temporary or semi-permanent structure having one (1) or more open air sides, operating on either private property or public rights-of-way and plazas, not exceeding a maximum of sixty (60) square feet and compatible in design with other existing uses and buildings in the vicinity. Operated for the purpose of vending food, drink, or retail goods.

*Kitchen:* Any room used or intended or designed to be used for cooking or the preparation of food, including any room having a sink and either a three-fourths inch gas opening or provision for an electric stove.

## **Sec. 29-27. "L" definitions.**

*Landfill:* A place used for the disposal, abandonment, or discarding by burial, incineration, or by any other means, of any garbage, sewage, trash, refuse, rubble, waste material, offal, or dead animals. Such use shall not involve any industrial or commercial process.

*Landscaping:* The planting and continued maintenance of suitable plant materials or a combination of plant materials with minimum areas of paving, gravel, or otherwise dust-free materials. An adequate irrigation system is required.

*Lattice tower:* See section 29-256 for this definition.

*Laundry:* A premise where clothing and fabrics are washed.

*Legislative:* Legislative actions establish rules, policies, or standards of general applicability and are political in nature; they involve the exercise of discretion governed by considerations of public welfare.

~~*Live theater:* A theater, concert hall, auditorium, or similar establishment which, for any fee or consideration, regularly features live performances which are not distinguished or characterized by an emphasis on the depiction~~

~~or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the primary purpose of the performance.~~

*Limited industrial:* The further processing of products not manufactured on the site and in such a manner as to make a salable product normally sold in a general commercial zone.

*Liquor store:* A retail sales facility offering for sale an assortment of distilled, fermented, brewed or similarly prepared beverages that contain amounts of alcohol sufficient to cause the sale of the beverage to be regulated by the State of California and (i) where the sale of such beverages is the predominant product sold in such facility, whether such finding is determined by total annual retail sales or square footage of the facility dedicated to the storage and/or display of such merchandise; and (ii) the retail sales facility is not the direct, corporately owned marketing and/or sales facility of the producer of the alcoholic beverage and where the alcoholic beverage is primarily intended to be consumed off-site from the place of sale. Liquor stores commonly range in size from two thousand (2,000) to five thousand square feet. A convenience market selling distilled spirits that meets criteria (i) and (ii) above shall also be considered as a liquor store for the purposes of this title.

*Live theater:* A theater, concert hall, auditorium, or similar establishment which, for any fee or consideration, regularly features live performances which are not distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the primary purpose of the performance.

*Live/work:* A building or portion thereof intended to function predominately as workspace with secondary space for residential living with sleeping quarters, kitchen and bathroom facilities. The live/work shall be the primary dwelling of the resident. Each portion must be occupied by the same tenant, and no portion of the live/workspace may be rented or sold separately. This classification differs from a home occupation, which is regulated under Section 29-162(2). This classification does not include any activity that causes noise, odor, or vibration to be detectable on a neighboring property. May include incidental indoor storage associated with the workspace. See related definitions of *artisan loft* and *mixed use development, artisan loft*.

*Loading space:* An off-street space or berth on the same lot with a main building or contiguous to a group of building, for the temporary parking of commercial vehicles while loading or unloading, and which has access from a street, alley, or other permanent means of ingress and egress.

*Lot:*

- (1) A parcel of land with a separate and distinct number or other designation shown on a plat recorded in the office of the county recorder; or
- (2) A parcel of land delineated on an approved record of survey, lot split or sub-parceling map as filed in the office of the county recorder, and abutting at least one (1) public street or right-of-way, or easement determined by the commission to be adequate for the purpose of access; or
- (3) A parcel of land containing no less area than required by the zone in which it is located, abutting at least one (1) public street or right-of-way and held under separate ownership from adjacent property.

*Lot, corner:* A lot located at the intersection or interception of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "interior lot" (see figure 29-27.1).

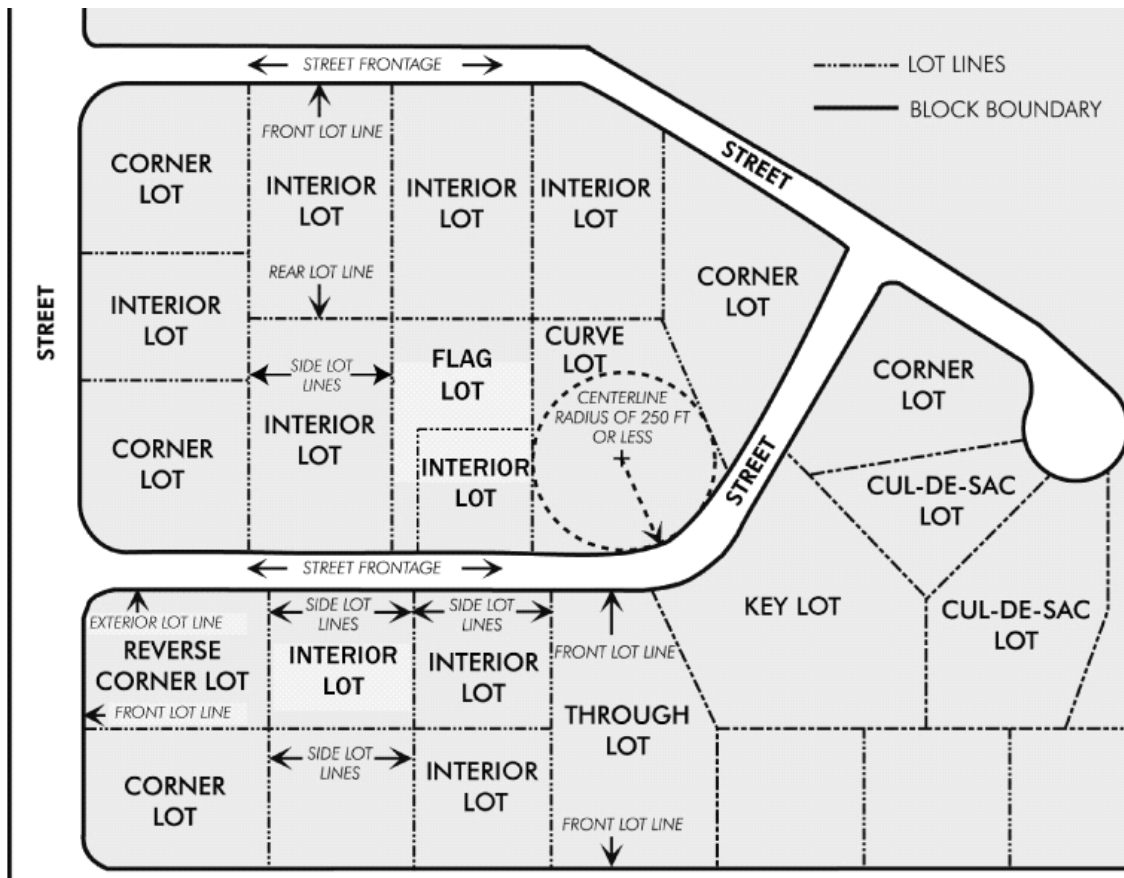


Figure 29-27.1. Lot Types

*Lot, cul-de-sac:* A lot fronting on, or with more than one-half ( $\frac{1}{2}$ ) of its lot frontage on, the turnaround end of a cul-de-sac street.

*Lot, curve:* A lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of two hundred fifty (250) feet or less (see figure 29-27.1).

*Lot, flag:* "Flag lot" or "panhandle lot" means a lot having access to a street by means of a private driveway access easement, or parcel of land not meeting the requirements of this chapter for lot width, but having a dimension of at least twenty (20) feet at its narrowest point.

*Lot, interior:* A lot other than a corner or reversed corner lot (see figure 29-27.1).

*Lot, key:* Any lot where the side property line abuts the rear property line of one (1) or more lots and where said lots are not separated by an alley or any other public way (see figure 29-27.1).

*Lot, reversed corner:* A corner lot, the side line of which is substantially a continuation of the front lot lines of the lots to its rear, whether across an alley or not (see figure 29-27.1).

*Lot, through:* A lot having frontage on two (2) dedicated parallel or approximately parallel streets (see figure 29-27.1).

*Lot area:* The total horizontal area within the lot lines of a lot.

*Lot coverage:* [The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features. This impervious area is expressed as a percentage of the total lot area.](#)

*Lot depth:* The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines (see figure 29-27.2).

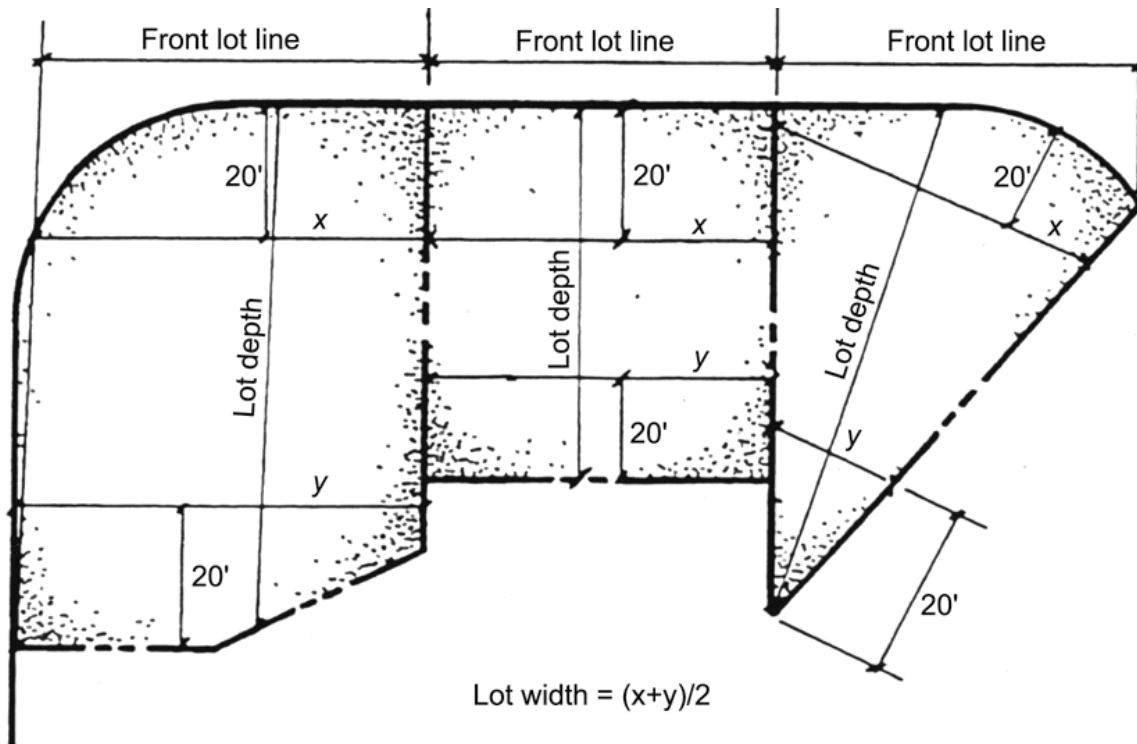


Figure 29-27.2. Lot Depth and Width

*Lot line:* Any line bounding a lot as herein defined.

*Lot line, exterior:* A side lot line abutting a street.

*Lot line, front:* The property line abutting a street (see figure 29-27.1).

*Lot of record:* A lot shown on an official subdivision map duly approved and recorded, or any lot for which a bona fide deed had been duly recorded subsequent to the effective date of this chapter.

*Lot width:* The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. In the case of a flag lot, any portion of said lot which is less than thirty-five (35) feet wide for a distance of fifty (50) feet or more and which is designed to provide access to a building site shall be excluded when determining lot width.

*Low Barrier Navigation Center:* A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- (2) Pets.
- (3) The storage of possessions.



(4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

Also see California Government Code section 65660.

~~Low-income (or lower-income) household: See section 29-206 for this definition.~~

## **Sec. 29-28. "M" definitions.**

*Master antenna television (MA TV) system:* A facility as described in cable television (CATV) system, but differentiated from the definition of a (CATV) system by virtue of:

- (1) Serving fewer than fifty (50) subscribers;
- (2) Serving only the residents of an apartment dwelling under common ownership and consisting of not more than two (2) buildings; or
- (3) Providing service without charge.

*Medical cannabis dispensing collective or dispensary.* See chapter 13, section 13-112 of the City Code for this definition.

*Megahertz (MHz):* See section 29-256 for this definition.

*Mezzanine:* An intermediate floor just above the ground floor; it often has a low-ceiling and projects in the form of a balcony.

*~~Microbrewery, distillery, or winery:~~* A small-scale facility where beer, malt beverages, wine, hard cider, or spirits are made on-premises and then sold or distributed, and which produces 15,000 barrels (or equivalent gallons) per year or less in accordance with the regulations of the Alcohol Beverage Control (ABC), other applicable state and federal laws, which must possess a Type 23 ABC License. Its products are primarily intended for local and/or regional consumption. A small-scale brewery that produces no more than 15,000 barrels of beers and/or similar beverages on-site per year as a primary use in accordance with the regulations of the Alcohol Beverage Control (ABC), other applicable state and federal laws, which must possess a Type 23 ABC License. The establishment may also include the retail sale of beverages for off-site consumption. May include on-site consumption only in accordance with the regulations for the zone on which the establishment is located and applicable ABC licenses and regulations. The establishment may include a tasting room or restaurant on the premises also subject to City Code and ABC requirements.

*Mini-warehouse:* See "self storage facility."

*Ministerial decision:* A government decision involving little or no subjective judgment or discretion as to the wisdom or manner of carrying out the project. A ministerial decision involves only the use of fixed standards or objective measurements.

*Mixed use building:* A structure containing both residential and pedestrian-oriented commercial uses (including retail, restaurants, offices, services and similar uses deemed compatible with residential uses). The commercial use or uses are typically located on the ground floor of the structure with the residential dwellings predominantly located on the second or higher floors.

*Mixed use development, artisan loft:* A street and/or upper-level space constructed as an expansive and open "shell" that allows individual owners flexibility for interior improvements. Establishes a gallery space to create, display, and sell artisan crafts with a strong connection to the living space. Within the "shell" are kitchen and sleeping areas that are secondary to the space designed for fabricating arts and/or crafts. Allows construction of artisan lofts on multiple stories.



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*Mixed use development, general*: A coordinated project ~~with both with a functional integration of~~ residential and non-residential uses located on ~~the same lot or site~~ single or multiple parcels and single or multiple structures with engaging street-level activity. Residential uses may be constructed above (vertical) non-residential uses or behind or next to (horizontal) non-residential uses and are provided separate access from the non-residential uses. With this type of development, there is no requirement that the residential and the non-residential uses be located in the same building. The allowable non-residential uses are those that are permitted within the respective zones.

*Mobile food court*: An area of land where two (2) or more mobile food businesses congregate to offer food or beverages for sale to the public. Any cluster of more than one (1) mobile food business located on the same area of land shall be considered a mobile food court.

*Mobile food facility, limited*: Any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail, and where food preparation is limited, which includes hot dog carts, snow cones, coffee carts, fresh produce carts, kettle corn/popcorn.

*Mobile food facility, processing*: Any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail, and where food is processed by cooking, frying, or grilling. These types of food facilities are the typical food truck.

*Mobile home*: A structure designed as a permanent dwelling unit to be used with or without a permanent foundation, and which is in excess of eight (8) feet in width or in excess of forty (40) feet in length. Mobile home also includes "manufactured home" as defined in the State Health and Safety Code.

*Mobile home park*: An area or tract of land where two (2) or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes for human habitation; provided that mobile home park does not include:

- (1) Premises on which any mobile home or trailer coaches are parked for inspection and sale; or
- (2) Premises on which there is one (1) mobile home or trailer coach occupied by the owner thereof pursuant to a valid temporary occupancy permit issued in compliance with this chapter.

*Model home*: A dwelling unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental for the first time in a particular subdivision or other residential development which may be comprised of single-family or multi-family dwellings, or a combination thereof. "Model home" shall include examples of factory-built housing which may not necessarily be available in or related to a particular development.

~~*Moderate-income household*: See section 29-206 for this definition.~~

*Monopole*: See section 29-256 for this definition.

*Motel*: A commercial land use providing transient occupancy for guests for twenty-eight (28) or fewer days, or longer than twenty-eight (28) days subject to payment of transient occupancy tax pursuant to City Code section 25-57 et seq., on one (1) or more buildings on the same lot. The buildings contain guest rooms or dwelling units or both, which are usually individually and independently accessible from outside the building. "Motel" includes motor lodge, tourist court, motor hotel or any other designation intended to identify the premises as providing for rental or overnight accommodation for guests.

(Ord. No. 09-06, § 3, 9-2-09; Ord. No. 11-07, § 1, 6-21-11; Ord. No. 16-08, § 1, 8-9-16; Ord. No. 17-11, § 4, 9-19-17 )

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## Sec. 29-29. "N" definitions.

*Natural surveillance:* Natural surveillance is a design concept directed primarily at keeping intruders under observation (also known as defensible space). The provision of natural surveillance helps to create environments where there is plenty of opportunity for the intended users of a project and people engaged in their normal behavior to observe the space around them.

*Noncommercial wireless communication facility:* See section 29-256 for this definition.

*Non-conforming:* See section 29-256 for this definition.

~~*Non-restricted unit:* See section 29-206 for this definition.~~

*Nursery:* The retail or wholesale handling of any article, substance or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer.

## Sec. 29-30. "O" definitions.

*Office:* "Office building" means a building whose primary function is to provide office space for professional, medical, and administrative purposes. Office buildings may include secondary and supporting retail uses that are generally located on the first floor.

*Office park:* An area in which a number of office buildings are constructed together, often on landscaped grounds with ancillary structures such as restaurants, recreational areas, health clubs and day-care centers.

*Open space:* Any part of a lot or project as defined herein unobstructed from the ground upward except as specified.

*Operator:* Any person or organization that controls the operation and maintenance of a facility, including wireless telecommunication facilities.

*Outdoor advertising:* Includes the definitions of "advertising structure" and "sign."

*Outdoor living space:* Any area designed for and to be used for relaxation, entertainment, recreation or landscaping located on, at, or above ground level.

## Sec. 29-31. "P" definitions.

*Paging:* See section 29-256 for this definition.

*Parcel of land:* A contiguous quantity of land in the possession of, or owned by, or recorded as the property of the same claimant or person.

*Parking area, private:* An open area, located on the same lot with a dwelling or apartment for the parking of automobiles of the occupants of such buildings.

*Parking area, public:* An open area, other than a street or a private parking area, used for the parking of more than four (4) automobiles.

*Parking, bicycle:* Any combination of facilities, including bicycle racks, bicycle lockers, and bins designated for the parking, security, and convenient use of bicycles. Bicycle parking facilities are usually conveniently located close to building entrances and locations that provide maximum visibility. At employee destination areas, bicycle parking may also include showers and changing areas for bicyclists.

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*Parking space, covered:* A building or portion of a building, completely enclosed by walls or doors on two (2) or more sides, which is designed or used to shelter a parking space. Covered parking spaces include permanently constructed garages and carports.

*Parking space for automobile:* Space within a building or a private or public parking area, exclusive of driveways, ramps, columns, office and working area, which is permanently reserved for the parking of one (1) automobile.

*Parking structure:* A structure or portion thereof composed of one (1) or more levels or floors primarily used for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade.

*Parkway or park strip:* A piece of land separating the pedestrian from vehicle traffic on a street, located between the rear of a curb and the front of a sidewalk. A parkway or park strip is usually used to enhance the walking environment by planting low ground cover and/or street trees and installing street furniture, lighting and other pedestrian amenities.

*Paseo:* An exterior linear area that is landscaped and open to the sky with shaded portions and with a minimum width of 20 feet and pedestrian paths connecting one side of a building or development to the other side.

*Patio:* A paved or decked area that may be attached or detached from a structure and be covered or uncovered. A patio shall not be used as a habitable room or as a parking space for vehicles.

*Paving, pervious/permeable:* Paving of a material and design that allows the infiltration of water through the soil.

*Pawn:* The pledge of a moveable thing or personal property to be given up as security for a loan.

*Pawnbroker:* Any natural person, partnership or corporation, either as principal or agent or employee thereof, who loans money on deposit or pledge of personal property or other valuable thing, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged.

*Pedestrian-oriented or pedestrian friendly:* Development that is designed with a primary emphasis on the street sidewalk and facilitating pedestrian access to the site and building rather than on auto access and parking areas. Buildings in such developments are generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows and display areas along the street facades of buildings and outdoor areas (such as plazas) that are oriented to pedestrians. Although parking areas may be provided, they are not emphasized by the design of buildings.

*Perimeter line:* The property line of the project as defined herein.

*Personal communications services (PCS):* See section 29-256 for this definition.

*Person:* Any individual, firm, co-partnership, joint venture, association, syndicate, this and any other city, city and county, county, municipality, district or other political subdivision, or any other group or combination acting as a unit.

*Planned unit development:* A large, integrated development located on a single building site, or on two (2) or more building sites which may be separated only by a street or other right-of-way. In such development, the land and structures shall be planned and developed as a whole in a single development operation or a series of operations in accordance with a detailed, comprehensive plan encompassing such elements as the location of structures, the circulation pattern, parking facilities, open space, and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property. Also see California Civil Code section 1351(k).

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*Platform:* See section 29-256 for this definition.

*Preexisting towers and preexisting antennae:* See section 29-256 for this definition.

*Project:* The entire parcel of real property planned and developed as a whole whether divided and conveyed as a condominium or retained in single ownership or in cooperative units.

*Property line:* The boundary line describing limits of a parcel of land as defined herein.

*Provisions:* All regulations and requirements referred to in the text.

*Psychiatric facility:* An institution in which care or treatment is given to persons suffering from mental illness, disease, disorder or ailment. Such facilities include, but are not limited to, psychiatric hospitals, day treatment hospitals, long term care facilities, resident treatment centers, family homes (mentally ill), alcoholism hospital, and facility for admission of drug addicts all as defined in the California Code of Regulations, Health and Safety Code, and Welfare and Institutions Code.

(Ord. No. 11-16, § 1, 11-15-11)

## **Sec. 29-32. "Q" definitions.**

~~*Qualifying resident:* See section 29-206 for this definition.~~

*Quarry, sandpit or gravel pit:* A lot or land or part thereof used for the purpose of excavating sand, gravel, limestone, marble or other such nonmetallic materials, but shall not include oil wells or shaft mine operations and shall be exclusive of a process of grading a lot preparatory to the construction of a building for which application for building has been made.

## **Sec. 29-33. "R" definitions.**

*Radio:* See section 29-256 for this definition.

*Radio frequency (RF):* See section 29-256 for this definition.

*Radio frequency exposure professional:* See section 29-256 for this definition.

*Recreation, active:* A structured individual or team activity that involves intensive activity requiring physical exertion and requires the use of special facilities, courses, fields, or equipment.

*Recreation, passive:* Low intensity activity performed for pleasure or relaxation that does not require facilities like sports fields or pavilions, such as walking, bird watching, picnicking, etc.

*Recreational vehicle (RV) park:* Campground facility providing transient habitation areas for travelers in recreational vehicles or tents.

*Recreational vehicle:* A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy.

*Recycling collection center:* Establishments or places engaged in collecting recyclable household materials for the purpose of resource recovery, including metal or glass containers, paper or plastic. Such establishments shall include mobile recycling units and reverse vending machines.

*Regeneration facility:* See section 29-256 for this definition.

~~*Rental unit:* A room and bath with a separate entrance.~~

*Residence:* A building used, designed, or intended to be used as a home or dwelling place for one (1) or more families.

*Residential care facility:* Various types of licensed and unlicensed facilities ~~operated by licensed staff~~ that provide twenty-four (24) hour non-medical supportive and custodial care for children, adults, and the elderly who need general assistance for everyday living. ~~The facilities are licensed by the state department of social services and are not considered to be health facilities. The facilities are Residential care facilities may include referred to by a variety of terms, including:~~ group homes, family care homes, foster family homes, small family homes, special needs housing, adult residential facilities, social rehabilitation facilities, residential board and care facilities, assisted living facilities, ~~supportive housing,~~ residential care facilities for the chronically ill, residential care facilities for the elderly. See also California Health and Safety Code § 1502(a).

*Residential care facility, small:* A residential care facility, such as a small family care home or group home, that provides care for six (6) or fewer persons, including children under the age of eighteen (18) years, who reside at the home. A group home or small family care home, by definition, is a small residential care facility since care is provided for six (6) or fewer persons.

*Residential care facility, large:* A residential care facility, such as a large family care home, that provides care for seven (7) or more persons, including children under the age of eighteen (18) years, who reside at the home.

*Resort hotel:* A hotel or motel complex having accessory commercial uses operated primarily for the convenience of the guests thereof, provided that there is no street entrance directly to such commercial uses.

~~*Rest home or home for the aged:* Premises used for the housing of and caring for the ambulatory aged or infirm, which premises require a license from the state or county. There shall be only incidental convalescent care not involving a physician residing on the premises. There shall be no surgery or other similar activities such as are customarily provided in sanitariums and hospitals. Also see the State Health and Safety Code.~~

*Retail store:* A business selling goods, wares or merchandises directly to the ultimate consumer.

*Retirement home:* A facility, licensed by the state to provide non-medical care and supervision to elderly residents, but not constituting a rest home or convalescent hospital. A retirement home shall provide "basic services" and "care and supervision" as defined and described in title 22, chapter 8, division 6, of the State Health and Safety Code.

*Rezoning:* The same as "zone, change of."

*Right-of-way:* An area or strip of land, either public or private on which a right of passage has been recorded. Thus, "right-of-way" shall include a public right-of-way, a common lot containing a private street, or other public or private right of passage consistent with this definition.

*Roof-mounted:* See section 29-256 for this definition.

*Room:* An un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways and service porches.

*Row house:* See "town house."

(Ord. No. 11-02, § 1, 4-19-11; Ord. No. 13-20, § 1, 5-21-13)

## **Sec. 29-34. "S" definitions.**

*Sanitarium:* A health station or retreat or other place where patients are housed and where medical or surgical treatment is given. This does not include mental institutions or places for the treatment of narcotic addicts. Also see the Health and Safety Code.

*Satellite dish or satellite antenna:* See section 29-256 for this definition.

*School, private:* An institution conducting regular academic instruction at nursery school, kindergarten, elementary and secondary levels operated by a nongovernmental organization.

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*School, public:* A tuition-free school operated by publicly elected or appointed school officials in which the program and activities are under the control of these officials and which is supported primarily by public funds.

*School, trade:* Private schools offering instruction in the technical, commercial, or trade skills, such as real estate or secretarial schools, beauticians and barber colleges, electronics schools, automotive and aircraft technicians' schools, and similar commercial establishments operated for a profit. Also known as vocational school.

*Screening:* A continuous fence supplemented with landscape planting or a continuous wall, evergreen hedge or combination thereof, that effectively screens the property which it encloses, and is at least six (6) feet high and is broken only for access drives and walks (see also "landscaping.")

*Secondary use:* A purpose for which land or a building is or may be intended, occupied, maintained, arranged, or designed, which is less visible, prominent, or important than the principal use(s) on the same lot or parcel. A secondary use may, but need not be an accessory use to the principal use(s).

*Secondhand merchandise:* Used common household items including clothing, personal effects, household furnishings, appliances, antiques, and office equipment and furnishings.

*Secondhand store:* A retail location specializing in the sale of secondhand merchandise or accepting for sale on consignment. A secondhand store may dedicate up to 20 percent of the retail area to prepackaged foods and produce.

*Secondhand store with donation center:* A secondhand store as defined in this section that includes acceptance/drop off of donation items in a manner that does not create a nuisance and is kept free of debris or litter.

*Semi-nude model studio:* See section 29-245 for this definition.

*Senior citizen apartment project:* ~~See section 29-206 for this definition.~~

*Service station:* The same as "automobile service station."

*Setback line, front yard:* The line which defines the depth of the required front yard. Said setback line shall be parallel with the street line or the line established by the general plan or setback ordinance, and be removed therefrom by the perpendicular distance prescribed for the front yard in the zone (see figure 29-34.1)

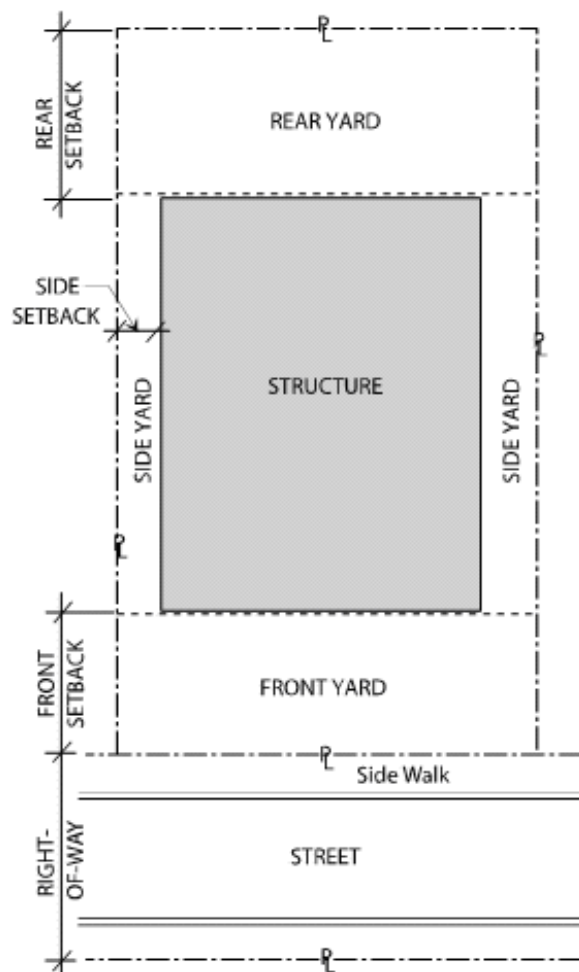


Figure 29-34.1. Setbacks

*Setback line, rear yard or side yard:* The line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the zone. Where the side or rear yard abuts a street, the distance shall be measured as set forth in "setback line, front yard" (see figure 29-34.1).

*Sexual device shop:* See section 29-245 for this definition.

*Sexually oriented business:* See section 29-245 for this definition.

*Shared parking:* A tool through which adjacent property owners share their parking lots and reduce the number of parking spaces each would provide on their individual properties. If adjacent land uses have different peak hours of parking demand, then they can share the sum of the same parking spaces. In the CD zone, it may also allow for shared parking in a comparatively limited number of parking facilities because business can be conducted by parking once and walking to multiple destinations, but must be within five hundred (500) feet of the subject site.

*Shopping center/mall:* A grouping of retail business and service uses on a single site with common parking facilities.

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*Sidewalk cafe:* An area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area of the public right-of-way exclusively for dining, drinking, and pedestrian circulation. The encroachment area of a sidewalk cafe may be separated from the remainder of the sidewalk by railings, fencing, or landscaping planter boxes or a combination thereof.

*Sign:* See chapter 22.1, sign ordinance, section 22.1-30, for this definition.

*Single room occupancy building:* A building providing single-room units for one (1) or more persons with or without share kitchen and bath facilities, including efficiency units per Health and Safety Code Section 179878.1.

*Site plan:* A plan, prepared to scale, showing accurately and with complete dimensions, all of the buildings, structures and uses and the exact manner of development proposed for a specific parcel of land.

*Site plan review:* The review by the city of a site plan and other studies to determine the manner in which an applicant intends to make use of his property and whether the proposed development complies with the use regulations, development and design standards, and other regulations of the chapter (see section 29-304 et seq., of this chapter).

*Specialized mobile radio (SMR):* See section 29-256 for this definition.

*Specified anatomical areas:* See section 29-245 for this definition.

*Specified sexual activities:* See section 29-245 for this definition.

*Specialty food stores:* Include delicatessen, meat, fish, poultry, candy stores, and health foods.

*Sphere of influence:* A plan for the probable ultimate physical boundary and service area of the city.

*Stable, commercial:* A stable for horses, mules or ponies which are let, hired, used or boarded on a commercial basis and for compensation.

*Stable, private:* A detached accessory building for the keeping of horses, mules or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

*Stealth mount:* See section 29-256 for this definition.

*Stepback:* A required distance inward from and perpendicular to the building plane of the adjacent floor of a building at or behind which all structures must be located unless otherwise specified. Stepback is measured from the property line or setback, not the face of building.

*Storage:* Placing of materials at one (1) location for more than seventy-two (72) uninterrupted hours without use.

*Storage of non-operating vehicles:* The storage of non-operating motor vehicles shall not include automobile wrecking. The presence on any lot or parcel of land of five (5) or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which no parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of the storage of non-operating motor vehicles.

*Storefront:* The front side of a store or commercial building facing a street and with transparent glazing that opens to the street.

*Story:* A space in a building between the surface of any floor and the surfaces of the floor next above, or if there is no floor above, then the space between such floor and the ceiling or roof above.

*Street:* A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, or approved private thoroughfare or right-of-way, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except as excluded in this chapter. The word "street" shall include all major and secondary highways, traffic collector streets, and local streets.



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*Street, local:* Any street, dedicated as such, serving as the principal means of access to property, which street is not shown as a freeway, major or secondary highway or traffic collector on the general plan.

*Street, side:* A street bounding a corner or reversed corner lot and extends in the same general direction as the line determining the depth of the lot.

*Street, centerline:* The centerline of a street right-of-way as established by official surveys.

*Street line:* The boundary line between street right-of-way and abutting property (see also "future street line").

*Structural alteration:* Any change in or alteration to the structure of a building involving a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls, or similar components.

*Structure:* Anything constructed or erected, any edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner, which requires location on or in the ground or is attached to something having a location on or in the ground, including swimming pools, wading pools and patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

*Structure-mounted:* See section 29-256 for this definition.

*Structure, temporary:* A structure which is readily movable and used or intended to be used for the limited period shown in permit therefor. Such structure shall be subject to all applicable property development standards for the district in which it is located.

*Surface Parking:* Parking that is exterior, at grade level, and open to the sky.

*Supportive housing:* Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. "Target population" per this section means persons, including persons with disabilities, and families who are "homeless," as that term is defined by section 11302 of title 42 of the United States Code, or who are "homeless youth," as that term is defined by paragraph (2) of subdivision (e) of section 11139.3 of the Government Code. ~~Supportive housing that is provided in single family, duplex, manufactured housing, multi-family, mixed-use units, or group dwellings shall be permitted, conditionally permitted or prohibited in the same manner as the other single family, duplex, manufactured housing, multi-family, mixed-use units, or group dwellings under this chapter.~~ See also California Health and Safety Code § 50675.14(b).

*Swap lot:* A building, structure, enclosure, lot, or other area into which persons are admitted to display, exchange, barter, sell, or bargain for new or used merchandise.

*Swap meet:* The activity carried on in a swap lot.

*Swimming pools, hot tubs and spas:* Any constructed or prefabricated water-filled vessel that is not drained, cleaned or refilled for each individual, and is used for swimming, soaking, or recreation.

(Ord. No. 09-06, § 4, 9-2-09; Ord. No. 11-02, § 1, 4-19-11; Ord. No. 12-12, § 1, 12-18-12; Ord. No. 13-18, § 3, 5-7-13; Ord. No. 13-20, § 1, 5-21-13)

## **Sec. 29-35. "T" definitions.**

~~*Target unit:* See section 29-206 for this definition.~~

*Telecommunication facility:* See section 29-256 for this definition.

*Telecommunication support facility:* See section 29-256 for this definition.

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*Telecommunication tower:* See section 29-256 for this definition.

*Tobacco retail shops:* Business whose main purpose is the sale of tobacco products. Tobacco retail shops may include private smokers' lounges in accordance with California Labor Code Section 6404.05.

*Tower:* See section 29-256 for this definition.

*Tower-mounted:* See section 29-256 for this definition.

*Town house:* Single-family dwellings with shared walls and no side yards between abutting dwellings. Also known as "row house."

*Trailer:* A vehicle without motive power, designed and constructed to travel on the public thoroughfares in accordance with the provisions of the California Vehicle Code, and to be used for human habitation or for carrying property, including a trailer coach.

*Transient:* A person who is receiving accommodations for a price with or without meals.

*Transitional housing:* Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. ~~Transitional housing that is provided in single-family, duplex, manufactured housing, multi-family, mixed-use units, or group dwellings shall be permitted, conditionally permitted or prohibited in the same manner as the other single-family, duplex, manufactured housing, multi-family, mixed-use units, or group dwellings under this chapter.~~ See California Health and Safety Code §§ 50675.2(h) and 50801(i).

*Transitional housing development:* See definition for transitional housing.

*Transparent, wall area:* The use of open and clear or sheer materials, or the combination of, on building façades to allow the ability to see through or into and maximize visibility of street level uses. Typically consists of windows, doors with windows, porches, or patios.

*Trellis:* An open frame of latticework used as a screen or shade structure.

*Truck and trailer sales lot:* An open area where trucks or trailers are sold, leased, or rented, and where no repairs, repainting, or remodeling is done.

(Ord. No. 11-02, § 1, 4-19-11; Ord. No. 13-19, § 1, 5-21-13; Ord. No. 13-20, § 1, 5-21-13)

## **Sec. 29-36. "U" definitions.**

*Unit:* The elements of the project which are owned by individuals in fee.

*Use:* The purpose for which land or a building is arranged, designed, or intended, or for which either land or building is or may be occupied or maintained.

## **Sec. 29-37. "V" Definitions.**

~~*Very low income household:* See section 29-206 for this definition.~~

*Visual enhancement area:* Areas such as corridors, districts, gateways, and other activity nodes that would benefit from a coordinated design plan for streetscape improvements, amenities, and elements in the public rights-of-way that include major thoroughfares and destination points of the city; such as, Imperial Avenue, Adams Avenue, Main Street, South 4th Street and gateways to the city that are design sensitive. Existing and proposed developments, including public right-of-way medians, are to be visually linked through enhanced landscaping, hardscape, signage, and streetscape amenities and furnishings and facade improvements in order to improve the visual environment of the city.

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Veneer: A thin sheet of material used to cover an exterior surface and to create the appearance of a stone or brick wall.

Veranda: a usually roofed open gallery or portico attached to the exterior of a building

## **Sec. 29-38. "W" definitions.**

*Wall:* Any structure or device forming a physical barrier, which is so constructed that fifty (50) percent or more of the vertical surface is closed and prevents the passage of light, air, and vision through said surface in a horizontal plane. This shall include concrete, concrete block, wood, or other materials that are solids and are so assembled as to form a barrier. Where a solid wall is specified, one hundred (100) percent of the vertical surface shall be closed, except for approved gates or other access ways. Where a masonry wall is specified, said wall shall be concrete block, brick, stone, or other masonry material and one hundred (100) percent of the vertical surface shall be closed, except for approved gates or other access ways.

*Warehousing:* A building or buildings used for the storage of goods of any type, when such building or buildings contained more than five hundred (500) square feet of storage space and where no retail operation is conducted. Also see wholesaling.

*Wholesaling:* The selling of any type of goods for purposes of resale.

*Wireless communication:* See section 29-256 for this definition.

*Wireless communication facility:* See section 29-256 for this definition.

*Wire line communication:* See section 29-256 for this definition.

## **Sec. 29-39. "X" definitions.**

Reserved.

## **Sec. 29-40. "Y" definitions.**

*Yard:* Any open space on the same lot with a building or dwelling group, which open space is unoccupied and unobstructed except for the projections permitted by this Chapter.

*Yard, Front:* A space between the front yard setback line and the front lot line or future street line, and extending the full width of the lot (see Figure 29-40.1).

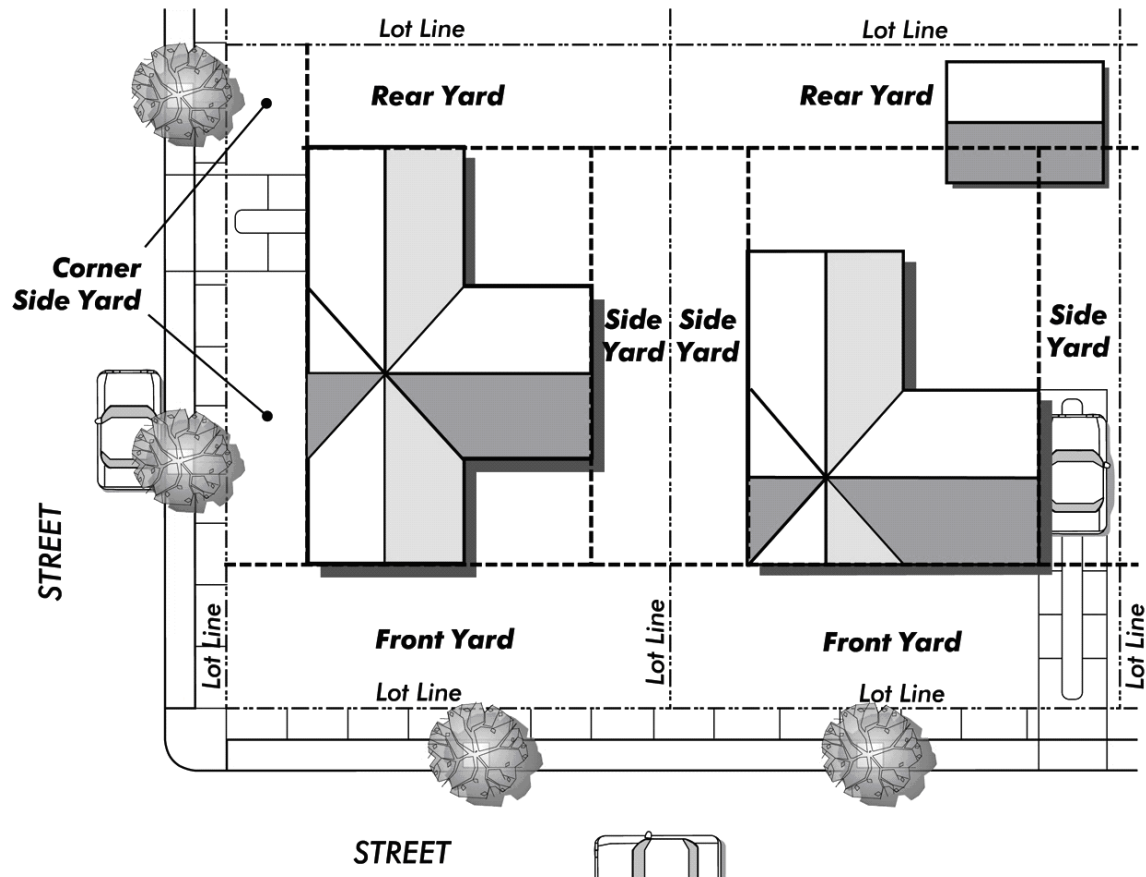


Figure 29-40.1. Yards

*Yard, rear:* A space between the rear yard setback line and the rear lot line, extending the full width of the lot (see figure 29-40.1).

*Yard, side:* A space extending from the front yard, or from the front lot line where no front yard is required by this chapter, to the rear yard, or rear lot line, between a side lot line and the side yard setback line (see figure 29-40.1).

## Sec. 29-41. "Z" definitions.

*Zone:* A mapped area to which a uniform set of regulations applies; or a uniform set of regulations including a list of permitted uses and standards for development.

*Zone, change of:* The legislative act of removing one (1) or more parcels of land from one zone and placing them in another zone on the official zoning map of the city.

*Zoning map:* The official zoning map of the city, which is a part of this chapter of the City Code.

*Zoning ordinance or Ordinance:* The comprehensive zoning ordinance, being this chapter of the City Code.

## **ARTICLE II. ZONES**

### **DIVISION 1. GENERAL PROVISIONS**

#### **Sec. 29-42. Establishment of zones.**

In order to classify, regulate, restrict and separate the use of land, buildings and structures and to regulate and to limit the type, height and bulk of buildings and structures in the various districts and to regulate the areas of yards and other open areas abutting and between buildings and structures and to regulate the density of population, the city is hereby divided into the following zones:

##### *Residential*

- RAP residential airport zone
- RR rural residential zone
- R1 single-family residential zone
- R2 variable residential zone
- R3 multiple family residential zone

##### *Commercial*

- CT tourist commercial zone
- CO office commercial zone
- CN neighborhood commercial zone
- CD downtown commercial zone
- CG general commercial zone
- CH heavy commercial zone

##### *Manufacturing*

- ML light manufacturing zone
- MG general manufacturing zone
- MBP manufacturing business park zone

##### *Mixed Use*

- MU1 mixed use zone

##### *Special/Other*

- CC civic center zone
- LU limited use zone

##### *Overlays*

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[MO medical office overlay zone](#)

[MU2 mixed use overlay zone](#)

SF single-family neighborhood overlay zone

### **Sec. 29-43. Uses permitted.**

- (a) Buildings, structures and land shall be used, designed, erected, structurally altered or enlarged only for the purposes permitted in the zone in which such building or land is located, and then only after applying for and securing all permits and licenses required by law and ordinance.
- (b) Uses not specifically listed as permitted or prohibited shall be deemed to be prohibited unless determined to be a use similar in development characteristics and land use impact to a permitted use as determined by the community development director.

(Ord. No. 13-16, § 6, 4-2-13)

### **Sec. 29-44. Official zoning map.**

The original of the official zoning map shall be kept on file with the city clerk and shall constitute the original record. A copy of said map shall also be filed with the public works department. All amendments and changes shall be published by the city clerk within fifteen (15) days after passage of such amendments. This data shall at that time be filed with the public works director. A new amended official zoning map shall be prepared as directed by the city council, upon which is shown all changes and amendments enacted during the previous period of time.

### **Sec. 29-45. Uncertainty of boundaries.**

Where uncertainty exists as to the boundaries of any zone, the following rules of construction shall apply:

- (1) *Along line.* Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.
- (2) *Unsubdivided property.* Where a zone boundary divides a lot, or parcel, the location of such boundaries, unless the same is indicated by dimension, shall be determined by the use of the scale appearing on said zoning map.
- (3) *Vacated or abandoned street or alley.* Where a public street or alley is officially vacated or abandoned, the area comprising such vacated street or alley shall acquire the classification of the property to which it reverts.
- (4) *Realigned rights-of-way in certain subdivisions.* Where a proposed public street or alley shown on a tentative map forms a zone boundary, and such street or alley is realigned on the final map for the subdivision, the zone boundary shall be deemed to be the centerline of the street or alley as shown on the approved final map.
- (5) *Interpretation by commission.* If after application of the above rules, uncertainty exists as to any zone boundary, the commission shall, upon letter of request submitted by the property owner/agent, interpret the map and determine said boundary, and said determination shall be final and made a permanent public record.

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### **Sec. 29-46. Lots subdivided without required approval.**

Where a lot is divided by sale or contract without first having been approved by the planning commission and city council in conformity with city subdivision regulations, said property shall continue to be considered as one (1) lot or parcel for purposes of applying the provisions of the zone in which said lot is located.

### **Sec. 29-47. Annexed territory.**

Territory hereafter annexed to the city shall, upon the date that said annexation becomes effective, be classified in the R1, single-family residential zone; except where the planning commission has recommended, and the city council has adopted, zoning other than R-1 that is consistent with the general plan for the annexed territory.

### **Secs. 29-48—29-51. Reserved.**

## ***DIVISION 2. RESIDENTIAL ZONES***

### **Sec. 29-52. Purpose and intent.**

Residential zones providing for a range of dwelling unit densities and a variety of housing types are hereby established to achieve the following purposes:

*RAP residential airport zone.* This zone is intended to provide consistency with the airport comprehensive land use plan by allowing for the development of residential uses within areas designated as "extended approach/departure zone" under the Imperial County Airport Land Use Compatibility Plan where risk factors have been identified resulting in the need for restricting density. This zone allows development of a single-family home (or mobile home on a permanent foundation) at a maximum density of one (1) dwelling unit per acre. Subject to article V, division 6 conditional use permit, densities allowed under the R1 zone shall be allowed so long as development is clustered in a manner that the average density within those portions of the site designated "extended approach/departure zone" does not exceed one (1) dwelling unit per acre subject to the provisions of article V, division 6 conditional use permit.

*RR rural residential zone.* This zone is intended to provide for large lot rural residential uses. Single-family dwellings at a density of two (2) dwelling units per acre are allowed in this zone. The RR zone is intended to implement the rural residential general plan land use designation.

*R1 single-family residential zone.* This zone is intended to provide for the development of a single-family home (or mobile home on a permanent foundation) on lots not less than six thousand (6,000) square feet in area, and the protection of these dwellings from incompatible uses. The R1 zone is intended to implement the low density residential general plan land use designation.

*R2 variable residential zone.* This zone is intended to permit the development of medium density, single-family, duplex, or multiple-family dwellings with a maximum density of twelve (12) dwelling units per net acre. For attached dwellings, lots shall not be less than seven thousand two hundred (7,200) square feet in net area. For single-family detached dwellings, lots shall not be less than three thousand six hundred (3,600) square feet in net area. The R2 zone is intended to implement the medium density residential general plan land use designation.

*R3 multiple-family residential zone.* This zone is intended to permit the development of medium high density apartment and condominium dwellings with a maximum density of twenty-five (25) dwelling units per net acre, on lots not less than seven thousand two hundred (7,200) square feet in net area. For single-family detached

dwellings, lots shall not be less than three thousand six hundred (3,600) square feet in net area. The R3 zone is intended to implement the high medium density residential general plan land use designation.

( Ord. No. 17-15, § 1, 11-21-17 )

## Sec. 29-53. Residential zones use regulations.

The uses identified in table 29-53.1 shall be permitted uses where the symbol "P" appears. Where the symbol "C" appears, the use requires a conditional use permit pursuant to article V, division 6 of this chapter. The symbol "X" indicates that the use is prohibited.

Table 29-53.1  
Residential Zones Use Regulations

Use	RAP	RR	R1	R2	R3
(a) <i>Residential uses</i>					
(1) Single-family dwellings	P	P	P	P	P
(2) Mobile homes on permanent foundations, see limitation above in this section 29-53 and article IV, division 2 mobile home regulations. A mobile home on a permanent foundation is permitted only on a lot where no other mobile home on a permanent foundation, single-family dwelling or multiple-family dwellings are located, regardless of the lot size and the number of dwelling units otherwise permitted by this section	P	P	P	P	P
(3) Duplex (attached) and two-family dwellings	X	X	X	P	P
(4) Multi-family dwellings	X	X	X	P	P
(5) Group dwellings	X	X	X	X	P
(6) Planned unit development, see section 29-178	C	C	C	C	C
(7) Mobile home parks, see article IV, division 2 mobile home regulations	C	C	C	C	C
(8) Recreational vehicle park, see article IV, division 3 recreational vehicle parks	X	X	C	C	C
(9) Senior citizen apartment projects, see article IV, division 4 density bonus program	X	X	X	C	C
(10) Retirement homes	X	X	X	C	C
(11) <del>Rest homes, Convalescent homes and nursing homes</del>	X	X	X	X	C
(12) <del>Second dwelling unit, see Government Code section 65852.2</del> Accessory dwelling unit	P	P	P	P	P
(13) <del>Homeless shelters,</del> Emergency shelters	X	X	X	X	P
(14) <del>Residential care facilities, small</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
(15) <del>Residential care facilities, large</del>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
(16) <del>Supportive housing, transitional housing</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
(b) <i>Other uses</i>					



	(1) Public parks, playgrounds, schools, libraries, fire and police stations	C	C	C	C	C
	(2) Day care centers, nursery schools	C	C	C	C	C
	(3) Churches and parochial schools	C	C	C	C	C
	(4) Private schools	C	C	C	C	C
	(5) Museums and cultural centers	C	C	C	C	C
	(6) Country clubs	C	C	C	C	C
	(7) Golf courses	C	C	C	C	C
	(8) Public and private parking lots, see section 29-134	X	X	X	X	C
	(9) Agricultural uses, <del>incidental-including</del> farm employee housing	X	P	X	X	X
(c)	<i>Accessory structures and uses.</i> The following accessory structures and uses are permitted or conditionally permitted, as indicated, and are subject to section 29-162 of the chapter, or other law and ordinances established to regulate such uses:					
	(1) Guest dwellings, see section 29-162(1)	P	P	P	X	X
	<del>(2) Accessory unit, see section 29-162(2)</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>X</del>
	<del>(23)</del> Small family day care home	P	P	P	P	P
	<del>(34)</del> Large family day care home within and accessory to a single-family dwelling, see section 29-162( <del>45</del> )	P	P	P	P	P
	<del>(45)</del> Home occupation, see section 29-162( <del>23</del> )	P	P	P	P	P
	<del>(56)</del> Private garages and carports	P	P	P	P	P
	<del>(67)</del> Patio rooms and shelters, gazebos, mezzanines, laundry rooms, small buildings for personal storage or household items, hobby rooms (nonbusiness purposes)	P	P	P	P	P
	<del>(78)</del> Private greenhouses, flower and vegetable gardens	P	P	P	P	P
	<del>(9) Small residential care facilities, group homes, supportive housing, transitional housing</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
	<del>(10) Large residential care facilities, see section 29-162(6)</del>	<del>X</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
	<del>(811)</del> Signs in compliance with chapter 22.1 of the El Centro City Code	P	P	P	P	P
	<del>(912)</del> Communication facilities, see requirements in article IV, division 8, Communications facilities, including exemptions in section 29-258 and excluding collocation facilities discussed section 29-259	C	C	C	C	C
	<del>(1013)</del> Collocation facilities in compliance with section 29-259	P	P	P	P	P
(d)	<i>Prohibited uses.</i> The following uses are prohibited in all residential zones:					
	(1) Commercial uses	X	X	X	X	X

	(2) Industrial/manufacturing uses	X	X	X	X	X
	(3) Advertising structures (billboards, as defined in chapter 22.1 of the City Code)	X	X	X	X	X
	(4) Commercial cannabis activity as defined in chapter 13 of the City Code	X	X	X	X	X

(Ord. No. 11-02, § 2, 4-19-11; Ord. No. 13-20, § 2, 5-21-13; Ord. No. 17-14, § 2, 10-13-17 )

## Sec. 29-54. Residential zones property development standards.

The following minimum property development standards identified in table 29-54.1 shall apply to all land and buildings in the residential zones, except that any lot shown on an official subdivision map duly approved and recorded, or any lot for which a bona fide deed had been duly recorded prior to the effective date of this chapter may be used as a building site. See also article III of this chapter for exceptions to, or clarification of, these regulations.

- (1) *Special requirements for two (2) or more dwelling units per lot:*
  - a. Site plan review. Before any building or structure which increases the number of dwelling units to two (2) or more is erected on any lot in a residential zone, a site plan shall have been submitted to and approved by the community development director, pursuant to the provisions of article V, division 4 of this chapter.

Table 29-54.1  
Residential Zones Property Development Standards

Development Standards		Zoning District Regulations				
		RAP	RR	R1	R2	R3
(a)	Minimum net lot area, in square feet (1)					
	(1) Single-family detached dwelling	43,560	21,780	6,000	3,600	3,600
	(2) Attached or multi-family dwelling	N/A	N/A	N/A	7,200	7,200
(b)	Density- maximum dwelling units per net acre (1)	1	2	7	12	25
(c)	Minimum lot width, in feet (1)					
	(1) Regular lot	150	100	50	60	60
	(2) Corner lot	150	100	60	65	65
(d)	Minimum lot depth, in feet	150	100	60	65	65
	(1) Regular lot	200	150	100	100	100
	(2) Abutting a freeway	200	200	150	150	150
(e)	Minimum building setbacks, in feet					
	(1) Front	60	40	20	20	20
	(2) Rear					
	a. Regular	20	10	5	5	5
	b. Abutting a freeway	50	50	50	50	50
	c. With a two (2) story building or portion thereof	25	25	25	25	25
	d. With a two (2) story building abutting an alley	15	15	15	15	15
	(3) Side					

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	a. One interior side/opposite interior side	30/30	20/20	5/10	5/10	5/10
	b. Exterior side	30	20	15	15	15
	(4) Between main buildings	N/A	N/A	N/A	20	20
	(5) Between accessory buildings	6	6	6	6	6
	(6) Abutting interior driveways and open parking	0	0	0	5	5
(f)	Maximum lot coverage, percent	35	25	50	50	60
(g)	Maximum building height, in feet	35	35	35	35	45
(h)	Parking regulations	See article III, division 5				
(i)	Required landscaping, screening, and fencing	See article III, division 6				
(j)	Accessory uses	See article III, division 9				
(k)	Animal keeping	See article III, division 10				
(l)	Temporary uses	See article IV, division 5				
(m)	Nonconforming uses and lots	See article IV, division 6				
(n)	Signs	See chapter 22.1 of City Code				
(o)	Communication facilities	See article IV, division 8				

Notes:

- (1) Legal lots may exist that do not meet this development standard. However, any subdivision of land occurring after the adoption of this zoning ordinance must meet the minimum net lot area required by Table 29-54.1 standard, with the following exception for existing infill lots at the time of the adoption of this chapter. For the purposes of this section, an infill lot is any legal lot surrounded on at least two (2) sides by developed lots.
  - The subdivision of an existing infill lot is permitted if the net lot area of the subdivided lot(s) is equal to or greater than ninety (90) percent of minimum net lot area required by table 29-54.1.
- (2) Density is 1 du/acre per the general plan. However, densities consistent with the R1 development standards may be allowed as a cluster development, subject to approval of a CUP and so long as average densities within designated "extended approach/departure" areas do not exceed one (1) du/acre.

b. Usable open space.

1. For two (2) dwelling units (attached or detached) on a single lot, a minimum of four hundred (400) square feet of usable open space with a minimum dimension of twenty (20) feet shall be provided for each dwelling unit.
2. For more than two (2) dwelling units on a single lot or building site, a minimum of one hundred fifty (150) square feet per dwelling unit of common usable open space shall be provided, not less than fifty (50) percent of which shall be located in a single common area with a minimum dimension of twenty (20) feet.
3. In addition to the above, in the R3 zone, a minimum of fifty (50) square feet of private open space shall be provided contiguous to each dwelling unit; with a minimum dimension of five (5) feet; and be screened from ground level exterior visibility by a wood or masonry fence not more than fifty (50) percent open and not less than fifty-four (54) inches high, or, if on a deck or balcony, not less than forty-two (42) inches high.
4. All common usable open space shall conform to the following standards:

- 
- i. A surface shall be provided which allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt, or other serviceable, dust free surfacing. Slope shall not exceed ten (10) percent. No portion of off street parking space, driveways, covered pedestrian access ways or utility areas such as laundries, clothes drying yards or trash areas shall constitute usable open space.
    - ii. Pools with incidental cabanas and restrooms, and paved recreation areas may be developed in the required common space.
    - iii. Not less than thirty (30) percent of this common space shall be permanently landscaped.
  - 5. When a private open space area greater than ninety-six (96) square feet with a minimum width of eight (8) feet is provided for each dwelling unit, the total common open space requirements may be reduced by twenty-five (25) percent.
  - c. Trash enclosure. All areas set aside for storage and pickup of trash and garbage shall be completely enclosed on four (4) sides by a solid six-foot wall or fence or completely screened by any other methods acceptable to the director. Said areas shall be convenient to residents which they are intended to serve. Solid access doors shall be provided at the same height as the wall or fence.
  - d. Laundry room. For developments of ~~teneight~~ (108) or more dwelling units, a minimum of ~~one~~ (1) clothes washers and one (1) clothes dryer per each full ~~ten~~ (10) dwelling units shall be provided and maintained within an enclosed structure. The provision of one (1) clothes washer and one (1) clothes dryer hookup in each dwelling unit shall meet this requirement.
  - ~~e. Second dwelling units. Second dwelling units shall be permitted per the requirements of California Government Code section 65852.2. If there is a conflict between the above requirements and the Government Code, the requirements of the Government Code shall prevail.~~

(Ord. No. 13-16, § 7, 4-2-13; Ord. No. 17-15, § 2, 11-21-17 )

## **Sec. 29-55. Residential zones design standards.**

- (a) *Purpose.* These design standards are intended to assist the project applicant in understanding the city's requirements for high quality residential development. These mandatory standards complement the development regulations contained in this division by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations. These standards ensure the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.
- (b) *Site planning for detached units.* New tract developments, where feasible, shall use variation in building placement and orientation, lot width, and landscape treatment to encourage visual interest along the street.
- (c) *Site planning for multi-family development.* Multi-family developments surrounded by high walls, parking lots, and rows of carports shall be avoided. Instead, multi-family developments shall have individual units that are oriented to the street, with covered architectural entry features or front porches that provide direct access to the street, and parking areas that are located to the rear or the interior of the development.
- (d) *Clustering in multi-family development.* Clustering of multi-family units shall be done consistently, where feasible. The following design techniques shall be implemented whenever possible:

- 
- (1) Varying front setbacks within the same structure;
  - (2) Staggered and jogged unit planes;
  - (3) Use of reverse building plans to add variety;
  - (4) Maximum of two (2) adjacent units with identical wall and rooflines; and
  - (5) Variety of orientations to avoid the monotony of garage door corridors.
- (e) *Varied side yards.* Whenever feasible, the developer shall vary the distance between adjoining homes, or between homes and fences, to provide different types of yards and private patio areas.
- (f) *Lot orientation.* On curves or at corners, lots shall be oriented in a different direction than those at mid-block. In these cases some lots can be nonrectangular and angled on the street.
- (g) *Varied lot widths.* Whenever feasible, the developer shall make some lots wider and some narrower than the average to provide different amounts of open areas between structures. On narrow lots, a variation of only three (3) feet or four (4) feet makes a perceptible difference.
- (h) *Natural surveillance.* Whenever possible, design and placement of residential dwellings, common areas, and other features shall maximize visibility and encourage natural surveillance. This includes building orientation, placement of windows, doors and balconies, buildings and site entrances, placement and type of landscape materials, types of walls and fences (including the use of picket and wrought-iron and similar materials to promote visibility) and other physical obstructions in a manner that discourages the potential for criminal activity.
- (i) *Garages in detached units.*
- (1) Garage doors shall be adequately setback to keep the sidewalk clear of vehicles at all times.
  - (2) Garages should not occupy more than fifty (50) percent of any street facade of the principal residential structure.
  - (3) A variety of compatible garage door designs shall be used throughout a project to ensure variety. The design of the garage door shall relate to the particular architectural style selected for the structure.
- (j) *Garages in multi-family developments.*
- (1) Individual parking garages within residential structures shall be enclosed behind garage doors.
  - (2) Garages with parking aprons less than twenty-three (23) feet in length shall have automatic garage door openers and sectional roll-up doors.
  - (3) Garages in multi-family developments shall be accessible only from the interior of a development and should not face public streets.
  - (4) Where carports are permitted, they must follow the same criteria for spatial arrangement as parking courts. Carports may be incorporated with patio walls or used to define public and private open space. The ends of each cluster of carports shall be landscaped if visible from public or private streets, alleys, or adjacent properties. No more than an average of ten (10) covered spaces of uninterrupted parking shall generally be permitted.
- (k) *Mass and scale.* The height and bulk of a project shall not impact or overwhelm surrounding projects.
- (l) *Neighborhood circulation and connectivity.* Neighborhood circulation components shall be pedestrian-friendly and configured in such a manner as to facilitate physical and visual connections with adjacent neighborhoods and uses. Cul-de-sacs shall be discouraged; rather streets should be configured in short blocks. Physical and visual connections between adjacent neighborhoods and uses can be established through the following mechanisms:

- 
- (1) Where cul-de-sacs are provided, they shall include an open pedestrian and/or bicycle connection to adjacent uses and roads.
  - (2) Consistent and complementary landscaping and other features should be used to tie uses together visually.
  - (3) Trails, paseos, parkways, and paths are encouraged to connect residential neighborhoods, schools, neighborhood commercial areas, and parks.
- (m) *Neighborhood privacy.* To provide privacy for adjacent residential units, windows on the second and higher floors of buildings which directly face or abut units in lower density residential zones shall be designed either as translucent, louvered, or another solution shall be utilized to achieve privacy for the adjacent residential units.
- (n) *Architecture.*
- (1) There is no particular architectural style required for residential structures but the focus shall be on the development of high quality architecture.
  - (2) In general, the architecture shall be compatible with the surrounding area.
  - (3) Individual dwelling units shall be distinguishable from one another to reduce monotony and provide an interesting streetscape.
  - (4) When provided, porches shall generally extend along the front or corner side facade of the structure and shall be compatible with and complementary to the architectural style of the dwelling.
  - (5) Window and front entry door design shall be compatible and complementary to the building design.
  - (6) Architectural details and exterior colors shall reinforce and enhance the architectural form and style of the structure.
- (o) *Facade and roof articulation.*
- (1) Long uninterrupted exterior walls in excess of thirty (30) feet shall be generally avoided on all structures. Larger wall and roof planes shall include three (3) dimensional features such as porches, balconies, bay window, dormers and similar features.
  - (2) Rooflines shall be compatible with the design and scale of surrounding dwellings. Roof articulation may be achieved by changes in plane of no less than two and one-half (2½) feet and/or the use of traditional roof forms such as gables, hips and dormers. Flat roofs and A-frame type roofs shall not be used unless appropriate to the architectural style of the dwelling.
  - (3) For multi-family units, building facades shall be broken up to give the appearance of a collection of smaller structures. To the extent possible, each of the units shall be individually recognizable. Separations, changes in plane and height and the inclusion of elements such as balconies, porches, arcades, dormers and cross gables, and the pattern and rhythm of windows and doors help mitigate the barrack-like appearance of flat walls and roofs of excessive length. Secondary hipped or gabled roofs covering the entire mass of a building are preferable to mansard roofs or segments of pitched roof applied at the structure's edge.



Articulated facade gives appearance of a collection of smaller structures

#### Facade and Roof Articulation

(p) *Materials.*

- (1) Materials shall be consistently applied on all facades of a structure visible from adjacent streets and alleys and be chosen to work harmoniously with adjacent materials.
- (2) Piecemeal embellishment and frequent changes in materials shall be generally avoided. Materials tend to appear substantial and integral when material changes occur at changes in plane. Material or color changes at the outside corners of structures give an impression of thinness and artificiality that shall be avoided. Material changes shall not occur at external corners, but may occur at reverse or interior corners or if located at least four (4) feet from the edge of external corners.

(q) *Colors.*

- (1) Exterior building and roof colors shall be appropriate to and generally compatible with the architectural style of the dwelling. In general, subdued colors are more appropriate on the body of a structure with brighter or bold colors generally limited to architectural details and window and door trim. Garish or overly bold colors shall be avoided.
- (2) Varied, yet compatible roof and building materials shall be provided within residential subdivisions.
- (3) All structures on a site shall have a consistent and complementary color scheme (including the roof color).

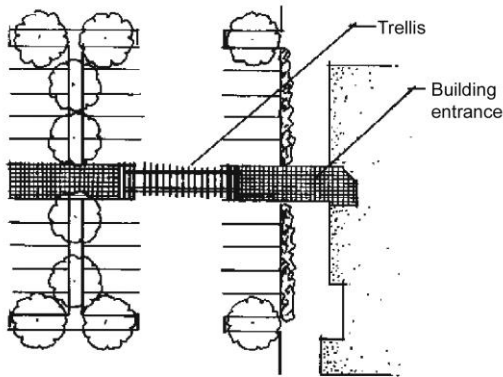
(r) *Usable open space in multi-family developments.*

- (1) Residents of housing projects shall have safe and efficient access to usable open space, whether public or private, for recreation and social activities. The design and orientation of these areas shall, when feasible, take advantage of available sunlight and be sheltered from the wind, noise and traffic on adjacent streets, and incompatible uses.
- (2) Required common open spaces shall be conveniently and centrally located to the majority of units in the development to promote a sense of community. Open space areas located within center courtyards is preferred to provide resident privacy and security.
- (3) Common usable open spaces and children's play areas shall be visible from individual units and be connected to the internal pedestrian system in the development.
- (4) Private usable open spaces shall be contiguous to and have direct pedestrian access from the units they serve.

- 
- (5) All usable open space areas shall have appropriate lighting and be regularly maintained to reduce the potential for criminal activities.
- (s) *Fences and walls.*
- (1) The use of sound walls shall be utilized whenever required to reduce noise levels to acceptable levels. The height and bulk of sound walls shall be the minimum necessary to meet the maximum one-hour sound levels identified in division 8 of article III. Sound walls shall be of masonry, concrete, smooth stucco finish, or other approved masonry material. Landscaping and/or decorative elements such as wrought iron, tile insets or grillwork shall also be incorporated into sound walls to improve their appearance. Sound walls shall be designed in a style, material and color to complement neighborhood architecture.
- (2) Both sides of all perimeter walls or fences visible from public or private streets shall be architecturally treated as indicated above in (s)(1) of this section.
- (3) Chain-link fencing with or without slats is prohibited in the front and corner side yards of lots with residential dwellings.
- (t) *Screening.* Any heating or cooling equipment or other mechanical equipment, whether on the roof, side of structure or ground, shall be screened. The method of screening must be architecturally compatible in terms of materials, color, shape and size. The screening design shall blend with the building design.
- (u) *Infill in Existing Neighborhoods.*
- (1) To the extent possible, new development in existing neighborhoods shall be integrated with the housing units in the adjacent area. New development in existing neighborhoods shall incorporate distinctive architectural characteristics of surrounding development, for example: window and door detailing, decoration, materials, roof style and pitch, finished-floor height, porches and bay windows.
- (2) New development shall continue the functional, on-site relationships of the surrounding neighborhood. For example, in many older neighborhoods common patterns that shall be continued are architectural entry features facing the street, front porches and parking at the rear.
- (v) *Accessory structures.* The design of accessory structures shall be architecturally compatible with the principal residential structure through the use of consistent architectural style, exterior building and roofing colors and materials, and landscaping.
- (w) *Solar panels.* Solar panels, when provided, shall be integrated into the roof design, flush with the roof slope. Frames shall be colored to match roof colors. Natural aluminum finish is generally not permitted. Any mechanical equipment shall be enclosed and completely screened from view.
- (x) *Project entries.* Special attention shall be given to hardscape and landscape treatments around project entries to enhance the overall project image. The principal vehicular access into a multi-family housing project shall be through an entry drive rather than a parking drive whenever possible. Colored, textured paving treatment at entry drives is required at a minimum depth of ten (10) feet located immediately behind the street property line. Landscaping and site design should frame and distinguish entry drives.
- (y) *Multi-family development parking areas and drives.*
- (1) In multi-family projects, large, monotonous and undivided parking lots shall not be permitted. Parking areas shall be located to the rear of residential structures or within the interior of the development to reduce their visual impact on the streetscape. When environmental considerations or site constraints preclude such parking locations, dispersed parking courts located to the side of the units are the acceptable alternative. In such case, the parking courts shall be screened from view of adjacent streets by a landscape planter and shall not be located closer to the street than the street facade building line of the principal residential structure.



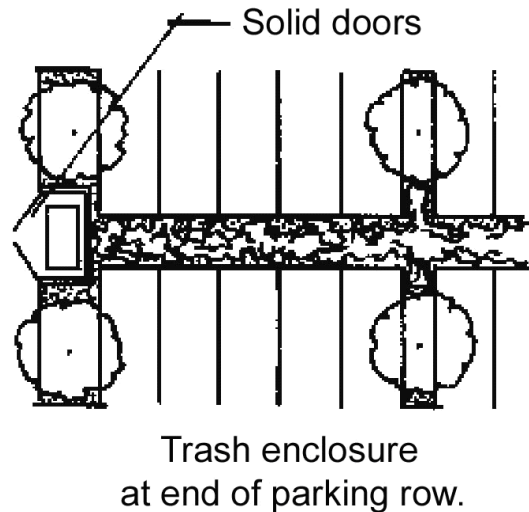
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- (2) Parking driveways, when located along the frontage of a site, isolate the development from its surroundings. Such driveways shall be avoided.
  - (3) Parking areas shall be conveniently located to the units that use them.
  - (4) A parking court of any length shall not consist of more than two double-loaded parking aisles (bays) adjacent to each other.
  - (5) The length of a parking court shall not exceed fourteen (14) parking spaces.
  - (6) Parking courts shall be separated from each other by dwelling units or by a landscaped buffer not less than thirty (30) feet wide.
  - (7) Landscape bulbs shall, wherever possible, align with major building entrances to provide pedestrian access to the building entrance from a parking court or drive. Bulbs that align with entrances shall include a pathway as well as a vertical landscape or architectural element such as a trellis or a tree.
- (z) *Multi-family development landscaping.* All areas not covered by structures, drives, parking or hardscape shall be appropriately landscaped and maintained. Landscaping is used to frame, soften and embellish the quality of the environment, to buffer units from undesirable views and to break up large expanses of parking. To accomplish these design objectives, landscape elements need vertical dimension. Trees and tall shrubs are needed in addition to grass, small shrubs and groundcover. Trees can also be used to provide shading and climatic cooling of nearby units and moderate prevailing winds.



Link parking areas to major building entrances when possible using textured paving and trellises.

#### Multifamily Development Landscaping

- (aa) *Multi-family development recycling and solid waste disposal.* Recycling and solid waste disposal areas must be fully enclosed by masonry walls and solid gates, and such facilities shall meet the service needs of the city's solid waste operator. These enclosures shall be softened with landscaping on their most visible sides when practical. Recommended locations include inside parking courts or at the end of parking bays. Locations shall be conveniently accessible for trash collection, maintenance and pedestrians (a separate walk-in access shall be provided), shall minimize solid waste vehicle driveway length into the property, and shall not block access drives during loading operations.



- (bb) *Multi-family exterior stairs.* When provided, simple, clean, bold projections of stairways are required to complement the architectural massing and form of the multi-family structure. Stairways shall be of smooth stucco, plaster, or wood, with accent trim of complementary colors and railings appropriate to the architectural style of the residential structure. Thin-looking, open metal, prefabricated stairs are not allowed unless appropriate to the architectural design of the building.

**Secs. 29-56—29-59. Reserved.**

### *DIVISION 3. COMMERCIAL ZONES*

#### **Sec. 29-60. Purpose and intent.**

Commercial zones providing appropriate located areas and development standards for necessary office uses, retail stores, service establishments and tourism facilities are hereby established to achieve the following purposes:

*CT tourist commercial zone.* This zone is intended to provide for the development of motels, resort hotels, related tourist commercial uses, limited retail and freeway-oriented businesses. Multiple-family residential may also be permitted by conditional use permit, where appropriate. The CT zone is intended to implement the tourist commercial general plan land use designation.

*CO office commercial zone.* This zone is intended for establishment of professional and administrative offices, medical care centers and ancillary services with appropriate landscaping and development standards which provide relative compatibility for such uses near residential areas. The CO zone is intended to implement the office commercial general plan land use designation.

*CN neighborhood commercial zone.* This zone is intended for retail uses serving principally the convenience shopping needs of the neighborhood in which it is located. The CN zone is intended to implement the neighborhood commercial general plan land use designation.

*CD downtown commercial zone.* This zone is intended for retail, office, entertainment, restaurant, and service oriented uses that will help draw visitors and revitalize the downtown area. Developments in this zone are encouraged to be pedestrian oriented and tied together through common architecture and the use of arcades. The

CD zone is intended to implement the downtown commercial general plan land use designation. Residential uses are not allowed in the CD downtown commercial zone.

*CG general commercial zone.* This zone is intended for general business, light service and retail uses, as well as large-scale planned shopping districts and, where appropriate, hotel and public assembly uses. The CG zone is intended to implement the general commercial general plan land use designation.

*CH heavy commercial zone.* This zone is intended for general commercial uses, business and consumer services, and light manufacturing. The CH zone is intended to implement the heavy commercial general plan land use designation.

( Ord. No. 17-10, § 3, 9-19-17 )

## Sec. 29-61. Commercial zones use regulations.

The uses identified in table 29-61.1 shall be permitted uses where the symbol "P" appears. Where the symbol "C" appears, the use requires a conditional use permit pursuant to article V, division 6 of this chapter. The symbol "X" indicates that the use is prohibited.

Table 29-61.1  
Commercial Zones Use Regulations

Use		Zoning District Regulations					
		CT	CO	CN	CD	CG	CH
(a)	<i>Financial, professional services and office uses:</i>						
	(1) Bail Bond Offices	C	X	X	X	P	P
	(2) Banks and similar financial institutions (drive-through requires a CUP)	X	P	P	P	P	P
	(3) Business and professional offices including general, non-medical, legal, engineering, architecture, accounting, research and consulting services offices (non-medical)	C	P	P	P	P	P
	(4) Currency exchange houses	C	X	X	P	P	P
	(5) Check cashing facilities	X	X	X	P	P	P
	(6) Medical offices including chiropractic, dentistry, and veterinary	C	P	P	P	P	P
(b)	<i>General commercial uses:</i>						
	(1) Advertising structures (billboards), per chapter 22.1 signs	C	X	X	X	P	P
	(2) Arcades and electronic games	C	C	P	P	P	P
	(3) Art, music and photographic studios	X	P	P	P	P	P
	(4) Assaying	C	C	P	P	P	P
	(5) Athletic and health club	C	C	P	P	P	P
	(6) Auction house, not to include animals	X	X	X	X	X	P
	(7) Audio and video broadcasting and recording studios	X	X	X	P	P	P
	(8) Barber and beauty shops	P	P	P	P	P	P

(9) Blueprint and photocopy services	X	P	P	P	P	P
(10) Bookbinding	X	X	X	X	X	P
(11) Blacksmith	X	X	X	X	X	P
(12) Breweries - large, including on-site and off-site consumption, with proper ABC license	X	X	X	X	C	C
(13) Cabinet making and carpenter shops, no planning mills	X	X	X	X	P	P
(14) Candy stores and confectionaries	X	X	P	P	P	P
(15) Caretaker's residence	<u>P X</u>	<u>P X</u>	P	P	P	P
(16) Catering establishments	C	X	P	P	P	P
(17) Child day care center	X	C	C	P	P	P
(18) Cleaners including dry cleaning with or without cleaning machinery on site	C	X	P	P	P	P
(19) Commercial recreation facilities not otherwise listed	C	X	C	C	P	P
(20) Gunsmith	X	X	X	P	P	P
(21) Hatcheries, poultry and fowl	X	X	X	X	X	P
(22) Hotels and motels	P	X	X	P	C	X
(23) Ice cream manufacturing	X	X	X	C	C	P
(24) Ice plant	X	X	X	X	X	P
(25) Interior decorating shops	X	X	P	P	P	P
(26) Janitorial services and supplies	X	X	X	P	P	P
(27) Kennels	C	X	X	X	C	C
(28) Kiosks, including, but not limited to photo sales located in the parking lot	C	X	P	P	P	P
(29) Labor hall	X	X	X	X	P	P
(30) Laboratories, medical and dental	X	C	X	P	P	P
(31) Laboratories, research	X	X	X	P	P	P
(32) Laundromats, coin-operated	C	X	P	C	P	X
(33) Machine shop and tool repair	X	X	X	X	P	P
(34) Mail and shipping services	C	C	P	P	P	P
(35) Massage therapy services	P	P	P	P	P	P
(36) Mattress manufacturing and renovations	X	X	X	X	X	P
(37) Mortuaries	X	C	X	X	P	P
(38) Neon sign manufacturing and renovations	X	X	X	P	P	P
(39) Parking facilities (commercial) where fees are charged	X	X	X	C	C	C
(40) Pawn Shops	X	X	X	C	P	P
(41) Pest control services	X	X	X	X	X	P

(42) Pet stores/pet grooming with no overnight boarding or care of animals	X	X	C	P	P	P
(43) Pet stores/pet grooming with overnight boarding or care of animals	X	X	C	C	P	P
(44) Pharmacies	C	P	P	P	P	P
(45) Photocopying services	X	P	P	P	P	P
(46) Places of public assembly, nonreligious	X	C	C	C	P	P
(47) Plumbing, electrical, mechanical shops and services	X	X	X	X	P	P
(48) Printing shops	X	X	X	C	P	P
(49) Public scales	X	X	X	X	X	P
(50) Recreational vehicle park, see article IV, division 3	C	X	X	X	C	C
(51) Recycling collection center: Mobile collection units and reverse vending machines only	X	X	P	C	P	P
(52) Recycling collection center: All other types	X	X	X	X	C	P
(53) Repair services, consumer; for repair of personal and household items, but excluding automobile repair or items used primarily for business	X	X	P	P	P	P
(54) Repair services, equipment; for items used primarily for business or agriculture	X	X	X	X	P	P
(55) Restaurant/hotel supply and services	X	X	X	X	X	P
(56) Rug cleaning plants	X	X	X	X	X	P
(57) Schools, trade, art, music, or swimming schools	X	X	C	C	P	P
(58) Secondhand <del>store</del> merchandise: Sales	X	X	<u>PC</u>	<u>PC</u>	P	P
(59) Secondhand store with donation center	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
(6059) Sign painting shops	X	X	X	P	P	P
(610) Silk screening	X	X	X	P	P	P
(621) Stone and monument works	X	X	X	X	X	P
(632) Storage facility (indoor or mini-storage)	X	X	X	C	C	P
(643) Swap meet	X	X	X	X	X	P
(654) Swimming pool supplies	X	X	P	P	P	P
(665) Theaters (motion picture) and playhouses	C	X	X	P	P	P
(676) Travel agencies	C	P	P	P	P	P
(687) Upholstery, re-upholstery	X	X	X	C	P	P
(698) Utility distribution substation	X	X	X	X	X	P

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	(7069) Veterinary services, animal hospitals	X	X	X	C	P	P
	(710) Water Dispensing Facilities	C	X	P	P	P	P
	(724) Wedding chapels	X	X	X	C	P	P
(c)	<i>Eating and drinking establishments:</i>						
	(1) Bars, night clubs, cabarets	P	X	C	C	P	P
	(2) <del>Cyber</del> /internet Cafes, restaurants, coffee shops, delicatessens	P	C	P	P	P	P
	(3) Microbrewery, <u>distillery, or winery, including tasting room, restaurant, or</u> on-site and off-site consumption, with appropriate ABC license	X	X	X	C	P	P
	(4) Mobile food courts	C	C	C	C	C	C
	(5) Mobile food facilities - limited (i.e., hot dog carts, snow cones, coffee <del>ck</del> arts, <u>fresh produce carts</u> )	P	P	P	P	P	P
	(6) Mobile food facilities - processing (i.e., food trucks)	P	P	P	P	P	P
	(7) Snack bars, take-out only, refreshment stands contained within a building	P	C	P	P	P	P
	(8) Fast-food restaurants with drive-in or drive-through service	P	C	C	C	P	P
(d)	<i>Retail sales:</i>						
	(1) Limited: Those uses listed under (2), below, which contain not more than three thousand five hundred (3,500) square feet of enclosed floor area within a single establishment	C	C	P	P	P	P
	(2) General: The following uses without limitation as to size:						
	a. Antique shops	X	X	P	P	P	P
	b. Apparel stores and repair	X	X	P	P	P	P
	c. Appliance and electronic stores and repair	X	X	P	P	P	P
	d. Bakeries, retail only	X	X	P	P	P	P
	e. Book, gifts, and stationery stores	C	C	P	P	P	P
	f. Craft and handmade specialty items	X	X	P	P	P	P
	g. Feed and tack stores	X	X	P	P	P	P
	h. Florist shops	C	C	P	P	P	P
	i. Food stores and supermarkets, drug stores with or without pharmacies	X	X	P	P	P	P
	j. Furniture stores, with or without repair and upholstery	X	X	P	P	P	P
	k. Hardware stores	X	X	P	P	P	P

	l. Hobby shops	X	X	P	P	P	P
	m. Jewelry stores	X	X	P	P	P	P
	n. Junior department, department stores, discount department stores and membership stores	X	X	P	P	P	P
	o. Liquor stores with appropriate ABC license	X	X	P	P	P	P
	p. Nurseries and garden supply stores	X	X	P	P	P	P
	q. Office supply stores	X	X	P	P	P	P
	r. Retail stores and shops including but not limited to variety, shoe, toys, hardware, food and liquor, furniture, appliances	X	X	P	P	P	P
	s. Stamp and coin shops	X	X	P	P	P	P
	t. Television, radio sales, and repair	X	X	P	P	P	P
	u. Tobacco retail shops	P	X	X	P	P	P
(e)	<i>Automotive sales, services, vehicles and equipment</i>						
	(1) Automobile, boat, and/or truck services and sales, including, but not limited to general repair, body and painting services, and car washes	X	X	X	X	P	P
	(2) Automobile rental agencies	P	X	X	X	P	P
	(3) Automobile sales as part of a comprehensively designed marketing complex of two (2) or more dealers featuring primarily new cars	C	X	X	X	P	P
	(4) Automotive Services and Sales, excluding body and painting services, including, but not limited to services to recreational vehicles	P	X	X	X	P	P
	(5) Bicycle shop, nonmotorized	C	X	P	P	P	P
	(6) Boat, camper and mobile home sales and services	X	X	X	X	P	P
	(7) Carwash, full service, self service and coin operated	C	X	C	C	P	P
	(8) Equipment rental and sales yards including, but not limited to, trucks, trailers, hitches and service thereof	X	X	X	X	C	P
	(9) Freeway service facility	P	X	X	X	X	C
	(10) Gasoline dispensing and/or automotive service stations	P	X	C	C	C	C
	(11) Motorcycle sales and services including motorized bicycles	X	X	X	X	P	P

	(12) Tire retreading and recapping, providing that not more than five (5) press-type molds with removable matrices or fifteen (15) band-type electric molds, using nonremovable matrices, are used in the processing of tires	X	X	X	X	X	P
	(13) Tire sales and service	X	X	C	C	P	P
	(14) Truck and trailer sales, heavy equipment	X	X	X	X	X	P
	(15) Vehicle impound and storage yard. The dismantling, burning or other activity normally associated with automobile wrecking yard is prohibited	X	X	X	X	X	C
(f)	<i>Wholesaling, storage and distribution uses:</i> Includes the following establishments or places or business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional users or to other wholesalers. The function of storage and related uses is also included in this classification.						
	(1) Dairy products distribution depots	X	X	X	X	X	P
	(2) Furniture warehouse	X	X	X	X	X	P
	(3) Parcel delivery terminals	X	X	X	X	X	P
	(4) Food lockers	X	X	X	X	X	P
	(5) Warehouse storage, all types; except the storage of inflammable materials, chemicals or products	X	X	X	X	X	P
	(6) Wholesale brokers, jobbers, dealers, distributors	X	X	X	X	X	P
	(7) Wholesale garment sewing	X	X	X	X	X	P
	(8) Storage yards, when said yards are entirely enclosed within solid walls not less than six (6) feet in height, said walls to be masonry where adjacent to a residential zone:						
	a. Contractors storage yards	X	X	X	X	X	P
	b. Building materials	X	X	X	X	X	P
	c. Feed mills	X	X	X	X	X	P
	d. Fleet storage	X	X	X	X	X	P
	e. Lumber yards (no milling)	X	X	X	X	X	P
	f. Draying and freight yards	X	X	X	X	X	P
	g. Machinery rental	X	X	X	X	X	P
	h. Trucking yards and terminals	X	X	X	X	X	P
	i. Transit storage	X	X	X	X	X	P
	j. Road equipment yards	X	X	X	X	X	P
	k. Recreational vehicles and boat storage	X	X	X	X	C	P



(g)	Other uses:						
	(1) Clubs and lodges including YMCA/YWCA and similar youth group uses (in which no alcoholic beverages shall be served or sold except for special events)	X	C	C	C	P	P
	(2) Colleges, public or private	X	C	X	C	P	P
	(3) Commercial cannabis activity as defined in chapter 13 of the City Code	X	X	X	X	X	X
	(4) Communication facilities, see requirements in Article IV, Division 8 of this Chapter, including exemptions in section 29-25 and excluding collation facilities discussed in section 29-259	C	C	C	X	C	C
	(5) Collocation facilities in compliance with section 29-259.	C	C	C	C	C	C
	(6) Convalescent homes <del>and convalescent hospitals</del>	X	C	X	X	C	C
	(7) Churches and parochial schools	X	C	C	C	P	P
	(8) <del>Group care facilities and residential retirement hotels</del> Residential care facilities	C	C	X	X	C	X
	(9) Multi-family residential or residential units on the second floor and above first floor commercial uses, including residential care facilities, <u>and</u> transitional housing <del>and supportive housing</del>	C	X	X	X	X	X
	(10) Museums and cultural centers	C	C	C	C	C	C
	(11) Municipal solid waste transfer stations and material recovery facilities	X	X	X	X	X	C
	(12) Post office branch	X	X	C	C	P	P
	(13) Private schools	X	C	C	C	P	P
	(14) Public parks, playgrounds, schools, satellite educational facilities, libraries, fire and police stations, and other public offices	C	C	C	C	C	C
	(15) <del>Homeless shelters, E</del> emergency shelters	X	X	X	X	P	P
	(16) Single room occupancy building	C	X	X	X	X	X
	(17) <u>Low Barrier Navigation Centers<sup>2</sup></u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
	(18) <u>Supportive housing<sup>3</sup></u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
(h)	Accessory structures and uses. (See also section 29-163 for <del>permitted single</del> -accessory dwelling units and <del>commercial/residential</del> <u>mixed-use</u> developments.)						
	(1) Signs (in compliance with chapter 22.1 of the Code, and incidental to a permitted use)	P	P	P	P	P	P

(2) Other structures accessory and incidental to permitted uses, subject to applicable development standards	P	P	P	P	P	P
(3) Outdoor seating within city right-of-way accessory to: <del>Cyber/internet</del> cafes, night clubs, cabarets, restaurants, coffee shops, delicatessens and other commercial uses	C	C	C	C	C	C
(4) Accessory dwelling units	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>

<sup>2</sup> Meeting the requirements of California Government Code 65662

<sup>3</sup> Meeting the requirements of California Government Code 65651

(Ord. No. 10-14, § 1, 10-19-10; Ord. No. 11-01, § 1, 5-4-11; Ord. No. 11-02, § 3, 4-19-11; Ord. No. 11-07, § 2, 6-21-11; Ord. No. 11-16, § 2, 11-15-11; Ord. No. 13-18, § 4, 5-7-13; Ord. No. 13-19, § 2, 5-21-13; Ord. No. 13-20, § 3, 4-2-13; Ord. No. 13-22, § 1; Ord. No. 16-08, §§ 2, 3, 8-9-16; Ord. No. 16-13, § 1, 11-1-16; Ord. No. 17-10, § 4, 9-19-17; Ord. No. 17-11, §§ 2, 5, 9-19-17; Ord. No. 17-14, § 3, 11-21-17)

## Sec. 29-62. Commercial zones development standards.

The following minimum property development standards identified in table 29-62.1 shall apply to all land and buildings in the commercial zones, except that any lot shown on an official subdivision map duly approved and recorded, or any lot for which a bona fide deed had been duly recorded prior to the effective date of this chapter may be used as a building site. See also article III of this chapter for exceptions to, or clarification of, these regulations.

Additionally, before any building, structure, or use of land outside of a building or structure, is established in a commercial zone, a site plan shall be submitted to and approved by the community development director, pursuant to article V, division 3 of this chapter. If specified by this chapter, such site plan review shall be conducted by the planning commission and/or city council.

Table 29-62.1  
Commercial Zones Development Standards

Development Standard		Zoning District Regulations					
		CT	CO	CN	CD	CG	CH
(a)	Minimum net lot area, in square feet	7,200	6,000	No requirement			
(b)	Minimum lot width, in feet						
	(1) Interior lot	60	60	No requirement			
	(2) Corner lot	65	65	No requirement			
(c)	Minimum lot depth, in feet						
	(1) Regular lot	100	100	No requirement			
	(2) Abutting a freeway	150	135	No requirement			
(d)	Minimum building setbacks, in feet						
	(1) Front	20	20	20	0	0	0
	(2) Rear						

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	a. Abutting a nonresidential zone	5	5	0	0	0	0
	b. Abutting a freeway	25	25	25	N/A	25	25
	c. Abutting a residential zone	20	20	20	20	20	20
	(3) Side						
	a. Interior side	5	5	0	0	0	0
	b. Exterior side	15	15	15	0	0	0
	c. Abutting a residential zone	10	10	10	10	10	10
	(4) Between main buildings	10	10	No requirement			
	(5) Abutting interior driveways and open parking	5	5	No requirement			
(e)	Maximum lot coverage, percent	60	40	No requirement			
(f)	Maximum building height, in feet	65	65	45	65	65	45
(g)	Maximum floor area ratio	1.0:1	0.40:1	0.25:1	3.0:1	0.50:1	0.50:1
(h)	Parking and loading	See article III, division 5					
(i)	Trash enclosure	All areas set aside for storage and pickup of trash or items for recycling or reconditioning shall be screened from view from any street or public place (excepting an alley serving only commercial or industrial zones), or from any property in a residential zone, by a solid six-foot wall or fence, or by any other methods, acceptable to the community development director. All such storage shall be maintained below said wall or fence.					
(j)	Outdoor storage	<p>Except as hereinafter provided, all outdoor storage or display of new, used or cast-off merchandise, equipment or supplies in any commercial zone shall comply with the following provisions:</p> <p>(1) Materials or merchandise stored outside of a building shall be located and/or enclosed so that such items are not visible from any public street, highway or residential zone.</p> <p>(2) The required enclosure for outdoor storage shall comply with front yard and, corner cutback requirements established by the zone in which the use is located.</p> <p>(3) Excluded from these provisions are automotive, boat, truck, trailer, camper, motorhome, mobile home, motorcycle and bicycle sales and rental; and automobile service stations, newsstands, recycling centers, and sales of nursery stock.</p>					
(k)	Vehicular access	See section 29-137					
(l)	Required landscaping, screening and fencing	See article III, Division 6 of this Chapter					

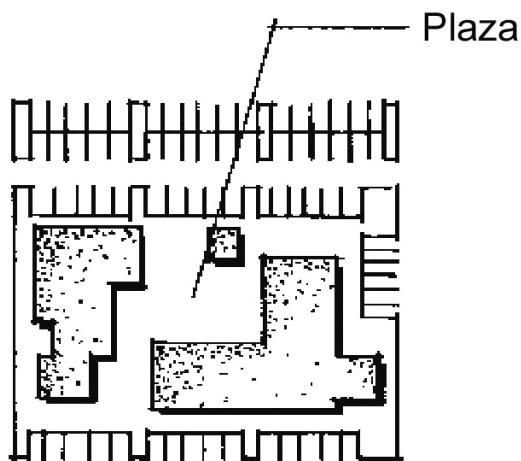
(m)	Performance standards	See article III, division 8 of this chapter
(n)	Accessory uses	See article III, division 9 of this chapter
(o)	Temporary uses	See article IV, division 5 of this chapter
(p)	Nonconforming uses and lots	See article IV, division 6 of this chapter
(q)	Signs	See chapter 22.1 of the City Code

(Ord. No. 13-16, § 8, 4-2-13; Ord. No. 13-18, § 5, 5-7-13)

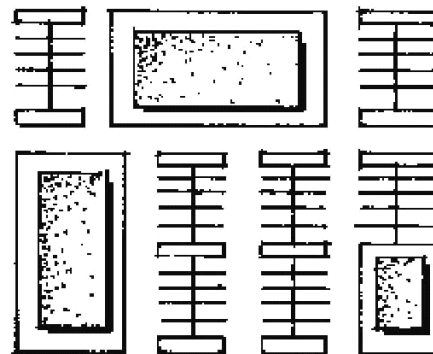
### **Sec. 29-63. Commercial zones design standards.**

- (a) *Purpose.* These design standards are intended to assist the project applicant in understanding the city's requirements for high quality commercial development. These mandatory standards complement the development regulations contained in this division by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations. These standards ensure the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.
- (b) *Site planning.*
- (1) Placement of structures shall consider the existing built context of the commercial area, the location of incompatible land uses, the location of major traffic generators as well as an analysis of a site's characteristics and particular influences.
  - (2) Locate and orient structures in a manner that will complement adjacent structures.
  - (3) Plan and develop the whole project site in a coordinated manner to provide order, compatibility and diversity.
  - (4) Structures and other improvements shall be sited in a manner that maximizes visibility of public areas (e.g., parking lots, plazas), and streets and alleys to create opportunities for people engaged in their normal behavior to observe the space around them.
  - (5) When appropriate, new structures shall be clustered. This creates plazas or pedestrian malls and prevents long "barracks-like" rows of structures. When clustering is impractical, a visual link between separate structures shall be established. This link can be accomplished through the use of an arcade system, trellis or other open structure. This linkage is required in the CD zone.
  - (6) Locate structures and on-site circulation systems to minimize pedestrian/vehicle conflicts where possible. Link structures to the public sidewalk where possible with ADA/Title 24 of the California Code of Regulations compliant textured paving, landscaping and trellises.
  - (7) Recognize the importance of spaces between structures as outdoor rooms on the site. Outdoor spaces shall have clear, recognizable shapes that reflect careful planning and are not simply left over areas between structures. Such spaces shall provide pedestrian amenities such as shade, benches, fountains, etc.
  - (8) Loading facilities shall not be located at the front of structures where it is difficult to adequately screen them from view. Such facilities are more appropriate at the rear of the site. Such facilities shall be screened.
  - (9) Where feasible, open space areas shall be clustered into larger, landscaped areas rather than equally distributing them into areas of low impact such as at building peripheries, behind a structure or in other areas of little impact to the public view.

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- (c) *Natural surveillance.* Whenever possible, design and placement of buildings and other physical features shall maximize visibility and encourage natural surveillance. This includes building orientation, placement of windows, doors and balconies, building and site entrances and exit locations, placement of parking, lighting and refuse containers, placement and type of landscape materials, plazas and other open space areas, location of walkways, types of walls and fences (including the use of picket and wrought-iron and similar materials to promote visibility) and other physical obstructions in a manner that discourages the potential for criminal activity.
- (d) *Architecture.* A diversity of architectural styles shall be used except in large-scale developments where a harmonious or unified architectural style is generally desirable.
- (e) *Facade articulation.* To ensure large buildings are not monotonous boxlike structures, the developer shall:
- (1) Vary the planes of the exterior walls in depth and/or direction. Wall planes shall not run in a continuous direction for more than fifty (50) feet without an offset proportional to the building size or an architectural feature such as a column to provide visual interest.
  - (2) Vary the height of the buildings so that it appears to be divided into distinct massing elements.
  - (3) Articulate the different parts of a building's facade by use of color, arrangement of facade elements or a change in materials.
  - (4) Use landscaping and architectural detailing at the ground floor level to lessen the impact of an otherwise bulky building.
  - (5) Avoid blank walls at the ground floor levels. Utilize windows, trellises, wall articulation, arcades, change in materials or other features.
  - (6) Set back buildings from property lines to avoid the use of parapet walls unless abutting existing buildings. Parapet walls can abruptly change the continuity of a building's architecture by creating a cut-off effect and result in large blank walls.
  - (7) Architecturally treat all building facades visible from public streets and public areas (such as parking areas).
- (f) *Mass and scale.* Developers shall use the following techniques to reduce the appearance of large scale and bulky structures:
- (1) Reduce building scale through the proper use of window patterns, structural bays, roof overhangs, siding, awnings, moldings, fixtures and other details that promote a "human" scale.
  - (2) The scale of buildings shall be related to adjacent pedestrian areas (e.g. courtyards) and other such structures, where provided.



Cluster buildings on the site to create pedestrian areas



Do not separate buildings with parking lots

(3) Large dominating structures shall be broken up by:

- a. Creating horizontal emphasis through the use of trim;
- b. Adding three (3) dimensional architectural elements;
- c. Use of combinations of complementary colors; and
- d. Landscape materials.

(g) *Colors.*

- (1) Exterior building and roofing colors shall be appropriate to and enhance the architectural style and materials of the structure. Intense primary colors shall generally be avoided as the dominant overall color for a structure. The use of earth tones and soft muted colors is encouraged.
- (2) The color palette chosen for new structures shall generally be compatible with the colors of adjacent structures. An exception is where the colors of adjacent structures strongly diverge from these design standards.
- (3) Generally, primary or bold colors shall only be used to accent elements, such as door and window frames and architectural details.
- (4) Roof flashing, rain gutters, and downspouts, vents and other roof protrusions shall be finished to complement the adjacent materials and/or colors.

(h) *Wall treatments.*

- (1) *Base and top treatments.* All building facades shall have a recognizable base, middle, and top. The base shall include elements such as richly textured materials, darker color materials, mullions, and/or panels and similar features or enhanced landscaping of mature and specimen shrubs and trees with a minimum planter depth of five (5) feet exclusive of curbs. A top shall include elements such as cornice treatments, roof overhangs, stepped parapets, and richly textured materials such as tile or masonry treatments or similar features.

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- (2) *Materials.* Materials shall be consistently applied on all facades and be chosen to work harmoniously with adjacent materials. Piecemeal embellishment and frequent changes in materials shall generally be avoided. Materials tend to appear substantial and integral when material changes occur at changes in plane. Material or color changes at the outside corners of structures give an impression of thinness and artificiality, which shall be avoided. Material changes shall not occur at external corners, but may occur at reverse or interior corners or if located at least four (4) feet from the edge of external corners. Material changes not accompanied by changes in plane give materials an insubstantial or applied quality.
- (3) *Awnings and canopies.* Awnings and canopies shall be subject to the following:
- a. Awnings/canopies shall not be located so as to obscure transom windows, piers, pilasters and other architectural building features and shall generally be designed to project over individual doors and window openings where feasible. Awnings/canopies that are a continuous feature extending over several windows, doors and over architectural features are generally discouraged.
  - b. The size of the awning/canopy shall be proportional in scale with the building to which it is attached.
  - c. No portion of an awning/canopy shall be less than eight (8) feet above the surface above which it projects (fourteen (14) feet above a roadway surface) or shall project more than five (5) feet into a public right-of-way. An encroachment permit is required for any awning/ canopy located within the public right-of-way.
  - d. The style of the awning/ canopy shall complement the architectural style of the building to which it is attached. Awnings should generally have a simple horizontal valance if located over rectangular or square window/door openings. Domed or barrel-shaped awnings are appropriate for buildings with arched window/door openings.
  - e. The color of the awning/ canopy shall be compatible with and complement the exterior color(s) of the building. Awning/canopy colors that call more attention to the awning/canopy than the building are inappropriate. Awnings/canopies with highly contrasting corporate/franchise identity colors are not allowed. An awning/canopy with a single, solid color is preferred.
  - f. Awnings/canopies shall be regularly cleaned and kept free of visible defects and wear.
  - g. Awnings/canopies with signs shall require the issuance of a sign permit in accordance with chapter 22.1 of the City Code.
- (i) *Roof treatments.*
- (1) The roofline at the top of the structure shall not run in a continuous plane for more than fifty (50) feet without offsetting or jogging the roof plane.
  - (2) All roof top equipment shall be screened from public view by screening materials of the same nature as the structure's basic materials. Mechanical equipment shall be located below the highest vertical element of the building. Plain equipment boxes are not acceptable.
  - (3) The following roof materials shall not be used:
    - a. Corrugated metal (standing rib metal roofs are permitted);
    - b. Highly reflective surfaces (copper roofs may be considered); and
    - c. Illuminated roofing.
- (j) *Parking and circulation.* Parking lot design can be a critical factor in the success or failure of a commercial use. In considering the possibilities for developing a new parking area, the developer shall analyze the following factors: ingress and egress with consideration to possible conflicts with street traffic; pedestrian

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and vehicular conflicts; on-site circulation and service vehicle zones; and the overall configuration and appearance of the parking area.

- (1) Separate vehicular and pedestrian circulation systems shall be provided to the extent feasible. Pedestrian linkages between uses in commercial developments shall be emphasized, including distinct pedestrian access from parking areas in large commercial developments, such as shopping centers. Arcades to connect areas are recommended in all commercial zones, and are required in the CD zone.
  - (2) Common driveways that provide vehicular access to more than one development are encouraged.
  - (3) Parking areas shall be landscaped, receiving interior as well as perimeter treatment.
  - (4) Parking areas shall be separated from structures by either a raised concrete walkway or landscaped strip, preferably both. Situations where parking spaces directly abut structures shall be avoided whenever possible.
  - (5) Enhanced paving (colored, textured paving) shall be provided at a minimum depth of ten (10) feet at all primary vehicular driveway entrances (immediately behind the street right-of-way line) to the development.
  - (6) Where parking areas are connected, interior circulation shall allow for a similar direction of travel and parking bays in all areas to reduce conflict at points of connection.
  - (7) Whenever possible, locate site entries on side streets in order to minimize pedestrian/vehicular conflicts. When this is not possible, design the front site entry with appropriately patterned concrete or pavers to differentiate it from the sidewalks.
  - (8) Parking access points shall be located as far as possible from street intersections so that adequate stacking room is provided. The number of access points shall be limited to the minimum amount necessary to provide adequate circulation. The first parking stall which is perpendicular to a driveway or first aisle juncture, shall be set back a sufficient distance from the curb to avoid traffic obstruction based on the number of parking spaces and traffic conditions at the driveway intersection. With larger centers, significantly more setback to the first parking stall will likely be required to ensure adequate stacking room.
  - (9) Design parking areas so that pedestrians walk parallel to moving cars. Minimize the need for the pedestrian to cross parking aisles and landscape areas to access structures. When such design is not feasible, pedestrian walkways shall be provided which connect the parking areas and the structures. Such walkways shall be clearly demarked from the parking areas and drive aisles through the use of colored, textured paving, landscaping, shade structures, or similar treatment.
  - (10) Parking areas that accommodate a significant number of vehicles shall be divided into a series of connected smaller lots divided by landscaping and/or buildings.
  - (11) For climatic reasons, the use of shade structures or other mechanisms within commercial parking areas to shade parked vehicles from the sun is strongly encouraged.
- (k) *Landscaping.*
- (1) Landscaping for commercial uses shall be used to define specific areas by helping to focus on entrances to buildings and parking lots, define the edges of various land uses, provide transition between neighboring properties (buffering), and provide screening for loading and equipment areas.
  - (2) Landscaping shall be in scale with adjacent structures and be of appropriate size at maturity to provide substantial shading.
  - (3) Landscaping around the entire base of structures is recommended to soften the edge between the parking lot and the structure. This shall be accented at entrances to provide focus.



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- (4) Trees shall be located throughout the parking lot and not simply at the ends of parking aisles. In order to be considered within the parking lot, trees shall be located in curbed and irrigated planters.
  - (5) Landscaping shall be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks or the use of concrete curbs.
  - (6) Vines and climbing plants integrated upon buildings, trellises and walls shall be used when complementary to the project design.
  - (7) When provided, potted plants shall be in clay or decorative concrete containers, especially for enhancement of sidewalk shops, plazas and courtyards and to soften the hardscape.

(l) *Fences and walls.*

- (1) If not required for a specific screening or security purpose, walls shall generally not be used within commercial areas. When used, the walls shall be as low as possible while performing their screening and security functions.
- (2) Where walls are used along property frontages, or screen walls are used to conceal storage and equipment areas, they shall be designed to blend with the site's architecture. Both sides of all perimeter walls or fences should be architecturally treated when visible from public or private streets and public areas such as parking lots and plazas. Landscaping shall be used in combination with such walls whenever possible.
- (3) Long expanses of fence or wall surfaces shall be offset or architecturally designed to prevent monotony. Landscape pockets or vines shall be provided whenever possible.
- (4) When security fencing is used, a combination of solid walls with pillars and decorative view ports, or short solid wall segments and wrought iron grill work shall be used.
- (5) Barbed or razor wire and similar fencing is prohibited in commercial districts.

(m) *Screening.*

- (1) Any outdoor equipment, whether on a roof, side of a structure or on the ground, shall be appropriately screened from view. The method of screening shall be architecturally integrated with the adjacent structure in terms of materials, color, shape and size. Where individual equipment is provided, a continuous screen is desirable.
- (2) Screening for outdoor storage (including cart storage) shall be determined by the height of the material or equipment being screened. When allowed, exterior storage shall be confined to portions of the site least visible to public view. Where screening is required, a combination of elements shall be used including solid masonry walls, berms and landscaping. Chain-link fencing with wood or metal slatting is only permitted when not visible from a public or private street or public areas such as parking lots and plazas.
- (3) Roll-up doors, vehicle bays, drive-through aisles, car wash entrances/exits, wash stalls and similar features shall be screened from view of adjacent streets by building orientation and/or the provision of landscaping, trellises, berms, or low walls that are consistent with the architecture and exterior materials of the building.

(n) *Lighting.*

- (1) Lighting shall be used to provide illumination for the security and safety of on-site areas such as parking, loading, shipping and receiving, walkways and working areas.
- (2) The design of light fixtures and their structural support shall be architecturally compatible with the main structures on-site. Illuminators shall be integrated within the architectural design of the structures.

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- (3) As a security device, lighting shall be adequate but not overly bright. All building entrances shall be appropriately lighted.
- (4) All lighting fixtures shall be shielded to confine light spread within the site boundaries.
- (o) *Kiosks.* Where kiosks are allowed, kiosk design and exterior color(s) shall be compatible with the architectural style and exterior color(s) of surrounding buildings.
- (p) *Drive-through~~u~~ business ~~lane~~ standards.* The minimum lot size of any drive-through business shall be ten thousand (10,000) square feet. All drive-through~~u~~ restaurants shall provide a drive-through~~u~~ lane with a minimum length of one hundred twenty (120) feet and a minimum width of ten (10) feet. All other drive-through~~u~~ businesses shall include a drive-through~~u~~ lane with minimum dimensions of thirty-six (36) feet in length and ten (10) feet in width.
- (q) *Downtown design standards.* To assure an attractive, pedestrian-friendly environment, all development occurring within the CD, downtown commercial zone upon the effective date of this section, unless otherwise exempted by this chapter, shall comply with the Project SHAPE Downtown El Centro Design Standards which are adopted by reference herein and which shall be available upon request from the community development department. If said design standards appear to conflict with another provision of this chapter, the design standards shall prevail. All other commercial zone design standards shall apply.
- (Ord. No. 13-18, § 1, 5-7-13)

**Secs. 29-64—29-67. Reserved.**

## *DIVISION 4. MANUFACTURING ZONES*

### **Sec. 29-68. Purpose and intent.**

Manufacturing zones providing employment opportunities in manufacturing, service, research and development, engineering, and wholesale trade are hereby established to achieve the following purposes:

*ML light manufacturing zone.* This zone is intended to provide for the development of industrial uses that include fabrication, manufacturing, assembly or processing of materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot or lighting to a degree that is offensive when measured at the property line of subject property. Most operations within this zone are to be conducted within enclosed buildings. The ML zone is intended to implement the light manufacturing - general industrial general plan land use designation.

*MG general manufacturing zone.* This zone is intended to provide for the development of manufacturing, processing, fabrication, and assembly of goods and materials, which do not in their operation or maintenance create offensive, obnoxious, or dangerous conditions that are detectable beyond the boundary of the zone. Certain outdoor operations are permitted in this zone. The MG zone is intended to implement the general manufacturing - general industrial general plan land use designation.

*~~MBP manufacturing business park zone.~~* ~~This zone is intended to provide for the development of a wide range of industrial, manufacturing, select business and related establishments in a park-like setting and which do not in their operation or maintenance create offensive, obnoxious, or dangerous conditions. The MBP zone is intended to implement the planned industrial general plan land use designation.~~

## Sec. 29-69. Manufacturing zones use regulations.

The uses identified in table 29-69.1 shall be permitted uses where the symbol "P" appears. Where the symbol "C" appears, the use requires a conditional use permit pursuant to article V, division 6 of this chapter. The symbol "X" indicates that the use is prohibited.

Table 29-69.1  
Manufacturing Zones Use Regulations

Use		Zoning District Regulations		
		ML	MG	MBP
(a)	<i>Manufacturing uses</i>			
	(1) General manufacturing plants primarily engaged in manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials and products, specifically excluding manufacturing of pesticides, fertilizers, toxins, gasses, animal by-products (other than in clothing manufacturing), industrial use chemicals, compounding of radioactive materials, petroleum refining or manufacturing of explosives	P	P	P
	(2) Manufacturing of explosives	P	P	X
(b)	<i>Services.</i> Uses which include establishments primarily engaged in rendering services to individuals and business establishments			
	(1) Advertising structures	P	P	C
	(2) Airplane rental, sales, and services	C	P	X
	(3) Appliance repairs and service	P	P	P
	(4) Automotive services	P	P	C
	(5) Banks and financial institutions serving industrial activities	P	X	C
	(6) Blueprinting and photocopying	P	P	P
	(7) Business and research offices related to the administration and operation of the permitted industrial uses	P	P	P
	(8) Cafeterias, coffee shops, delicatessen stores	X	X	P
	(9) Colleges, public or private	P	C	C
	(10) Discount/membership stores including discount food and cooperative stores with a minimum building floor area of 50,000 square feet and a minimum site area of 4 acres	C	C	P
	(11) Electroplating	X	P	C
	(12) Equipment repair, rental and sales, including farm, automotive, construction	P	P	X
	(13) Food processing	X	P	X
	(14) Freeway service facility	C	X	X
	(15) Freight terminals (truck terminals)	X	P	X
	(16) Fumigation contractors	X	P	X
	(17) Hatcheries, poultry and other fowl	P	P	X
	(18) Home improvement centers	P	X	C
	(19) Horticultural services	P	P	X

	(20) Laboratories, medical and dental	P	P	✗
	(21) Laboratories, physical and chemical testing	P	P	✗
	(22) Laundries and dry cleaning, wholesale only	P	P	✗
	(23) Linens and towel suppliers	P	P	✗
	(24) Machine and tool repair services	P	P	✗
	(25) Metal engraving	P	P	P
	(26) Newspaper printing and publishing	P	P	P
	(27) Packaging businesses	P	P	P
	(28) Paint spray booths	P	P	✗
	(29) Pest control operators and services	X	P	✗
	(30) Photo engraving and finishing	P	P	✗
	(31) Plumbing, electrical, mechanical shops and services	P	P	P
	(32) Printing, engraving, lithographing, and publishing	P	P	P
	(33) Public scales	P	P	✗
	(34) Recycling collection center	P	P	✗
	(35) Refrigeration repairs and service	P	P	P
	(36) Restaurants	X	X	P
	(37) Rug cleaning plants	P	P	✗
	(38) Sexually oriented businesses, see article IV, division 7 of this chapter	P	P	✗
	(39) Secondhand stores	P	P	P
	<u>(40) Secondhand store with donation center</u>	<u>C</u>	<u>C</u>	
	(410) Silk screening	P	P	P
	(421) Swap meet	C	P	P
	(432) Trade schools	P	C	P
	(443) Utility distribution sub-stations and utility yards	C	P	✗
	(454) Veterinary hospital	P	X	✗
(c)	<i>Wholesale, Warehouse uses.</i> Uses which include establishments or places of business primarily engaged in selling of merchandise to retailers, to industrial, commercial, institutional, or professional users or to other wholesales, including the function of storage and related uses.			
	(1) Dairy products distribution depots	P	P	✗
	(2) Furniture warehouse	P	X	✗
	(3) Parcel delivery terminals	P	P	P
	(4) Refrigeration plants	P	P	P
	(5) Rock, sand and gravel storage and distribution	C	P	✗
	(6) Warehouse storage, including distribution and mini-storage/self-storage	P	P	P
	(7) Wholesale brokers, jobbers, dealers, distributors	P	P	P
	(8) Storage yards, when said yards are entirely enclosed within solid walls not less than 6 feet in height when such yard(s) are adjacent to a residential zone:			
	a. Contractors storage yards	C	P	✗
	b. Building materials	C	P	✗

	c. Feed mills	C	P	✗
	d. Fleet storage	C	P	✗
	e. Lumber yards (no milling)	C	P	✗
	f. Draying and freight yards	C	P	✗
	g. Machinery rental	C	P	✗
	h. Trucking yards and terminals	C	P	✗
	i. Transit storage	C	P	✗
	j. Recreational vehicles and boat storage	P	P	€
	k. Road equipment yards	C	P	✗
(d)	<i>Research and Development Uses.</i>			
	(1) Both private and public research and development activities directed towards the production of useful materials, devices, systems, methods or processes, except those involving materials excluded under (a)(1), above of this table	P	P	Ⓟ
	(2) Research and development activities which involve materials excluded under (a)(1) above of this Table	C	C	€
(e)	<i>Other uses:</i>			
	(1) Asphalt plants	X	C	✗
	(2) Athletic fields	C	C	✗
	(3) Automobile wrecking, salvage, storage and impound yards, provided that the yard is completely enclosed by a solid, neat 8-foot-high wall	C	C	✗
	(4) Batching and mixing plants, asphalt, cement and concrete	X	C	€
	(5) Brewery, large or microbrewery, <u>distillery, or winery</u> with on-site consumption (may also include on-site restaurant)	C	C	€
	(6) Brewery, large or microbrewery, <u>distillery, or winery</u> without on-site consumption and no on-site restaurant	P	P	Ⓟ
	(7) Building wreckers and house movers storage yards	X	C	✗
	(8) Commercial cannabis activity as defined in chapter 13 of the City Code	X	X	✗
	(9) Commercial recreation facilities not otherwise listed	C	C	✗
	(10) Commercial uses that are incidental and directly related to and serving the personnel of the permitted industrial uses, provided that the commission determines that the proposed use will not be incompatible with uses in the surrounding zone(s)	C	C	€
	(11) Communication facilities, see requirements in article IV, division 8 communications facilities, including exemptions in section 29-258	C	C	€
	(12) Collocation facilities in compliance with section 29-259	P	P	Ⓟ
	(13) Gas, above surface storage of natural gas in excess of 500,000 cubic feet	X	C	✗
	(14) Gasohol plants	X	C	✗
	(15) Geothermal well	C	C	€
	(16) Kennels, dog and cat	C	C	€

(17) Livestock feed yards	C	C	✗
(18) Livestock sales yards	X	C	✗
(19) Mobile food court	C	C	€
(20) Mobile food facilities - limited (i.e., hot dog carts, snow cones, coffee <del>ckarts</del> , <u>fresh produce carts</u> )	P	P	<del>P</del>
(21) Mobile food facilities - processing (i.e., food trucks)	P	P	<del>P</del>
(22) Municipal solid waste transfer stations and material recovery facilities	P	P	✗
(23) Oil, gasoline or petroleum products storage exceeding 2,500 barrels on any one lot or parcel of land, except oil storage in conjunction with an oil well being drilled or in production	X	C	✗
(24) Places of assembly with a seating capacity for more than 500 persons	X	C	✗
(25) Public agency services and facilities not otherwise listed	C	X	✗
(26) Recreational vehicle park, see article IV, division 3 of this chapter	C	P	€
(27) Skating rinks	C	C	✗
(28) Testing of wind-generating devices or mechanisms	C	X	✗
(f) <i>Accessory structures and uses:</i>			
In all manufacturing zones, accessory structures and uses, including signs in compliance with chapter 22.1 of the El Centro City Code, are allowed which are clearly incidental and secondary to a permitted use. See also section 29-163 for <del>permitted single accessory dwelling units</del> <u>caretaker residences</u> .	P	P	<del>P</del>

(Ord. No. 09-06, § 5, 9-2-09; Ord. No. 10-13, § 1, 10-19-10; Ord. No. 10-14, § 2, 10-19-10; Ord. No. 12-12, § 2, 12-18-12; Ord. No. 14-12, § 1, 6-17-14; Ord. No. 16-08, § 1, 8-9-16; Ord. No. 17-11, § 6, 9-19-17 ; Ord. No. 17-14, § 4, 11-21-17 )

## Sec. 29-70. Manufacturing zones development standards.

The following minimum property development standards identified in table 29-70.1 shall apply to all land and buildings in the manufacturing zones. See also article III of this chapter for exceptions to, or clarification of, these regulations.

Before any building, structure, or use of land outside of a building or structure, is established in the manufacturing zones, a site plan shall have been submitted to and approved by the community development director pursuant to the provisions of article V, division 4 of this chapter. Where specified by this chapter, such site plan review shall be conducted by the planning commission and/or city council.

Table 29-70.1  
Manufacturing Zones Development Standards

Development Standard		Zoning District Regulations		
		ML	MG	<del>MBP</del>
(a)	Minimum net lot area, in square feet	No requirement		<del>18,000</del>

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(Supp. No. 117)

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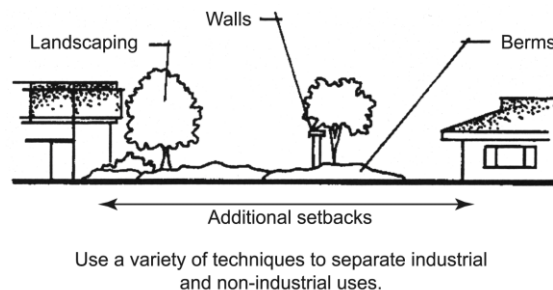
(b)	Minimum lot width, in feet	No requirement	<del>80</del>
(c)	Minimum lot depth	No requirement	
(d)	Minimum building setbacks, in feet:		
	(1) Front	No requirement	<del>20</del>
	(2) Rear:		
	a. Abutting a nonresidential zone	No requirement	
	b. Abutting a residential zone	50	50 <del>50</del>
	(3) Side:		
	a. Abutting a non-residential zone	No requirement	
	b. Exterior side	No requirement	<del>10</del>
	c. Abutting a residential zone	50	50 <del>50</del>
	(4) Between main buildings	No requirement	
	(5) Abutting interior driveways and open parking	No requirement	<del>5</del>
(e)	Maximum lot coverage	No requirement	
(f)	Maximum building height, in feet	45	75 <del>45</del>
(g)	Parking and loading regulations	See article III, division 5 of this chapter	
(h)	Trash enclosure	All areas set aside for storage and pickup of trash or items for recycling or reconditioning shall be screened from view from any street or public place (excepting an alley serving only commercial or industrial zones), or from any property in a Residential zone, by a solid six-foot wall or fence, or by other methods, acceptable to the director. All such storage shall be maintained below said wall or fence.	
(i)	Vehicular access	See section 29-137	
(j)	Required landscaping, screening, fencing, and outdoor storage	See article III, division 6 of this chapter	
(k)	Performance standards	See article III, division 8 of this chapter	
(l)	Accessory structures and uses	See article III, division 9 of this chapter	
(m)	Nonconforming uses and lots	See article IV, division 6 of this chapter	

(n)	Temporary uses	See article IV, division 5 of this chapter
(o)	Signs	See chapter 22.1 of the City Code

(Ord. No. 13-16, § 9, 4-2-13)

## Sec. 29-71. Manufacturing zones design standards.

- (a) *Purpose.* These design standards are intended to assist the project applicant in understanding the City's requirements for high quality manufacturing development. These mandatory standards complement the development regulations contained in this Division by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations. These standards ensure the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.
- (b) *Site Planning.*
- (1) The main elements of sound manufacturing site design include the following:
    - a. Controlled site access;
    - b. Site planning, lighting, and architectural design that encourages natural surveillance;
    - c. Service areas located at the sides and rear of buildings;
    - d. Convenient access, visitor parking and on-site circulation;
    - e. Screening of outdoor storage, work areas and equipment; and
    - f. Landscaped open space.
  - (2) A variety of building and parking setbacks shall be provided in order to avoid long monotonous building facades and to create diversity.
  - (3) Structures shall be located on landscape islands, where the office portion of the building does not directly abut paved parking areas. A minimum four (4) foot landscape strip should be provided between parking areas and the office portion of a structure.
  - (4) Where manufacturing uses are adjacent to non-manufacturing uses, appropriate buffering techniques such as setbacks proportional to building size, screening and landscaping shall be provided to mitigate any negative effects of manufacturing operations.



- (c) *Natural surveillance.* Whenever possible, design and placement of buildings and other physical features shall maximize visibility and encourage natural surveillance. This includes building orientation, placement of

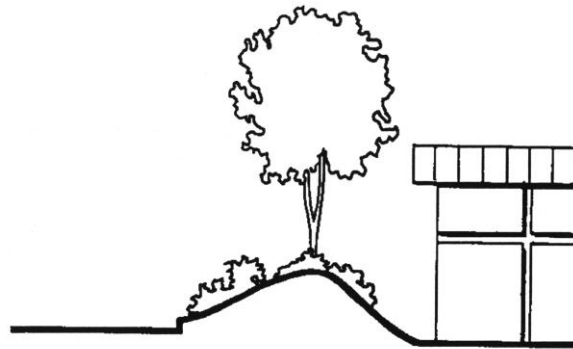


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windows, doors and balconies, building and site entrances and exit locations, placement of parking, lighting and refuse containers, placement and type of landscape materials, location of walkways, types of walls and fences (including the use of picket and wrought-iron and similar materials to promote visibility) and other physical obstructions in a manner which discourages the potential for criminal activity.

(d) *Architecture.*

- (1) Employ variety in structure forms, to create visual character and interest.
- (2) Avoid long, unarticulated facades. Wall planes shall not run in a continuous direction for more than fifty (50) feet without an offset.
- (3) Avoid blank front and corner side wall elevations on street frontages.
- (4) Sensitive alteration of colors and materials shall be used to produce diversity and enhance architectural forms.
- (5) Design elements that are undesirable and shall be generally avoided include:
  - a. Highly reflective surfaces at the ground story;
  - b. Large blank, unarticulated wall surfaces;
  - c. Exposed, untreated precision block walls;
  - d. Chain-link, barbed wire or razor wire fencing visible from public rights-of-way;
  - e. False fronts;
  - f. "Stuck on" mansard roofs on small portions of the roofline;
  - g. Unarticulated building facades; and
  - h. Materials with high maintenance such as stained wood, shingles or metal siding.
- (6) Wall materials that will withstand abuse by vandals or accidental damage from machinery and vehicles shall be chosen, whenever feasible.



Use of berming and landscaping close to building.

- (7) All metal buildings shall have architectural enhancements on facades visible from public rights-of-way.
- (8) Berming in conjunction with landscaping can be used at the building edge to reduce structure mass and height along facades.
- (9) Rolling shutter doors located on the inside of the building is the preferred method for providing large loading doors while keeping a clean, uncluttered appearance from the exterior.
- (10) All gutters, downspouts, vents, louvers, exposed flashing and overhead doors, shall be painted to blend with or compliment the surface to which attached.

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(e) *Roof treatments.*

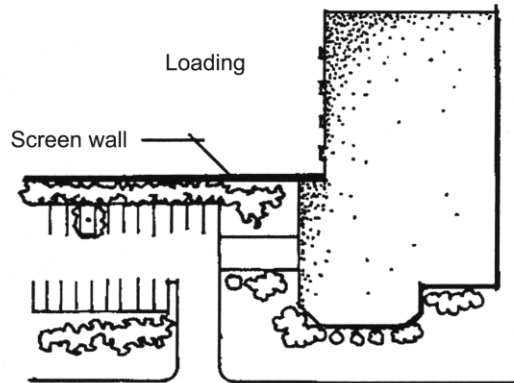
- (1) The roofline at the top of the structure shall not run in a continuous plane for more than fifty (50) feet without offsetting or jogging the roof plane.
- (2) Nearly vertical roofs (A-frames) and piecemeal mansard roofs (used on a portion of the building perimeter only) shall not be used. Mansard roofs, when used, shall wrap around the entire perimeter of the structure.
- (3) All roof top equipment must be screened from public view by screening materials of the same nature as the building's basic materials. Mechanical equipment generally shall be located below the highest vertical element of the building.
- (4) The following roof materials shall not be used:
  - a. Corrugated metal (standing rib metal roofs are permitted);
  - b. Highly reflective surfaces; and
  - c. Illuminated roofing.
- (5) The roof design should be considered as a component of the overall architectural design theme.

(f) *Parking and circulation.*

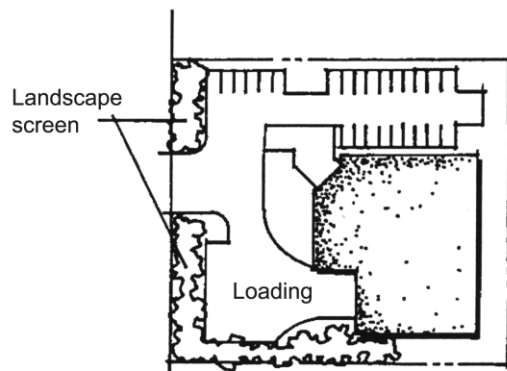
- (1) Large expansive paved areas located between the street and the building are to be avoided in favor of smaller multiple lots separated by landscaping and buildings. Angled parking shall be used for larger parking lots that can accommodate one-way aisles.
- (2) The circulation system shall be designed to reduce conflicts between vehicular and pedestrian traffic, combine circulation and access areas where possible, provide adequate maneuvering and stacking areas and consideration for emergency vehicle access.
- (3) Entrances and exits to and from parking and loading facilities shall be clearly marked with appropriate directional signage where multiple access points are provided. The use of sidewalks, pavement, gates, lighting and landscaping to and from entrances and exits shall also be used to clearly guide the public.
- (4) Vehicles shall not be required to enter the street in order to move from one area to another on the same site.
- (5) Parking lots adjacent to and visible from public streets shall be adequately screened from view through the use of rolling earth berms, low screen walls, changes in elevation, landscaping or combinations thereof whenever possible.
- (6) The manufacturing site shall be a self-contained development capable of accommodating its own parking needs. The use of the public street for parking and staging of trucks is not allowed.
- (7) Uses that rely on larger trucks for pickup and deliveries shall include separated truck parking facilities on-site to support the use.

(g) *Loading facilities.*

- (1) To alleviate the unsightly appearance of loading facilities for manufacturing uses, these areas shall generally not be located at the front of buildings where it is difficult to adequately screen them from view. Such facilities are more appropriate at the rear of the site where special screening may not be required.



Use decorative solid masonry wall to screen loading areas.



Offset loading areas from driveway openings.

- (2) When it is not possible to locate loading facilities at the rear of the building, loading docks and doors shall not dominate the frontage and must be screened from view of the street through the use of landscaped berms or a combination of landscaping and architecturally enhanced walls. Chain-link with slats is not acceptable for screening along public or private streets.
- (3) Backing from the public street onto the site for loading into front end docks causes unsafe truck maneuvering and shall not be permitted.

(h) *Landscaping.*

- (1) Landscaping shall be used to define areas by helping to focus on entrances to buildings, parking lots, loading areas, defining the edges of various land use, providing transition between neighboring properties (buffering) and providing screening for outdoor storage, loading and equipment areas.
- (2) All primary entrances to manufacturing parks shall receive special landscape treatment. Plans for entrances shall be submitted to the community development director concurrently with the site plan for review and approval.
- (3) Landscaping shall be in scale with adjacent buildings and be of appropriate size at maturity to accomplish its intended goals.
- (4) Use of vines on walls is appropriate in manufacturing areas because such walls often tend to be large and blank.

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- (5) Landscaping around the entire base of buildings, especially where offices and similar customer-oriented areas are located, is encouraged to soften the edge between the parking lot and the structure.
  - (6) Trees should be located throughout the parking lot and not simply at the ends of parking aisles. In order to be considered within the parking lots, trees should be located in planters that are bounded on at least three sides by parking area paving or related site hardscape. Trees shall also be provided between the public sidewalk and parking areas.
  - (7) Landscaping shall be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks or the use of concrete curbs.
  - (8) As the ground cover, shrubs and trees mature, landscaping shall be maintained to minimize the conflicts between natural surveillance and the landscaping.
  - (9) Landscaping plant materials and features for individual lots shall be made an integral part of the overall landscaping park theme. The use of earth mounds is recommended, both to screen and to add to the natural theme of landscaping semipublic to private space. Walls should also be used to screen automobiles, loading and storage areas and utility structures and provide barriers to conflicting uses. Walls should be as low as possible while still performing their screening and security functions.

*(i) ~~Reserved. Special landscaping requirements for new development in the MBP zone.~~*

- ~~(1) A landscape plan showing the location of all landscaped areas with the proposed shrubs, trees and other plant materials clearly labeled and showing the proposed irrigation system shall be provided. The landscape plan shall be subject to review and approval by the community development director.~~
- ~~(2) The provisions of section 29-142 for required landscaping of at least fifteen (15) percent of the net lot area shall apply to the MBP zone.~~
- ~~(3) The following landscaping requirements shall apply to all street frontages within the MBP zone:
  - ~~a. A ten-foot-wide landscape strip shall be installed along all street frontages, except for driveway openings or as provided in subsection b., below. This may include landscaping within the public right-of-way, where approved.~~
  - ~~b. Where provisions for a six-foot-high solid fence or wall are made along the side street property line, a minimum of five and one-half (5 ½) feet of the public right-of-way shall be permanently landscaped and maintained.~~~~
- ~~(4) Any area within the public right-of-way where side walks are not required shall be permanently landscaped and maintained, including a city-approved automatic irrigation method.~~

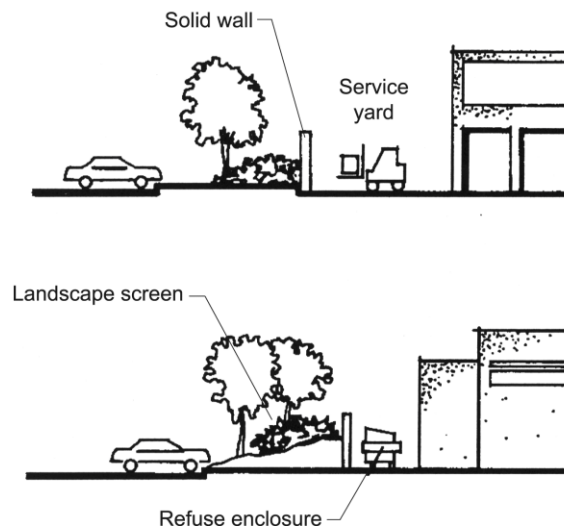
*(j) Walls and fences.*

- (1) Where walls are used at property frontages, or screen walls are used to conceal storage and equipment areas, they shall be designed to blend with the site's architecture. Both sides of all perimeter walls shall be architecturally treated. Plant materials shall be used in combination with such walls.
- (2) When security fencing is required, it shall be a combination of solid pillars or short solid wall segments and wrought iron grill work.
- (3) Long expanses of fence or wall surfaces shall be offset and architecturally designed to prevent monotony.

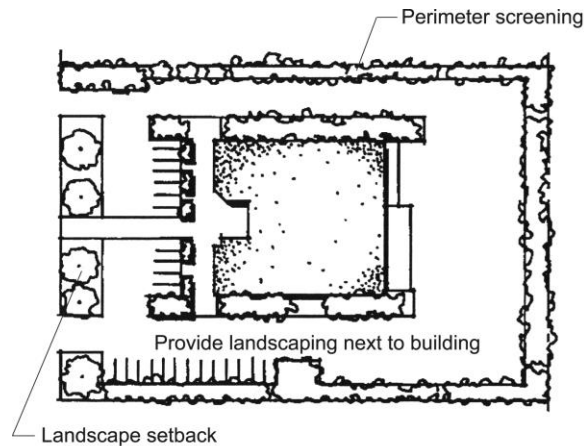
*(k) Screening.*

- (1) Screening for outdoor storage shall be determined by the height of the material being screened.

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- (2) Where screening is required, a combination of elements shall be used including solid masonry walls, berms and landscaping.
- (3) Black powder or vinyl-coated chain-link fencing with black slatting is an acceptable screening material only for areas of a lot not visible from Interstate 8 or SR-111.
- (4) Any equipment, whether on the roof, side of building or ground, shall be screened from view of public and private streets. The method of screening shall be architecturally integrated in terms of materials, color, shape and size. The screening design shall blend with the building design. Where individual equipment is provided, a continuous screen is desirable.
- (5) All roof-mounted mechanical equipment and/or duct work, which projects vertically more than one and one-half (1½) feet above the roof or roof parapet and is visible from an adjoining street is to be screened by an enclosure which is detailed consistent with the building.
- (6) Roof-mounted mechanical equipment and/or duct work which projects one and one-half (1½) feet or more above the roof or roof parapet is to be painted in its entirety consistent with the color scheme of the building.
- (7) No mechanical equipment except for emergency equipment and air conditioning equipment is to be exposed on the wall surface of a building. Such mechanical equipment shall be screened by an enclosure which is detailed consistent with the building.
- (8) Plans for cyclone blowers, bag houses, tanks, etc., shall be reviewed at the time of preliminary plan check to determine design integration with buildings and adjacent areas. Further, they shall be painted to blend with or complement the surface to which attached, if visible.



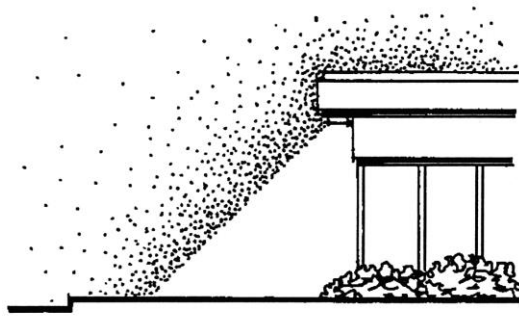
- (9) All exterior storage areas and service yards, loading docks and ramps, electrical cage enclosures and storage tanks are to be screened from view from access or adjacent streets, by an eight-foot high fence, wall, or mature landscape materials.
- (10) No outdoor storage of materials or equipment shall be permitted in the following areas: required setbacks, off-street parking and loading, required access drives, maneuvering areas or public streets.



- (11) Within all designated storage areas, except for trucks or other vehicles necessary for the operation of the business, no materials or equipment shall be stored to a height greater than eight (8) feet.
- (12) Except for properly screened outdoor storage of materials and finished products, all processes and activities related to a permitted or conditional use shall be conducted within a completely enclosed structure.
- (13) All outside refuse collection areas shall be screened by a six-foot high decorative block concrete, or stucco wall with concrete floor and apron and a chain-link gate with wood slats. The location, size and number of trash bins and enclosures shall be subject to review and approval by the community development director.

(I) *Lighting.*

- (1) Lighting shall be used to provide illumination for the security and safety of on-site areas such as parking lots, walkways, entrances, exits and related areas.
- (2) The design of light fixtures and their structural support shall be architecturally compatible with main buildings on-site. Illuminators shall be integrated within the architectural design for the buildings.
- (3) As a security device, lighting shall be adequate but not overly bright. All accesses to buildings shall be well lighted.
- (4) All exterior fixtures shall be illuminated from dusk until dawn, unless otherwise approved for the site.
- (5) When feasible, any exterior lighting device designed for security lighting shall be protected by weather and vandal-resistant covering.
- (6) All lighting shall be shielded to confine light spread within the site boundaries and "sky-glow" impacts.
- (7) Lighting shall be maintained at all times to the standards approved for the site.



Confine light spread to within site boundaries.

- (m) *Development adjacent to I-8 and SR-111.* For development that is adjacent to Interstate 8 and the SR-111, the following regulations shall also apply:
- (1) Open storage of materials and equipment shall not face I-8 or SR-111.
  - (2) Overhead doors, garages, or loading zones shall be placed facing away from view of the I-8 and SR-111.
  - (3) Not less than twenty (20) feet of landscaping measured from the freeway/highway right-of-way line, shall be provided and permanently maintained.
- (Ord. No. 13-16, § 10, 4-2-13)

**Secs. 29-72—29-73~~5~~. Reserved.**

## *DIVISION 5. CIVIC CENTER ZONE*

### **Sec. 29-7~~4~~6. Purpose and intent.**

*CC Civic Center Zone.* This zone is intended to encourage an orderly and harmonious development of public and private facilities in the area surrounding the civic center of the city and to permit certain private office and commercial uses compatible with and appropriately designed to complement governmental administrative uses in the civic center area. The CC zone is intended to implement the civic general plan land use designation.

### **Sec. 29-7~~5~~7. Civic center zone use regulations.**

The uses identified in table 29-7~~5~~7.1 shall be permitted uses where the symbol "P" appears. Where the symbol "C" appears, the use requires a conditional use permit approved by the city council pursuant to article V, division 6 of this chapter. The symbol "X" indicates prohibition.

Table 29-7~~5~~7.1  
Civic Center Zone Use Regulations

Use		Zoning District Regulations
		CC
(a)	<i>Financial, professional services and office uses</i>	
	(1) Bail bond offices	X

	(2) Banks and similar financial institutions	P
	(3) Business and governmental offices (general administrative)	P
	(4) Professional offices including legal, engineering, architecture, accounting, real estate, insurance, research and consulting services	P
(b)	<i>General commercial uses</i>	
	(1) Art, music and photographic studios	P
	(2) Bakeries, retail only	P
	(3) Books, gifts and stationery stores	P
	(4) Candy stores and confectioneries	P
	(5) Day nurseries, day care schools	C
	(6) Eating and drinking establishments, limited to restaurants, coffee shops, delicatessens	P
	(7) Florist shops	P
	(8) Gasoline dispensing in conjunction with a convenience food market	C
	(9) Governmental offices and facilities not listed above	C
	(10) Labor hall	P
	(11) >Medical offices including chiropractics and dentistry	C
	(12) Newsstands	P
	(13) Office supply stores	P
	(14) Parking facilities (commercial) where fees are charged	C
	(15) Pawn shops	X
	(16) Photocopying services	P
	(17) Places of public assembly, nonreligious	C
	(18) Retail sales and services (excluding automotive sales, services, vehicles and equipment) not listed above	C
	(19) Schools, limited to trade, business, professional, art, music	P
	(20) Theaters, live performance only (excluding "adult theaters")	C
	(21) Travel agency	P
(c)	<i>Other uses</i>	
	(1) Clubs and lodges including YMCA/YMWA and similar youth group uses (in which no alcoholic beverages shall be served or sold except for special events)	P
	(2) Commercial cannabis activity as defined in chapter 13 of the City Code	X
	(3) Mobile food court	C
	(4) Mobile food facilities—limited (i.e., hot dog carts, snow cones, coffee <del>ckarts</del> , <u>fresh produce carts</u> )	P
	(5) Mobile food facilities—processing (i.e., food trucks)	P
	(6) Museums and cultural centers, nonprofit only	P
	(7) Post office branch	P
	(8) Public parks, playgrounds, schools, libraries, fire and police stations and other public offices	P
(d)	<i>Accessory structures and uses.</i> In the civic center zone, accessory structures and uses, including signs in compliance with chapter 22.1 of the City Code, are allowed which are clearly incidental and secondary to a permitted use	



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(Ord. No. 11-16, § 3, 11-15-11; Ord. No. 16-08 , § 4, 8-9-16; Ord. No. 17-14, § 5, 11-21-17 )

### **Sec. 29-7~~68~~. Civic center zone development standards.**

- (a) The property development standards of the CG general commercial zone shall apply within the civic center zone, except that the required site plan approval may be conditioned on compliance with greater yard, parking or other standards than required therein.
- (b) *Site plan review required.* A site plan review shall be required pursuant to article V, division 4 of this chapter, as follows:
  - (1) *Applicability.* The site plan review process shall apply within the CC zone to all construction of new buildings, or any addition to an existing use, when the addition has a floor area of one thousand (1,000) square feet or more. For new construction and additions less than three thousand (3,000) square feet, the community development director shall have final authority. For new construction and additions of three thousand (3,000) square feet or more, review and action by the planning commission shall be required.
  - (2) *Content of site plan.* In addition to the information specified in section 29-306 of this chapter, a site plan submitted within the CC zone shall include ~~eighteen (18) copies of~~ the exterior elevation plans of all sides of the proposed building indicating materials and colors to be used on all exterior surfaces; and such other drawings or data as requested by the community development director to assist the commission in its review of the site plan.
  - (3) *Alteration of existing uses.* Notwithstanding the provisions of article IV, division 6 of this chapter regarding nonconforming uses, any use of property in the civic center zone which existed on the effective date of this ordinance, may be altered; enlarged, or expanded subject to a site plan review by the planning commission pursuant to article V, division 4 of this chapter. The planning commission may apply conditions of approval to any existing building, structure, or use on the same property, as well as to the proposed alteration, expansion, or enlargement.
- (c) *Additional zoning provisions.* The following zoning provisions shall also apply:
  - (1) *Parking and loading regulations.* See article III, division 5 of this chapter.
  - (2) *Vehicular access.* See section 29-137.
  - (3) *Required landscaping, screening, fencing and outdoor storage.* See article III, division 6 of this chapter.
  - (4) *Accessory structures and uses.* See article III, division 9 of this chapter.
  - (5) *Temporary uses.* See article IV, division 5 of this chapter.
  - (6) *Nonconforming uses and lots.* See article IV, division 6.
  - (7) *Signs.* See chapter 22.1 of the City Code.

(Ord. No. 13-16, § 11, 4-2-13)

### **Sec. 29-7~~79~~. Civic center zone design standards.**

Development located in the civic center zone shall be subject to the design standards for commercial development contained in section 29-63.

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**Secs. 29-~~7880~~—29-~~7983~~. Reserved.**

## *DIVISION 6. LIMITED USE ZONE*

### **Sec. 29-8~~04~~. Purpose and intent.**

*LU, limited use zone.* This zone is applied where concerns of public health and safety necessitate that use of property be limited, where public or semi-public ownership of land limits the use of the property, or where the property is used or planned for a transportation or utility corridor. Typical application of this zone would include flood control or irrigation channels; schools, parks or other public facilities, existing or future highways, railways or other modes of transportation, or facilities for the production and transmission of electrical, gas, geothermal or other forms of energy. The LU zone is intended to implement the public general plan land use designation.

(Ord. No. 09-04, § 1A, 6-17-09)

### **Sec. 29-8~~15~~. Permitted uses.**

- (a) *Publicly owned lands.* Buildings, structures and land uses established in the LU limited use zone, on land which is owned in fee by a public agency of the city, county, state or federal government, public district or other political subdivision, including a public school district, shall be in accordance with a development plan approved by the governing body of such agency, or by the administrative entity of such agency empowered to approve such development plans. Any lease, license or permit grant for a use of such publicly owned land by a person other than a public agency, except in the provision of a service incidental to the principal public use of the land, shall be subject to issuance of a conditional use permit pursuant to the provisions of section 29-320.
- (b) *Privately owned land.* Buildings, structures and land uses established in the LU limited use zone by any person, including a public utility, except those agencies referenced in subsection (a) above, shall be subject to issuance of a conditional use permit pursuant to the provisions of section 29-320. The provision of this section shall not apply to activities of a public utility where the authority of the city to review a proposed use is limited by state or federal law.

### **Sec. 29-8~~26~~. Limited use zone development standards.**

For uses established in the LU limited use zone, the property development standards, including lot area, setback, height, design, landscaping, screening, parking, lighting and other requirements for the proposed use, shall be those of the CG zone as identified in section 29-62.

### **Sec. 29-8~~37~~. Limited use zone design standards.**

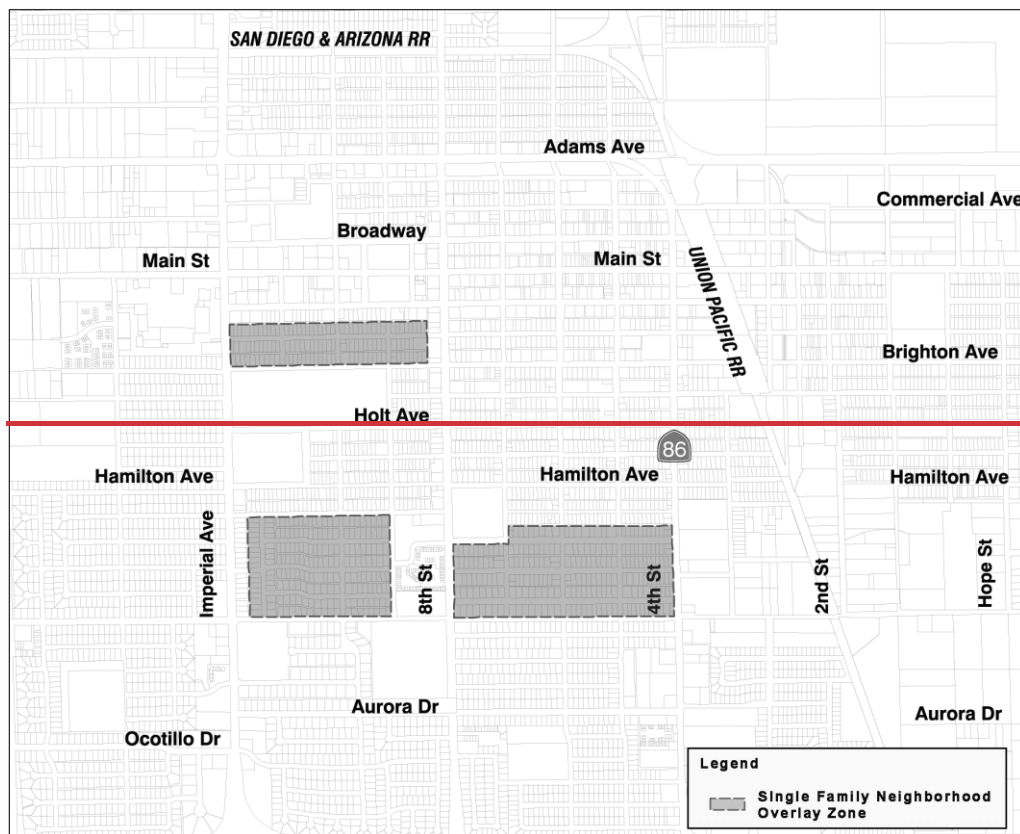
Development located in the limited use zone shall be subject to the design standards identified in the development plan approved by the appropriate governing body or by the conditional use permit approved for the project, as applicable.

**~~Secs. 29-88—29-91. Reserved.~~**

## *DIVISION 7. SINGLE-FAMILY NEIGHBORHOOD OVERLAY ZONE*

### **Sec. 29-8492. Purpose and intent.**

*SF single-family neighborhood overlay zone.* This zone is applied on parcels within the existing single-family neighborhoods shown on figure 29-8492.1. These older residential neighborhoods were developed in the early part of the 1920s and represent a historic character that the city wishes to preserve. The intent of the overlay zone is to protect these existing neighborhoods from development that is out of character, scale, and architectural style with the existing development. The single-family neighborhood overlay zone is intended to implement the single-family neighborhood overlay general plan land use designation.





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avoid new development or redevelopment that would conflict with the nature of existing development in the single-family neighborhood overlay zone.

(b) *Site planning and building orientation.*

- (1) For vacant sites, new development shall maintain the average existing setbacks (front, side, and rear) on the block as determined by the community development director.
- (2) For redevelopment of parcels developed as of the effective date of this zoning ordinance, the setbacks (front, side, and rear) of the existing primary residence and any accessory structures shall be maintained.
- (3) To the extent residential windows face the windows of an adjacent unit, the windows shall be offset to maximize privacy. Windows, balconies or similar openings shall be oriented to minimize direct line-of-sight into adjacent units within the development. To provide privacy for adjacent residential units, windows on the second and higher floors of buildings, which directly face or abut residential zones, may be designed either as translucent, louvered, be offset from existing residential windows, or utilize another solution to achieve privacy for the adjacent residential units.

(c) *Mass and scale.*

- (1) Building facades and garages that face existing residential units shall be designed to be compatible with the setbacks and scale of the existing development.
- (2) The mass and scale of a new development shall be compatible with neighboring development and not overwhelm them with disproportionate size or a design that is out of character.
- (3) Building scale shall be reduced through the proper use of window patterns, structural bays, roof overhangs, awnings, moldings, fixtures and other details that promote a "human" scale.

(d) *Architecture.* New development and redevelopment shall be constructed in a style (1920s bungalows) similar and complementary to existing development on-site and/or within the same block, as appropriate.

(e) *Landscaping.* Landscaping shall be in scale with the proposed development and of similar size at maturity as surrounding landscaped developments.

(Ord. No. 13-16, § 12, 4-2-13)

~~Secs. 29-96—29-99. Reserved.~~

## *DIVISION 8. MIXED USE ZONE*

### **Sec. 29-88. Purpose and intent.**

Mixed use zones providing a range of medium to high residential dwelling unit densities, a variety of housing types, and a mix of pedestrian-oriented commercial uses are hereby established to achieve the following purposes.

*MU1 mixed use 1 zone.* This zone is intended to provide for a mix of multi-family residential, live/work and smaller scale, pedestrian-oriented commercial uses (including retail, artisan manufacturing, grocery stores, pharmacies, financial institutions, cafes and restaurants, offices, personal services, dry cleaners/laundromats) and similar uses deemed by the Director as compatible with residential neighborhoods. This zone includes the development of medium high density apartment, condominium, town house, duplex, and triplex dwellings with a minimum density of twelve (12) dwelling units per net acre and a maximum density of twenty-five (25) dwelling units per net acre, on lots not less than seven thousand two hundred (7,200) square feet in net area. A maximum

density of thirty-two (32) dwelling units per net acre may be approved for senior-only projects or a senior portion of a project in compliance with Article IV, Division 4, density bonus. Because mixed use development includes both residential and nonresidential uses, the zoning district includes both density and intensity standards.

Overall, the MU1 zone intends to:

- (a) implement the mixed use goals and policies of the General Plan, by creating or reactivating vital areas for living, working, shopping, and recreating.
- (b) ensure that mixed-use development is of high quality and contains a functionally integrated development plan.
- (c) provide a variety of housing types and densities to support the diverse population and local workforce.
- (d) create a more vibrant, comfortable, and welcoming environment that fosters a mix of businesses and entrepreneurs to serve residents and visitors.
- (e) enrich opportunities for amenity spaces and artwork.
- (f) promote walkability within an individual project and throughout the mixed use corridor area and support increased bicycling and transit use.
- (g) increase awareness of design considerations among the citizens of El Centro.
- (h) upgrade the visual appearance of El Centro's primary vehicular corridors.
- (i) enhance community identity and property values within El Centro.

#### **Sec. 29-89. Mixed use zones use regulations.**

The uses identified in table 29-89.1 shall be permitted uses where the symbol "P" appears. Where the symbol "C" appears, the use requires a conditional use permit pursuant to article V, division 6 of this chapter. The symbol "X" indicates that the use is prohibited.

Mixed use developments, artisan lofts, live/work, and stand-alone residential developments shall be permitted uses, only if the project fully complies with all development and design standards of this division.

Within the MU1 zone, only the following occupations are intended for the commercial/office component of the live/work use: accountants; architects; artists and artisans; attorneys; computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; insurance; medical offices; real estate and travel agents; photographers, and other occupations deemed by the Director to be similar and compatible with residential neighborhoods.

Table 29-89.1  
Mixed Use Zones Use Regulations

<u>Use</u>		<u>Zoning District Regulations</u>	
		<u>MU1</u>	
<u>(a)</u>	<u>Residential uses</u>		
	<u>(1) Single-family dwellings, attached</u>	<u>P</u>	

<u>Use</u>		<u>Zoning District Regulations</u>	
		<u>MU1</u>	
	<u>(2) Mobile homes on permanent foundations, see limitation above in this section 29-53 and article IV, division 2 mobile home regulations. A mobile home on a permanent foundation is permitted only on a lot where no other mobile home on a permanent foundation, single-family dwelling or multiple-family dwellings are located, regardless of the lot size and the number of dwelling units otherwise permitted by this section</u>	<u>X</u>	
	<u>(3) Duplex (attached) and two-family dwellings</u>	<u>P</u>	
	<u>(4) Multi-family residential or residential units on the second floor and above first floor commercial uses, including residential care facilities and transitional housing.</u>	<u>P</u>	
	<u>(5) Group dwellings</u>	<u>X</u>	
	<u>(6) Planned unit development, see section 29-178</u>	<u>C</u>	
	<u>(7) Mobile home parks, see article IV, division 2 mobile home regulations</u>	<u>X</u>	
	<u>(8) Live/work</u>	<u>P</u>	
	<u>(9) Artisan lofts</u>	<u>P</u>	
	<u>(10) Senior citizen apartment projects, see article IV, division 4 density bonus program</u>	<u>C</u>	
	<u>(11) Accessory dwelling unit</u>	<u>P</u>	
	<u>(12) Residential care facilities, small</u>	<u>P</u>	
	<u>(13) Residential care facilities, large</u>	<u>P</u>	
<u>(b) Financial, professional services and office uses:</u>			
	<u>(1) Bail Bond Offices</u>	<u>X</u>	
	<u>(2) Banks and similar financial institutions (drive-through requires a CUP)</u>	<u>P</u>	
	<u>(3) Business and professional offices including general, non-medical, legal, engineering, architecture, accounting, research and consulting services offices (non-medical)</u>	<u>P</u>	
	<u>(4) Currency exchange houses</u>	<u>X</u>	
	<u>(5) Check cashing facilities</u>	<u>X</u>	
	<u>(6) Medical offices including chiropractic, dentistry, and veterinary</u>	<u>P</u>	
<u>(c) General commercial uses:</u>			
	<u>(1) Limited: The following uses may contain no more than three thousand five hundred (3,500) square feet of gross floor area within a single establishment, or as otherwise limited in size below:</u>		



<u>Use</u>		<u>Zoning District Regulations</u>	
		<u>MU1</u>	
	<u>a. Arcades and electronic games</u>	<u>C</u>	
	<u>b. Athletic and health clubs</u>	<u>P</u>	
	<u>c. Barber and beauty shops</u>	<u>P</u>	
	<u>d. Catering establishments</u>	<u>C</u>	
	<u>e. Cleaners including dry cleaning with or without cleaning machinery on site</u>	<u>P</u>	
	<u>f. Commercial recreation facilities not otherwise listed</u>	<u>P</u>	
	<u>g. Interior decorating shops</u>	<u>P</u>	
	<u>h. Hotels/motels, with no more than 100 rooms</u>	<u>P</u>	
	<u>i. Laundromats, coin-operated</u>	<u>P</u>	
	<u>j. Mail and shipping services</u>	<u>P</u>	
	<u>k. Massage therapy services</u>	<u>P</u>	
	<u>l. Pet stores/pet grooming with no overnight boarding or care of animals</u>	<u>P</u>	
	<u>m. Pet stores/pet grooming with overnight boarding or care of animals</u>	<u>X</u>	
	<u>n. Pharmacies</u>	<u>P</u>	
	<u>o. Photocopying services</u>	<u>P</u>	
	<u>p. Repair services, consumer; for repair of personal and household items, but excluding automobile repair or items used primarily for business</u>	<u>X</u>	
	<u>q. Travel agencies</u>	<u>C</u>	
	<u>(2) General: The following uses without limitation as to size:</u>		
	<u>a. Child day care center</u>	<u>P</u>	
	<u>b. Public and private parking lots, see section 29-134</u>	<u>P</u>	
	<u>c. Parking facilities (commercial) where fees are charged</u>	<u>X</u>	
	<u>d. Places of public assembly, nonreligious</u>	<u>X</u>	
	<u>e. Schools trade, including art, music, or swimming schools</u>	<u>P</u>	
	<u>f. Theaters (motion picture) and playhouses</u>	<u>X</u>	
<u>(d)</u>	<u>Manufacturing uses:</u>		
	<u>(1) Artisan manufacturing and production</u>	<u>P</u>	
<u>(e)</u>	<u>Eating and drinking establishments:</u>		
	<u>(1) Cafes, restaurants, coffee shops, delicatessens</u>	<u>P</u>	



<u>Use</u>		<u>Zoning District Regulations</u>	
		<u>MU1</u>	
	<u>(2) Micro-brewery, distillery, or winery, including tasting room, restaurant, or on-site and off-site consumption, with appropriate ABC license</u>	<u>P</u>	
	<u>(3) Mobile food courts</u>	<u>C</u>	
	<u>(4) Mobile food facilities - limited (i.e., hot dog carts, snow cones, coffee carts, fresh produce carts)</u>	<u>P</u>	
	<u>(5) Mobile food facilities - processing (i.e., food trucks)</u>	<u>P</u>	
	<u>(6) Snack bars, take-out only, refreshment stands contained within a building</u>	<u>P</u>	
	<u>(7) Fast-food restaurants (drive-in or drive-through service requires CUP)</u>	<u>P</u>	
<u>(f) Retail sales:</u>			
	<u>(1) Limited: The following uses may contain no more than three thousand five hundred (3,500) square feet of gross floor area within a single establishment</u>		
	<u>a. Antique shops</u>	<u>X</u>	
	<u>b. Apparel stores and repair</u>	<u>P</u>	
	<u>c. Appliance and electronic stores and repair</u>	<u>X</u>	
	<u>d. Art gallery</u>	<u>P</u>	
	<u>e. Bakeries, retail only</u>	<u>P</u>	
	<u>e. Book, gifts, and stationery stores</u>	<u>P</u>	
	<u>f. Craft and handmade specialty items</u>	<u>P</u>	
	<u>g. Feed and tack stores</u>	<u>X</u>	
	<u>h. Florist shops</u>	<u>P</u>	
	<u>i. Jewelry stores</u>	<u>P</u>	
	<u>j. Retail stores and shops, including variety, shoes, toys, hardware, hobby, and furniture.</u>	<u>P</u>	
	<u>(2) Limited: The following uses may contain no more than ten thousand (10,000) square feet of gross floor area within a single establishment</u>		
	<u>a. Food and grocery stores, drug stores with or without pharmacies</u>	<u>P</u>	
	<u>b. Specialty food stores</u>	<u>P</u>	
<u>(g) Automotive sales, services, vehicles and equipment</u>			
	<u>(1) Bicycle shop, nonmotorized</u>	<u>P</u>	
	<u>(2) Motorcycle sales and services including motorized bicycles</u>	<u>P</u>	
<u>(h) Other uses:</u>			
	<u>(1) Colleges, public or private</u>	<u>X</u>	
	<u>(2) Collocation facilities in compliance with section 29-259.</u>	<u>P</u>	

<u>Use</u>	<u>Zoning District Regulations</u>	
	<u>MU1</u>	
(3) <u>Communication facilities, see requirements in Article IV, Division 8 of this Chapter, including exemptions in section 29-25 and excluding collation facilities discussed in section 29-259</u>	<u>C</u>	
(4) <u>Convalescent homes</u>	<u>X</u>	
(5) <u>Churches and parochial schools</u>	<u>X</u>	
(6) <u>Emergency shelters</u>	<u>X</u>	
(7) <u>Low barrier navigation centers<sup>1</sup></u>	<u>P</u>	
(8) <u>Museums and cultural centers</u>	<u>C</u>	
(9) <u>Private schools</u>	<u>X</u>	
(10) <u>Public parks and playgrounds</u>	<u>P</u>	
(11) <u>Single room occupancy building</u>	<u>C</u>	
(12) <u>Supportive housing<sup>2</sup></u>	<u>P</u>	
(i) <u>Accessory structures and uses. The following accessory structures and uses are permitted or conditionally permitted, as indicated, and are subject to section 29-162 of the chapter, or other law and ordinances established to regulate such uses.</u>		
(1) <u>Guest dwellings, see section 29-162(1)</u>	<u>X</u>	
(2) <u>Home occupation, see section 29-162(2)</u>	<u>P</u>	
(3) <u>Small family day care home</u>	<u>P</u>	
(4) <u>Large family day care home within and accessory to a single-family dwelling, see section 29-162(4)</u>	<u>P</u>	
(5) <u>Signs (in compliance with chapter 22.1 of the Code, and incidental to a permitted use)</u>	<u>P</u>	
(6) <u>Other structures accessory and incidental to permitted uses, subject to applicable development standards</u>	<u>P</u>	
(7) <u>Outdoor seating within city right-of-way and accessory to: cafes, restaurants, coffee shops, delicatessens and other commercial uses (with approved encroachment permits).</u>	<u>P</u>	
(ii) <u>Prohibited uses. The following uses are prohibited in all mixed use zones:</u>		
(1) <u>Advertising structures (billboards, as defined in chapter 22.1 of the City Code)</u>	<u>X</u>	
(2) <u>Bars, night clubs, cabarets</u>	<u>X</u>	
(3) <u>Gasoline dispensing and/or automotive service stations</u>	<u>X</u>	
(4) <u>Liquor stores with appropriate ABC license</u>	<u>X</u>	
(5) <u>Pawn Shops</u>	<u>X</u>	
(6) <u>Tobacco retail shops</u>	<u>X</u>	
(7) <u>Commercial cannabis activity as defined in chapter 13 of the City Code</u>	<u>X</u>	

<sup>1</sup> Meeting the requirements of California Government Code 65662

<sup>2</sup> Meeting the requirements of California Government Code 65651

## **Sec. 29-90. Mixed use zones property development standards.**

The following minimum property development standards identified in table 29-90.1 shall apply to all land and buildings in the mixed use zones, except that any lot shown on an official subdivision map duly approved and recorded, or any lot for which a bona fide deed had been duly recorded prior to the effective date of this chapter may be used as a building site. See also article III of this chapter for exceptions to, or clarification of, these regulations.

Additionally, before any building, structure, or use of land outside of a building or structure, is established in a mixed use zone, a site plan shall be submitted to and approved by the community development director, pursuant to article V, division 3 of this chapter. If specified by this chapter, such site plan review shall be conducted by the planning commission and/or city council.

Table 29-90.1  
Mixed Use Zones Development Standards

<u>Development Standard</u>		<u>Zoning District Regulations</u>	
		<u>MU1</u>	
(a)	<u>Minimum net lot area, in square feet</u>	<u>7,200</u>	
(b)	<u>Density - dwelling units per net acre</u> <u>(stand-alone residential or residential</u> <u>portion of a mixed use development)</u>		
	<u>(1) Minimum</u>	<u>12</u>	
	<u>(2) Maximum</u>	<u>25</u>	
	<u>(3) Maximum (senior-only projects</u> <u>or senior portion of a project)</u>	<u>32</u>	
(c)	<u>Minimum lot width, in feet</u>		
	<u>(1) Interior lot</u>	<u>60</u>	
	<u>(2) Corner lot</u>	<u>65</u>	
(d)	<u>Minimum lot depth, in feet</u>	<u>100</u>	
(e)	<u>Minimum building setbacks, in feet</u>		
	<u>(1) Front</u>	<u>15</u>	
	<u>(2) Rear</u>		
	<u>a. Abutting a nonresidential zone</u>	<u>5</u>	
	<u>b. Abutting a residential zone</u>	<u>15</u>	
	<u>c. With a two (2) story building or</u> <u>portion thereof</u>	<u>15</u>	
	<u>d. With a two (2) story building</u> <u>abutting an alley</u>	<u>15</u>	
	<u>(3) Side</u>		
	<u>a. Interior side</u>	<u>5</u>	
	<u>b. Exterior side</u>	<u>15</u>	
	<u>c. Abutting a residential zone</u>	<u>10</u>	

<u>Development Standard</u>		<u>Zoning District Regulations</u>	
		<u>MU1</u>	
	<u>(4) Between main buildings</u>	<u>No requirement</u>	<u>Refer to building/fire code limitations.</u>
	<u>(5) Abutting interior driveways and open parking</u>	<u>No requirement</u>	
<u>(e)</u>	<u>Maximum lot coverage, percent</u>	<u>No requirement</u>	
<u>(f)</u>	<u>Maximum building height, in feet</u>	<u>45</u>	
<u>(g)</u>	<u>Maximum floor area ratio</u>		
	<u>(1) Stand-alone commercial</u>	<u>0.3:1</u>	
	<u>(2) Mixed use (including live/work and artisan lofts)</u>	<u>1.0:1</u>	
<u>(h)</u>	<u>Parking and loading</u>	<u>See article III, division 5</u>	
<u>(i)</u>	<u>Building setback</u>	<u>10 ft setback required for habitable space at 3rd floor when abutting residential zone.</u>	
<u>(j)</u>	<u>Minimum landscape buffer area, in feet</u>	<u>See section 29-91 for details.</u>	
	<u>(1) Rear</u>		
	<u>a. Abutting a nonresidential zone</u>	<u>5</u>	
	<u>b. Abutting a residential zone</u>	<u>10</u>	
	<u>(2) Side</u>	<u>5</u>	
<u>(k)</u>	<u>Vehicular access</u>	<u>See section 29-137</u>	
<u>(l)</u>	<u>Required landscaping, screening and fencing</u>	<u>See section 29-91 and article III, division 6 of this Chapter</u>	
<u>(m)</u>	<u>Laundry room</u>	<u>For developments of ten (10) or more dwelling units, a minimum of one (1) clothes washer and one (1) clothes dryer per each full ten (10) dwelling units shall be provided and maintained within an enclosed structure. The provision of one (1) clothes washer and one (1) clothes dryer hookup in each dwelling unit shall meet this requirement.</u>	
<u>(n)</u>	<u>Performance standards</u>	<u>See article III, division 8 of this chapter</u>	
<u>(o)</u>	<u>Accessory uses</u>	<u>See article III, division 9 of this chapter</u>	
<u>(p)</u>	<u>Temporary uses</u>	<u>See article IV, division 5 of this chapter</u>	
<u>(q)</u>	<u>Nonconforming uses and lots</u>	<u>See article IV, division 6 of this chapter</u>	
<u>(r)</u>	<u>Signs</u>	<u>See chapter 22.1 of the City Code</u>	

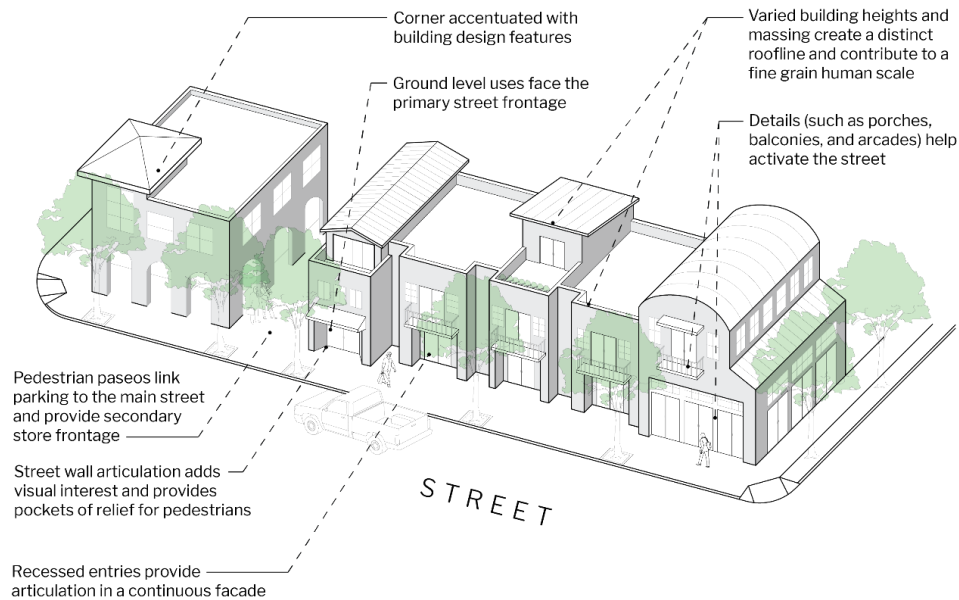
### **Sec. 29-91. Mixed use zones design standards.**

- (a) Purpose. These design standards are intended to assist the project applicant in understanding the city's requirements for high quality development. These mandatory standards complement the development regulations contained in this division by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations. These standards ensure the highest

level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

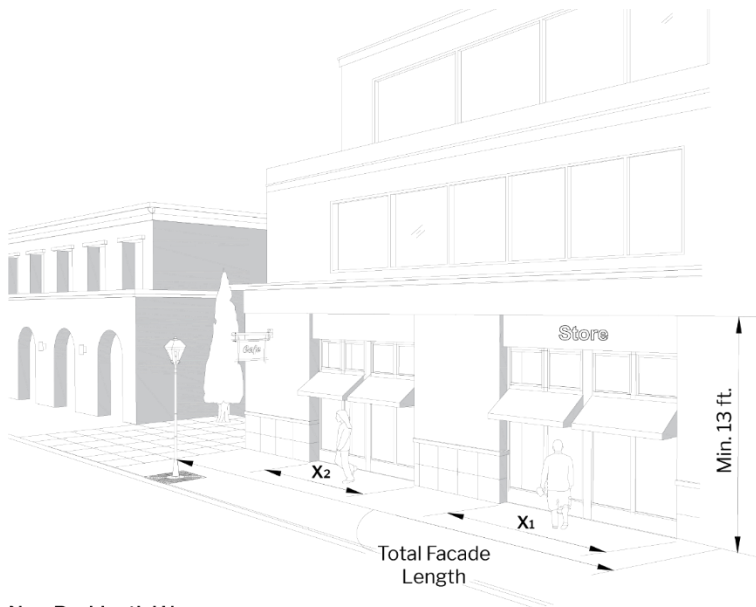
(b) Building siting, access, orientation, and shade.

- (1) The whole project site shall contain a functionally integrated development plan to provide order, compatibility, and an appropriate mix of uses.
- (2) Consistent with Crime Prevention Through Environmental Design (CPTED) principles, orient building doors, windows, and entrances to relate directly to public and private streets, drives, paseos, greenways, and common open space amenities and generally create an attractive presence.



- (3) Provide direct pedestrian access from ground level residential units to streets and communal areas. Provide alley access for residential as available.
- (4) Provide direct pedestrian access from ground level commercial to the primary street frontage.
- (5) For sites greater than one acre in area, incorporate informal outdoor areas and pedestrian nodes that can function as gathering spaces into the overall site design. These areas shall adjoin the development's common facilities, such as the play areas, courtyards, barbecue area, and community buildings.
- (6) Circulation components shall be pedestrian-friendly and configured in such a manner as to facilitate physical and visual connections with adjacent uses.
- (7) All alleys shall be paved for vehicular traffic if utilized for vehicular access. Green alleys are encouraged with pervious paving with a high albedo, such as permeable pavers, porous asphalt, reinforced grass pavement (turf-crete), stone pavers and other permeable materials
- (8) The workspace of a live/work or artisan loft dwelling unit shall be accessible from the street and open to the street.
- (9) When adjacent to a public street, outdoor dining areas shall provide a minimum of 5 feet of unobstructed pedestrian circulation and shall be placed at least twenty (20) feet away from an intersection.

- (10) All developments shall provide shade for at least 50 percent of all exterior common areas, sidewalks, paseos, and pedestrian pathways fronting and within the development, as measured at 2:00 pm on June 21. Shade may be provided through the following design elements: arcades; colonnades; verandas; covered porches; fixed canopies, awnings, trellises, or other shade structures; or shade trees.
- (11) Permanent shade structures such as canopies and arcades shall maintain a vertical clearance of at least 10 feet above finished grade.
- (12) For non-residential uses, a minimum of 60 percent of the street wall area on the ground floor shall be transparent. For residential uses, a minimum of 40 percent of the street wall area on the ground floor shall be transparent.
- (13) Ground floor spaces shall provide a clear floor to ceiling height of 13 feet minimum.



**Non-Residential Uses:**

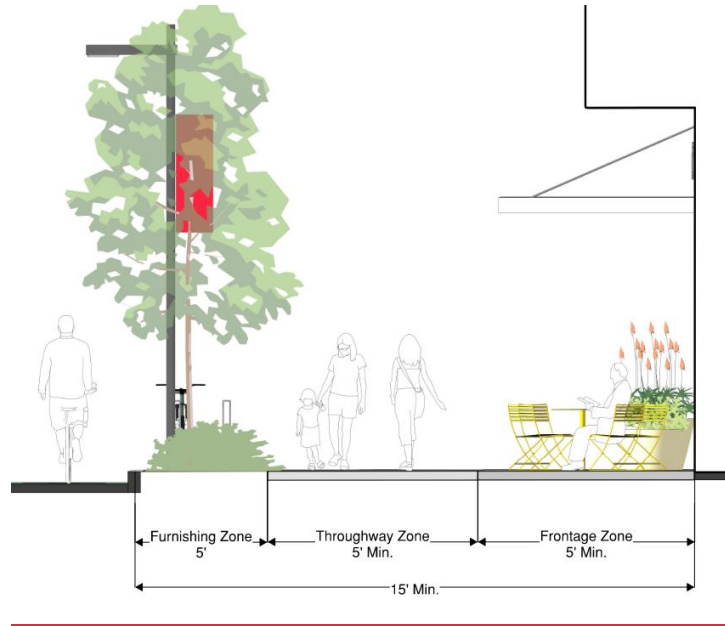
$X1 + X2 = \text{Min. 60\% of Total Facade Length}$

**Residential Uses:**

$X1 + X2 = \text{Min. 40\% of Total Facade Length}$

(c) Sidewalk zone.

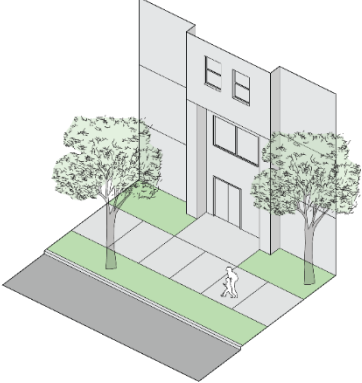
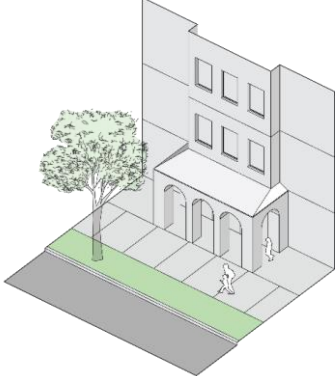
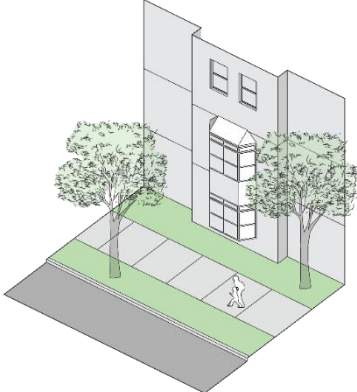
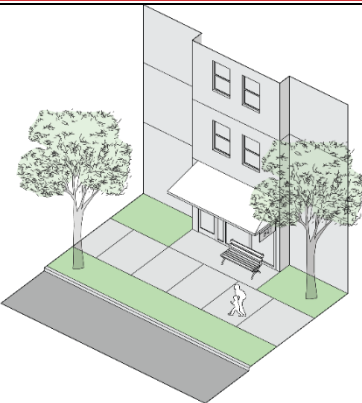
- (1) All sidewalk zones shall be a minimum of 15 feet from the face of the existing curb to allow for a wider pedestrian zone and encourage cafe seating and activation of the sidewalk. See also Section 29-91(k), *street trees and streetscape improvements*. The sidewalk zone shall consist of the following three areas:
- Furnishing area: Five (5) feet wide and adjacent to the curb. Area includes street trees, understory planting, light poles, bike racks and/or trash and recycle receptacles. This width shall remain consistent throughout the mixed use zone.
  - Throughway area: Minimum five (5) feet wide of unobstructed walking surface, consisting of ADA compliant paving. Note this area may be increased to allow for a wider sidewalk area.
  - Frontage area: Minimum five (5) feet wide closest to building. This area may be widened to allow for additional cafe seating, benches or other amenity areas adjacent to the building.



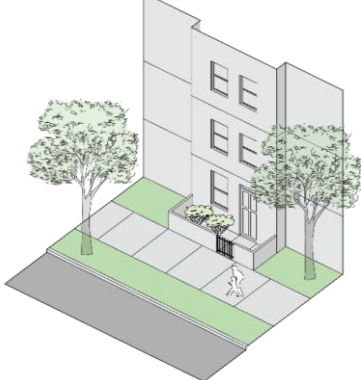

(d) Building Frontage Design.

(1) Activate the street façades of buildings by providing a minimum of two (2) frontage elements listed below. A minimum of two (2) elements must be provided for every 30 feet of the building street façade length (frontage elements selected may repeat and may encroach into the required front setback per section 29-114(h).):

<p><u>a. covered porch</u></p>	<p>An isometric view of a three-story building with a covered porch on the ground floor. A person is walking on the sidewalk in front of the porch.</p>
<p><u>b. gated stoop</u></p>	<p>An isometric view of a three-story building with a gated stoop on the ground floor. A person is walking on the sidewalk in front of the stoop.</p>

<p><u>c. recessed entrance</u></p>	
<p><u>d. arcade or colonnade</u></p>	
<p><u>e. bay windows</u></p>	
<p><u>f. awnings, overhangs, or trellises projecting a minimum of two (2) feet</u></p>	



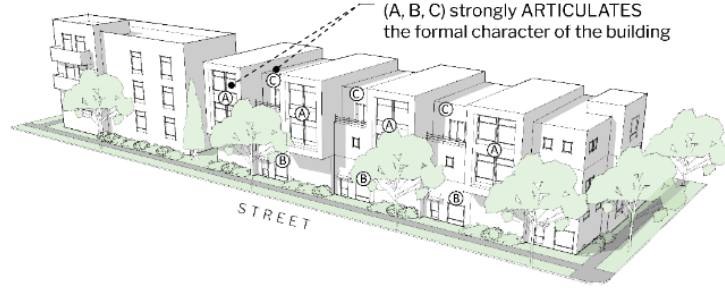
<p><u>g. yard, forecourt, planter</u></p>	
<p><u>h. storefront with a minimum 60 percent transparent on the ground floor</u></p>	

(e) Building scale, massing, and articulation.

- (1) Entries should be easily identified by architectural accents or massing. Emphasize each business or dwelling unit's entry and differentiate it through architectural elements such as porches, stoops, or roof canopies, and detailing such as paint color, trim, materials, or awnings. Offer opportunities for residents to personalize their entry by providing floor space or a wide ledge for potted plants.
- (2) Reduce the visual bulk of new mixed use development by incorporating any three (3) of the following design features:
  - a. Accentuated building corners (this may be achieved with architectural treatments, such as a change in material, greater building height at the corner, rounded or chamfered building facades, pronounced building forms, enhanced window treatments or projections - such as awnings, trellises, parapets, roof overhangs, etc.)
  - b. Fenestration elements, such as recessed windows, decorative panels and trim, color accents, offsets and framed openings.
  - c. Patterned garage doors with painted trim or varied garage door colors.
  - d. A change in materials and finishes, providing at least three materials and finishes across the building façade.
  - e. A horizontal offset in the building plane consisting of a minimum two-foot offset in the building façade for every 30 feet of building frontage.
  - f. A ten-foot stepback for habitable space of the third floor.

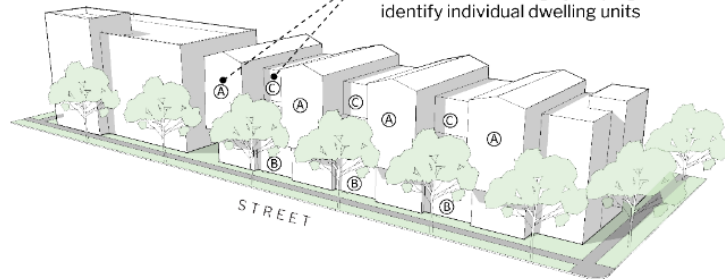
### ARTICULATION

Coordinating window locations and sizes with the massing of a building (A, B, C) strongly **ARTICULATES** the formal character of the building



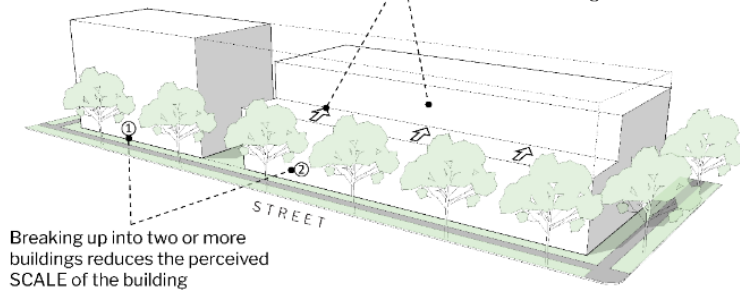
### MASSING

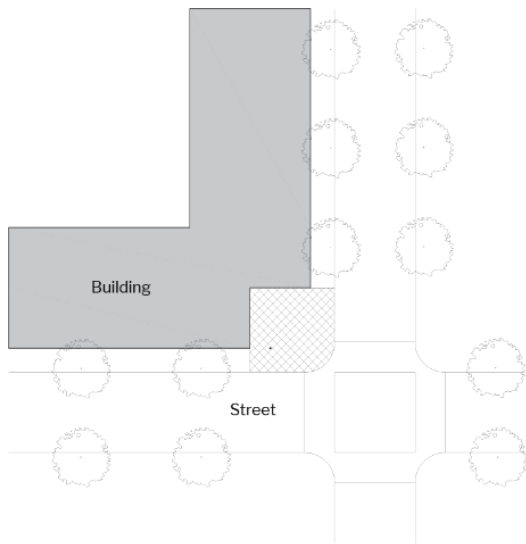
Establishing a pattern of smaller forms (A, B, C) can refine the **MASSING** and reduce the bulk of a building by helping to identify individual dwelling units



### SCALE

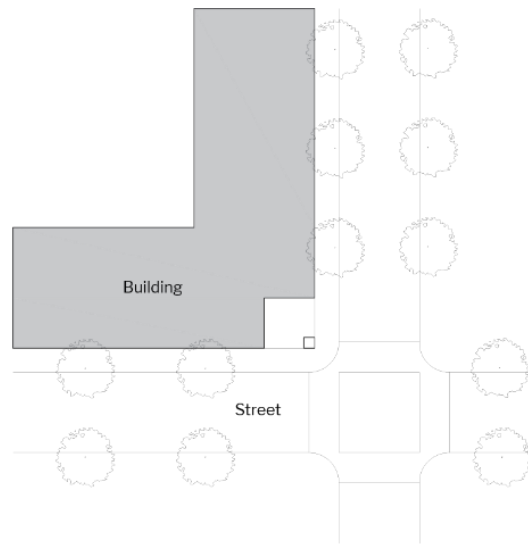
Stepping back upper levels reduces the perceived **SCALE** of the building





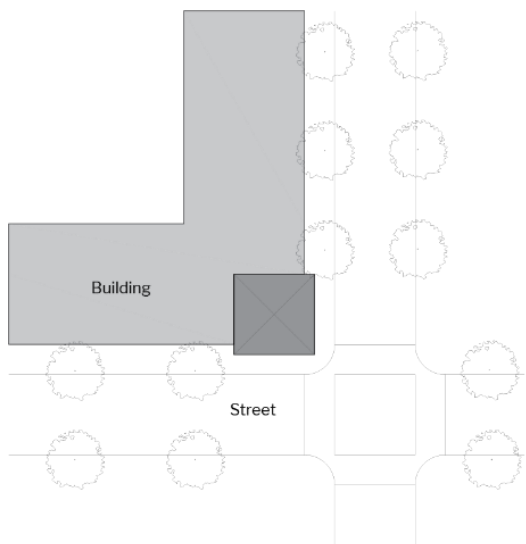
#### **Corner Plaza**

A building corner plaza is provided that offers opportunities for pedestrian uses, such as gathering spaces and outdoor cafes.



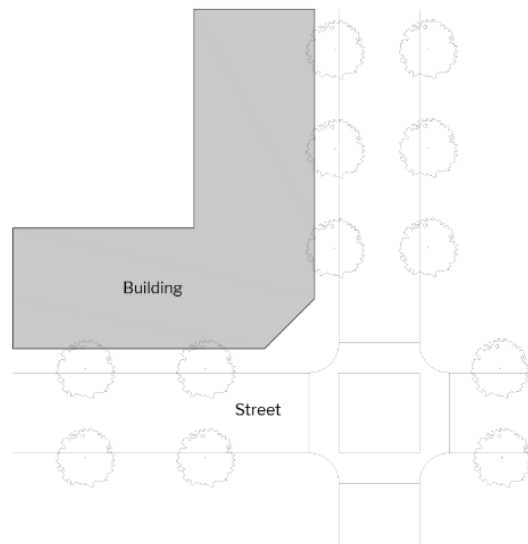
#### **Recessed Entry**

Building entrance is recessed and a semi-enclosed entry portico provided at the street corner



#### **Corner "Tower"**

Building massing is expressed in the form of a "tower" element or landmark feature at the street intersection

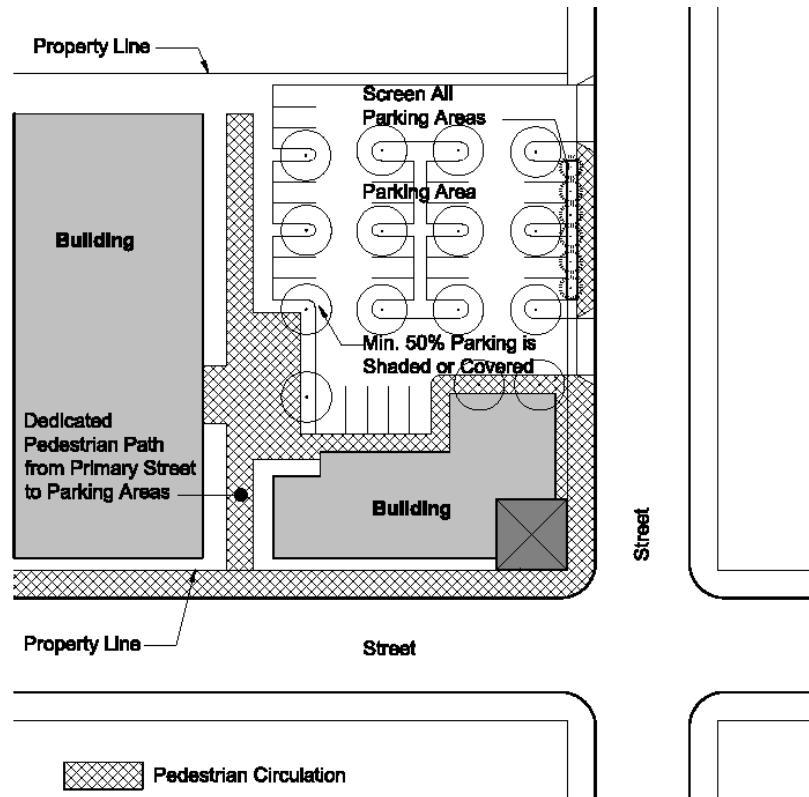


#### **Chamfered Corner**

Building entrance oriented at a 45 degree angle with the street intersection

#### **(f) Circulation and parking.**

- (1) Minimize cross circulation between vehicles and pedestrians by providing a continuous, clearly marked walkway from parking areas to main entrances of buildings.**

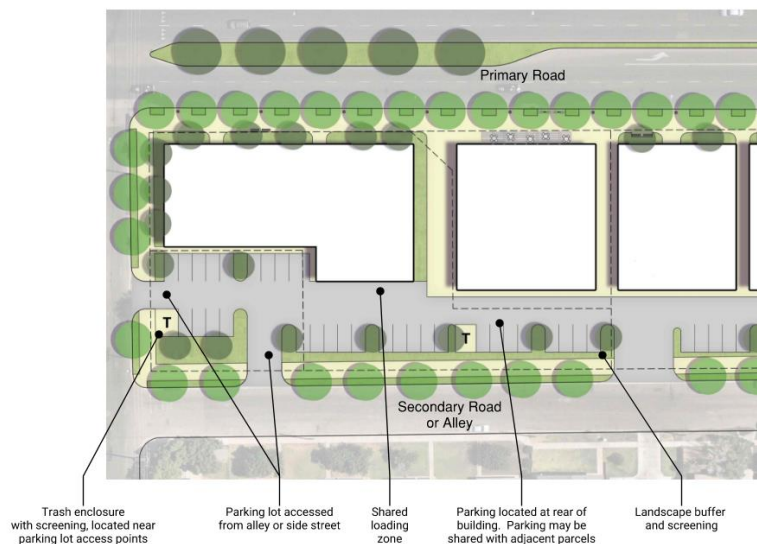


- (2) Parking shall be located to the rear or side of the building. Secondary entries from the parking lots shall be provided for all buildings.
- (3) No vehicle access or curb cuts shall be allowed from the primary street frontage, unless approved by the City Engineer.
- (4) Surface parking lots shall be separated from buildings by a minimum of ten (10) feet along the entire building frontage facing the parking area (including a minimum four (4) feet wide walkway and six (6) feet wide landscaped area with breaks as needed for access).
- (5) Shared parking is highly encouraged. Parking lot access may require a shared access easement with adjacent property owners. See Section 29-138, Shared parking facilities.
- (6) Provide enhanced paving, textured paving, colored paving, and/or marked striping at all pedestrian and bicycle crossings in parking areas (such as concrete surface treatment, brick, terra-cotta or stone pavers).
- (7) Provide walkways and/or corridors between residences, parking areas, and all site facilities for safe access. Provide pedestrian walkways and paths that are clearly identified and made safe and accessible through the use of hardscape design, landscaping and lighting.
- (8) Pedestrian connections shall be provided from the streetscape to the parking lot. These connections should occur in the side setbacks and may be widened to provide additional public realm spaces.
- (9) For sites with alley frontage, primary access to parking shall be taken from the alley.
- (10) For sites with two street frontages or more, access to parking shall be from the secondary street (side street).

(11) For sites greater than one acre in area, provide a system of paths, sidewalks, corridors, and walkways that are safe and pleasant pedestrian environments, connect dwelling units and common areas, are well-integrated with the surrounding neighborhood, and provide multiple pedestrian access points.

(12) Incorporate any two (2) or more of the following design features in surface parking areas of the development:

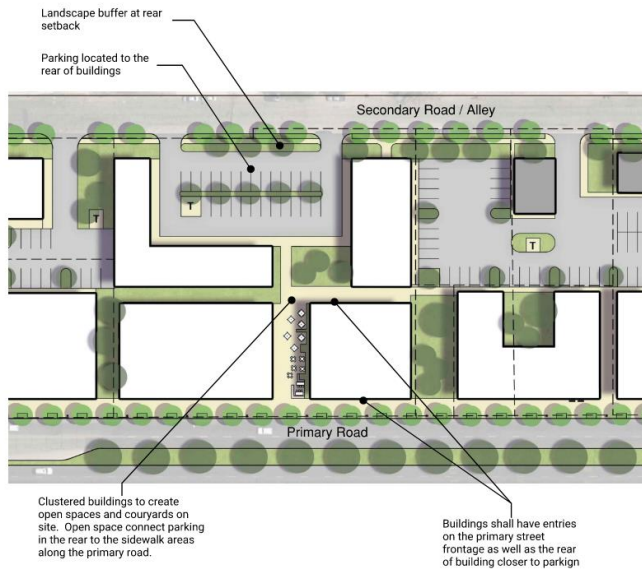
- a. Carports/ Shade Structures providing a minimum of fifty (50) percent shade covering for parking area.
- b. A minimum ten (10) foot wide landscape area (trees, shrubs, groundcover) at the exterior perimeter of all parking lots. The ten (10) foot landscape area may consist of existing and established native and naturalized vegetation and new container plant material comprised of minimum of twenty-four (24) inch box trees and one (1) and five (5) gallon shrubs and groundcover. New planting should consist of a combination of small, medium, and large-scale trees, shrubs, and groundcover. (See Table 29-142.2 and Table 29-142.3 for Groundcover and Shrub Lists.)
- c. One (1) tree per two hundred (200) square feet of landscaping or one (1) tree per every five parking spaces, whichever is more. The required trees shall be a minimum of twenty-four (24) inch box in size when planted. Trees shall be of appropriate size and trunk diameter for the specified container and tree type. Tree spacing may be varied to accommodate site conditions or design considerations; however, the total number of trees calculated for all parking areas shall be maintained.
- d. Increased pervious paving with a high albedo, such as permeable pavers, porous asphalt, reinforced grass pavement (turf-crete), stone pavers and other permeable materials.



(g) Open spaces and public access.

- (1) When appropriate, new structures shall be clustered to create plazas, courtyard or pedestrian paseos within the development and prevent long rows of structures.
- (2) Where feasible, open space areas shall be clustered into larger, landscaped areas rather than equally distributing them into areas of low impact such as at building peripheries, behind a structure or in other areas of little impact to the public view.

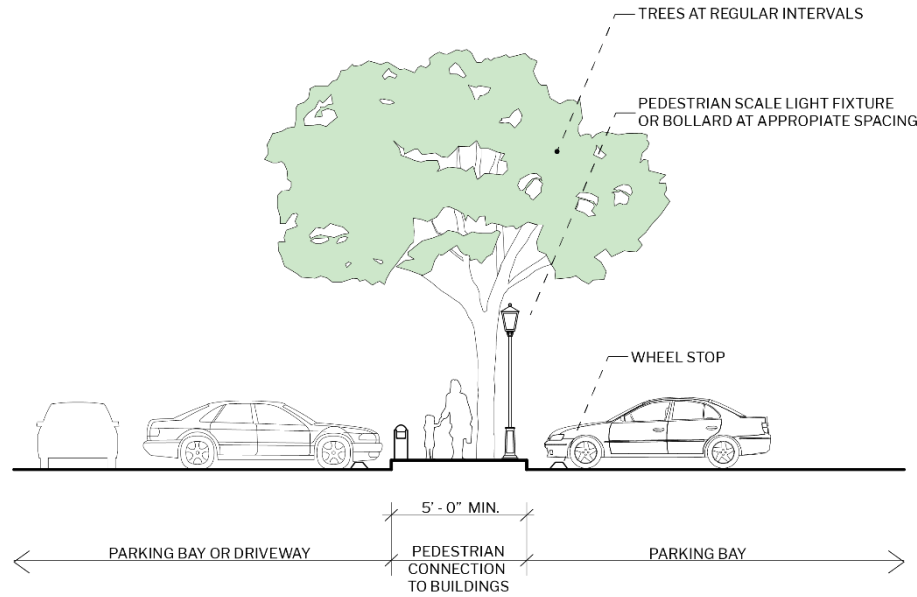
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- (3) Development within the mixed use zone is encouraged to provided open spaces with public access. The spaces may include paseos, pocket parks or plazas and may include a variety of uses from seating, playground equipment, fitness equipment, outdoor cafes, splash pads, public art or other uses.
- (4) Public access to open spaces may be controlled with 6 foot high fences and gates with a minimum of 50 percent opacity for safety and security purposes.
- (5) Usable open space.
- a. For two (2) dwelling units (attached) on a single lot, a minimum of four hundred (400) square feet of usable open space with a minimum dimension of twenty (20) feet shall be provided for each dwelling unit.
  - b. For more than two (2) dwelling units on a single lot or building site, a minimum of one hundred fifty (150) square feet per dwelling unit of common usable open space shall be provided, not less than fifty (50) percent of which shall be located in a single common area with a minimum dimension of twenty (20) feet.
  - c. A minimum of fifty (50) square feet of private open space shall be provided contiguous to each dwelling unit; with a minimum dimension of five (5) feet; and be screened from ground level exterior visibility by a wood or masonry fence not more than fifth (50) percent open and not less than fifty-four (54) inches high, or, if on a deck or balcony, not less than forty-two (42) inches high.
  - d. No portion of off street parking space, driveways, covered pedestrian access ways or utility areas such as laundries or trash areas shall constitute usable open space.
  - e. Pools with incidental cabanas and restrooms, and paved recreation areas may be developed in the required common space.
  - f. Rooftop amenities may also be included in the required open space if they are accessible to all residents.
  - g. Not less than thirty (30) percent of common open space shall be permanently landscaped.
  - h. When a private open space area greater than ninety-six (96) square feet with a minimum width of eight (8) feet is provided for each dwelling unit, the total common open space requirements may be reduced by twenty-five (25) percent.
  - i. Projects shall have safe and efficient access to usable open space, whether public or private, for recreation and social activities. The design and orientation of these areas shall, when feasible, take advantage of available sunlight and be sheltered from the wind, noise and traffic on adjacent streets, and incompatible uses.
  - j. Required common open spaces shall be conveniently and centrally located to the majority of residential units in the development to promote a sense of community. Open space areas located within courtyards is preferred to provide resident privacy and security.
  - k. Common usable open spaces and children's play areas shall be visible from individual residential units and be connected to the internal pedestrian system in the development.
  - l. Private usable open spaces shall be contiguous to and have direct pedestrian access from the residential units they serve.



(h) Buffers and screening.

- (1) Clearly differentiate public and private areas, and residential and non-residential uses, with separate building entrances, building and landscape design features, building separations, access control or a change in levels and materials.
- (2) Provide landscape buffers and/or low patio walls to reduce noise impacts and protect the privacy of residential units along high-traffic streets and intense uses.
- (3) All buildings shall provide a landscape buffer area within the rear and side yard setback area (See Table 29.90.1, Mixed Use Zone Development Standards). The landscape area may consist of existing and established native and naturalized vegetation and new container plant material comprised of twenty-four (24) inch box trees at a minimum of twenty-five (25) feet on center and understory planting with minimum one (1) and five (5) gallon shrubs and groundcover. New planting should consist of a combination of small, medium, and large-scale trees, shrubs, and groundcover. (See Table 29-142.2 and Table 29-142.3 for Groundcover and Shrub Lists.)
- (4) Whether on a roof, side of a structure or on the ground, screen all equipment, utilities, trash enclosures, service/maintenance areas and parking zones of buildings and developments and provide buffers to mitigate nuisances and reduce their visual dominance. The method of screening shall be architecturally integrated with the adjacent structure in terms of materials, color, shape, size, and surrounding landscape. Where individual equipment is provided, a continuous screen is desirable.
- (5) Use vines, shrubs, and trees around garages, tuck-under parking spaces, and underground parking entrances to reduce their visual dominance.
- (6) Screen surface parking lots with landscape plantings, berms, and fencing, in accordance with Sections 29-142 and 29-143.
- (7) Use open spaces, such as pedestrian plazas, paseos, greenways and courtyards, to serve dual functions as valuable community space and buffers between different uses.
- (8) A six (6) foot-high solid masonry wall with a painted, stucco, or natural decorative masonry or adobe surface shall be constructed and maintained where a rear or interior side property line abuts a residential use or zone, in accordance with Section 29-143.

- (9) Screening for outdoor storage (including cart storage) shall be determined by the height of the material or equipment being screened. Chain-link fencing is prohibited. When allowed, exterior storage shall be confined to portions of the site least visible to public view. Where screening is required, a combination of elements shall be used including solid masonry walls, berms, and landscaping.
- (10) Roll-up doors, drive-through aisles, and similar features shall be screened from view of adjacent streets by building orientation and/or the provision of landscaping, trellises, berms, or low walls that are consistent with the architecture and exterior materials of the building.



(i) Roof treatments.

- (1) Provide variation in the roof lines of new development through breaks in parapets, varied parapet heights, pitched roofs, gabled roofs, and/or mansard roofs.
- (2) Provide variable or stepped building heights, both to provide visual interest and give the appearance of a collection of smaller structures.
- (3) All roof top equipment, including roof ladders, shall be screened from public view by screening materials of the same nature as the structure's basic materials. Mechanical equipment shall be located below the highest vertical element of the building.
- (4) The following roof materials shall not be used:
- a. Corrugated metal (standing rib metal roofs are permitted);
  - b. Highly reflective surfaces (copper roofs may be considered); and
  - c. Illuminated roofing.

(j) Building Materials, Finishes, and Colors.

- (1) The development's dwelling units, community facilities, and other structures shall provide a unified appearance through a consistent use of building materials, textures, and colors.
- (2) Exterior columns or supports for site elements, such as trellises and porches, shall utilize materials and colors that match the materials and colors of other elements in the development.



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- (3) Brick, stone, terra cotta, tiles, and copper shall be left in their natural colors. Veneer shall turn corners and avoid exposed edges.
- (4) Storefronts shall be of a non-reflective glazing. Mirrored glazing is prohibited for all storefronts facing an arterial street.
- (5) Use visually penetrable materials, such as wrought iron or tubular steel, for front yard fences and gates to encourage self-policing and discourage crime. Chain-link fencing is prohibited.
- (6) Add to the visual richness of facades by incorporating any two (2) or more of the following decorative details in new development:
- a. Tile base or trim at wall base, around windows, doors, and openings.
  - b. Clay tile vents.
  - c. Wood brackets/ knee braces.
  - d. Recessed niches.
  - e. Window grilles.
  - f. Pot shelves.
  - g. Wrought iron railing.
  - h. Sconce lighting.
  - i. Corbels.
  - j. Stone or stucco window trim.
  - k. Shutters.
- (7) Exterior building and roofing colors shall be appropriate to and enhance the architectural style and materials of the structure. Intense primary colors shall generally be avoided as the dominant overall color for a structure. The use of earth tones and soft muted colors is encouraged.
- (8) Exterior stairs (residential). When provided, simple, clean, bold projections of stairways are required to complement the architectural massing and form of the structure. Stairways shall be of smooth stucco, plaster, or wood, with accent trim of complementary colors and railings appropriate to the architectural style of the structure. Thin-looking, open metal, prefabricated stairs are not allowed unless appropriate to the architectural design of the building.

(k) Street Trees and Streetscape Improvements.

- (1) Street trees shall be placed in tree cutouts or a continuous parkway. Provide a 50 square foot minimum area for all trees to allow for adequate root zone.
- (2) Ground plane treatment at the tree cutouts or parkway shall include a combination of understory planting, rock mulch and boulders. (See Table 29-142.2 and Table 29-142.3 for Groundcover and Shrub Lists.)
- (3) For all new development, street tree species for Adams Avenue shall be Quercus virginiana (Southern Live Oak) and for S. Imperial Avenue shall be Ulmus parvifolia (Chinese Evergreen Elm).
- (4) For all mixed use zones, streetlights shall match the City's adopted standard. These lights consist of a tall fixture to illuminate the street, low fixture to illuminate the sidewalk and decorative banner arms. Decorative banner arms shall face the street and the light post shall be set back thirty (30) inches from the back of the curb so that banners do not stick into travel lanes. Lights shall be placed at a maximum

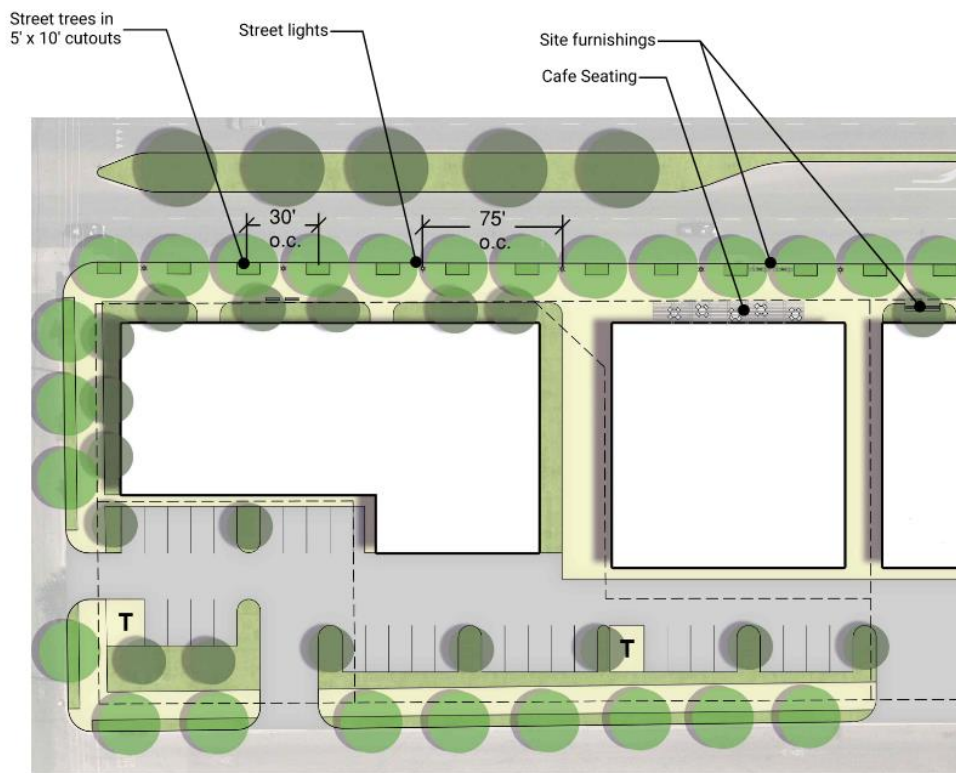
spacing of seventy-five (75) feet on center but may be spaced closer if needed to provide higher footcandles for adequate illumination of the sidewalk to meet code requirements.

(5) All developments shall include one of the following furnishings for every fifty (50) linear feet of frontage street and shall be located within the public right of way or front yard setback. Furnishings shall be coordinated with adjacent development to ensure a variety of furnishings are placed within the streetscape and that amenities are not duplicated with adjacent developments. Furnishings shall be a consistent, cohesive design along the entirety of the street frontage. All furnishings shall be approved by the City and in compliance with City requirements and regulations.

a. *Trash and recycle receptacles.* Minimum thirty-five (35) gallon made of powder coated steel and covered with a lid to reduce water intrusion and to discourage inappropriate refuse use. Provide one recycle and one trash receptacle. Receptacles shall be surface mounted to the sidewalk.

b. *Benches:* Provide a six (6) foot long bench with backs, arms and a center arm as a sleep deterrent. Benches shall consist of powder coated steel and/or aluminum slats and be permanently anchored to the sidewalk.

c. *Bike parking:* Provide bike parking for a minimum of four (4) bikes with surface mounted bike racks. Bike racks shall consist of powder coated steel or stainless steel.



(k) *Refuse and recycling.*

(1) Refuse and recycling bins shall be located in a separate room, enclosed niche/ recess area, or walled enclosure and must be well-screened with landscaping to protect adjacent uses from noise and odors.

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- (2) All refuse and recycling storage in exterior areas shall be covered with a trellis or similar shade canopy structure.
  - (3) All exterior areas set aside for storage and pickup of refuse and recycling bins shall be screened from view from any street or public place (excepting an alley serving a mixed use zone), or from any property in a residential zone, by a six (6) foot high solid masonry wall with a painted, stucco, or natural decorative masonry or adobe surface on at least three sides. All refuse and recycling storage shall be maintained below said wall or fence. Chain-link fencing is prohibited.
  - (4) For mixed use development, residential and non-residential waste streams shall be collected separately.
  - (5) Refuse and recycling storage areas shall be located away from public streets at the rear or side of buildings and shall not be located within any required setback areas or impede parking lot access.
  - (6) Refuse and recycling storage areas shall be conveniently accessible to the employees/residents of the units/buildings they are designed to serve. A clear and lighted pedestrian route shall be established to each trash area.
  - (7) Refuse and recycling storage areas shall be located in a manner that is easily accessible for refuse pickup companies. Trash enclosures may be shared with adjacent development when adequately sized.
  - (8) Each refuse and recycling storage area shall be provided with decorative solid heavy gauge metal gates designed with cane bolts to secure the gates when in the open and closed positions. Gates shall be designed not to swing into any drive aisle, parking space, walkway, and shall not otherwise interfere with onsite and offsite circulation. Gates shall be kept closed to provide screening, except during disposal or collection activity.

(l) Drive-through business.

- (1) The minimum lot size of any drive-through business shall be ten thousand (10,000) square feet.
- (2) All drive-through fast food restaurants shall provide a drive-through lane with a minimum length of one hundred twenty (120) feet and a minimum width of ten (10) feet. All other drive-through businesses shall include a drive-through lane with minimum dimensions of thirty-six (36) feet in length and ten (10) feet in width.
- (3) Any drive-through lane shall have a shade canopy provided over the drive-through at the service or pick-up window.
- (4) All drive-through or drive-in fast food restaurants must have a minimum separation of 500 feet from any other business that operates a drive-through business.

(m) Lighting.

- (1) Lighting shall be used to provide illumination for the security and safety of on-site areas such as parking, loading, shipping and receiving, walkways and working areas.
- (2) The design of light fixtures and their structural support shall be architecturally compatible with the main structures on-site. Illuminators shall be integrated within the architectural design of the structures.
- (3) As a security device, lighting shall be adequate but not overly bright. All building entrances shall be appropriately lighted.
- (4) All lighting fixtures shall be shielded to confine light spread within the site boundaries.

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## *DIVISION 9. MEDICAL OFFICE OVERLAY ZONE*

### **Sec. 29-92. Purpose and intent.**

MO medical office overlay zone. This overlay zone is applied on parcels along S. Imperial Avenue shown on figure 29-92.1, in close proximity to the existing regional medical facilities and uses and provides options for residential property on lots not less than six thousand (6,000) square feet in area to transition to medical/professional office, remain single family residential, or allow a combination of both uses in a live/work project. The underlying R1 single-family residential zoning remains in place to provide legal conforming land use status. Because potential development includes both residential and medical/professional office uses, the overlay zone includes both density and intensity standards.

Overall, the MO overlay zone intends to:

- (a) implement the goals and policies of the General Plan, by supporting the integration of living and working uses.
- (b) provide new opportunities for employment uses at appropriate intensities and locations.
- (c) identify a specific area in close proximity to the El Centro Regional Medical Center appropriate for the transition to medical and other small professional offices.
- (d) encourage the transition from the current pattern of driveways serving each residence taking direct access from Imperial Avenue to alley-oriented access to improve safety and traffic flow along Imperial Avenue.
- (e) support redevelopment of properties to medical/professional office and live/work (medical/professional office use).
- (f) provide right-of-way that allows for a continuous bike lane along Imperial Avenue to implement the General Plan Circulation Element.



Figure 29-92.1. Medical Office Overlay Zone

### **Sec. 29-93. Medical office overlay zone use regulations.**

Development and redevelopment in the medical office overlay zone shall be pursuant to the R1 single-family residential zone use regulations identified in section 29-53.

Additionally, medical office uses (including chiropractic, dentistry and veterinary), professional offices uses noted below, and live/work shall be subject to site plan review and shall be permitted uses, only if the project fully complies with all development and design standards of this division.

Within the MO overlay zone, only the following occupations are intended for the professional office component of the live/work use: medical offices; accountants; architects; attorneys; computer software and multimedia related professionals; consultants; engineers; photographers, and other occupations deemed by the Director to be similar and compatible with residential neighborhoods.

### **Sec. 29-94. Medical office overlay zone development standards.**

The following minimum property development standards identified in table 29-94.1 shall apply to all land and buildings in the medical office overlay zone, except that any lot shown on an official subdivision map duly approved and recorded, or any lot for which a bona fide deed had been duly recorded prior to the effective date of this chapter may be used as a building site. See also article III of this chapter for exceptions to, or clarification of, these regulations.

Additionally, before any structures and outdoor uses for medical/professional office uses and live/work (medical/professional office use) are established in a medical office overlay zone, a site plan shall be submitted to and approved by the community development director, pursuant to article V, division 3 of this chapter.

Table 29-94.1  
Medical Office Overlay Zone Property Development Standards

Development Standards		Zoning District Regulations	
		MO	
(a)	Minimum net lot area, in square feet		
	(1) Single-family detached dwelling	6,000	
	(2) Live/Work	6,000	
	(3) Medical/professional office	6,000	
(b)	Density-maximum dwelling units per net acre	6	
(c)	Minimum lot width, in feet		
	(1) Regular lot	50	
	(2) Corner lot	60	
(d)	Minimum lot depth, in feet	60	
	(1) Regular lot	100	
(e)	Minimum building setbacks, in feet		
	(1) Front	20	
	(2) Rear		
	a. Abutting an alley	5	
	b. Garage apron/driveway to face of garage (alley loaded lot)	3/20	
	c. With a two (2) story building abutting alley.	15	
	(3) Side		
	a. Interior side	5	
	b. Exterior side	15	
	(5) Between accessory buildings	6	
	(6) Abutting interior driveways and open parking	5	
(f)	Maximum lot coverage, percent	50	
(g)	Maximum building height, in feet	35	
(h)	Maximum floor area ratio		
	(1) Stand-alone medical/professional office	0.5:1	
	(2) Live/work	1.0:1	
(i)	Minimum landscape buffer area, in feet	See Section 29-95(f) for details.	
	(1) Rear	5	
	(2) Side	5	
(j)	Parking regulations	See section 29-95 and article III, division 5	
(k)	Required landscaping, screening, and fencing	See section 29-95 and article III, division 6	
(l)	Accessory uses	See article III, division 9	
(m)	Animal keeping	See article III, division 10	

<u>(n)</u>	<u>Temporary uses</u>	<u>See article IV, division 5</u>
<u>(o)</u>	<u>Nonconforming uses and lots</u>	<u>See article IV, division 6</u>
<u>(p)</u>	<u>Signs</u>	<u>See section 29-95 and chapter 22.1 of City Code</u>

### **Sec. 29-95. Medical office overlay zone design standards.**

- (a) Purpose. New development and redevelopment activities in the medical office overlay zone must be consistent with the design standards of this section. These standards are intended to transition homes to medical/professional offices and avoid new development or redevelopment that would conflict with the nature of existing residential development in the medical office overlay zone. These standards ensure the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.
- (b) Parking and access.
- (1) Off-street parking for business patients and patrons shall be accessed from a rear alley and located at the rear of the lot. Use of the front yard and existing driveway(s) of existing homes for patient and patron parking is prohibited. Existing driveways may be used for delivery vehicles and residents only.
  - (2) Parking areas shall be bordered on all sides that face abutting properties by perimeter walls/ fencing with a minimum height of six (6) feet and screening that provides a minimum opacity of 50 percent.
  - (3) Redevelopment and new development of medical/professional offices or live/work shall not take access from Imperial Ave. All existing curb cuts along Imperial Ave shall be removed as part of any project. Parking access shall be taken from the alley to improve traffic flow and safety.
  - (4) Alleys shall be paved as a part of any proposed project and shall utilize green alley principles, which include pervious paving, but must also include some pervious paving areas to account for stormwater treatment. Types of pervious paving may include but are not limited to porous concrete, porous asphalt, permeable pavers, turf block, gravel pave, grass pave or grasscrete. A twelve (12) foot wide paved area for regular vehicular traffic shall be provided for all alleys within the MO overlay zone.
  - (5) Shared parking is highly encouraged. Parking lot access may require a shared access easement with adjacent property owners. See Section 29-138, Shared parking facilities.
  - (6) Incorporate any two (2) or more of the following design features in surface parking areas of the development:
    - a. Carports/ Shade Structures providing a minimum of fifty (50) percent shade covering for parking area.
    - b. A minimum ten (10) foot wide landscape area (trees, shrubs, groundcover) at the exterior perimeter of all parking lots. The ten (10) foot landscape area may consist of existing and established native and naturalized vegetation and new container plant material comprised of minimum of twenty-four (24) inch box trees and one (1) and five (5) gallon shrubs and groundcover. New planting should consist of a combination of small, medium, and large-scale trees, shrubs, and groundcover. (See Table 29-142.2 and Table 29-142.3 for Groundcover and Shrub Lists.)
    - c. One (1) tree per two hundred (200) square feet of landscaping or one (1) tree per every five parking spaces, whichever is more. The required trees shall be a minimum of twenty-four (24) inch box in size when planted. Trees shall be of appropriate size and trunk diameter for the specified container and tree type. Tree spacing may be varied to accommodate site conditions or



design considerations; however, the total number of trees calculated for all parking areas shall be maintained.

- d. Increased pervious paving with a high albedo, such as permeable pavers, porous asphalt, reinforced grass pavement (turf-crete), stone pavers and other permeable materials.



(c) Street trees and streetscape.

- (1) A five (5) foot wide continuous parkway shall be added along Imperial Avenue and shall be planted with street trees with a spacing of 30' on center. The parkway ground plane treatment shall include a combination of understory planting, rock mulch and boulders. (See Table 29-142.2 and Table 29-142.3 for Groundcover and Shrub Lists.).
- (2) Street tree species shall be *Ulmus parvifolia* (Chinese Evergreen Elm) and shall be consistent for entire length of street.



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- (3) Furnishings shall be a consistent, cohesive design along the entirety of the street frontage. All furnishings shall be approved by the City and in compliance with City requirements and regulations.
  - (4) An eight (8) foot wide concrete sidewalk consisting of ADA compliant paving shall be provided adjacent to the parkway. ADA compliant walks shall connect the public sidewalk to any building.
  - (5) All on-street parking shall be eliminated from Imperial Avenue within the MO overlay zone to allow for dedicated bike lanes.

(d) Front door.

- (1) The front door to the business shall be visible from the street, easily accessible by foot, and connected by a continuous pedestrian path that leads to the street. The pathway connecting the front door of the business to the street must be independent from the driveway of an existing/previously existing house.
- (2) If a gate is provided between the front door and the street, the gate shall be clearly marked as the main entrance to the business and include a doorbell, directory, call box, or other means of communication for patients and patrons to be allowed access to the business.
- (3) Exterior waiting areas that may encourage the loitering or gathering of patients and patrons are prohibited. All waiting and reception areas of the business shall be interior to the building.

(e) Compatibility.

- (1) New medical/professional office buildings that replace existing single-family residential shall be limited to two (2) stories.
- (2) Where a proposed medical/professional office building abuts existing residential uses on adjacent lots, an additional five-foot (5') side yard setback shall be provided, except that where the proposed development provides clearstory windows with a sill height of a minimum of five (5) feet or zero windows facing the side yard, the minimum side yard setback may remain in place according to table 29-94.1.
- (3) Where a proposed medical/professional office building abuts existing residential uses on adjacent lots, an offset of a minimum two (2) feet in the building plane (either horizontally or vertically) shall be required for every 100 square feet of building façade.
- (4) Reflective or mirrored glass facing interior property lines is prohibited.

(f) Buffers and screening.

- (1) All buildings shall provide a landscape buffer area within the rear and side yard setback area (See Table 29.94.1, Medical Office Overlay Zone Development Standards). The landscape area may consist of existing and established native and naturalized vegetation and new container plant material comprised of twenty-four (24) inch box trees at a minimum of twenty-five (25) feet on center and understory planting with minimum one (1) and five (5) gallon shrubs and groundcover. New planting should consist of a combination of small, medium, and large-scale trees, shrubs, and groundcover. (See Table 29-142.2 and Table 29-142.3 for Groundcover and Shrub Lists.)
- (2) A six (6) foot-high solid masonry wall with a painted, stucco, or natural decorative masonry or adobe surface shall be constructed and maintained where a rear or interior side property line abuts a residential use or zone.

(g) Lighting.

- (1) All lighting on the property shall be designed to be directed inward into the property to minimize glare and spillover into neighboring properties.

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(2) Lighting shall be used to provide illumination for the security and safety of on-site areas such as parking and walkways. Lights shall not be designed for or used as an advertising display.

(h) Signage.

- (1) Provide clear and visible signage on both the street and rear side of the site indicating the location of patient and patron parking entrance(s).
- (2) Provide a clear and visible professional sign indicating the name and service of the business. The sign shall conform to the following design standards:
  - a. Size: The maximum size shall be ten (10) square feet.
  - b. Illumination: All signs shall be externally illuminated. Internally illuminated signs are prohibited.
  - c. Location: Except as provided below, all signs shall be affixed to the building façade above the primary public entrance to the business. A sign placed over the building façade shall not cover a window, door, or architectural detail of the building. A sign may project out from the building façade up to one (1) foot if parallel to the façade and four (4) feet if perpendicular to the façade (a “projecting sign”).
  - d. Monument and Directory Signs: Business name and directory signage may be mounted to a monument, post, or garden wall/ fence located in the front yard of the property and shall be limited in size to ten (10) square feet and eight (8) feet in height.
  - e. Material: Appropriate sign materials include wood, faux wood, metal, and plastic with a minimum thickness of ½ inch. Vinyl is prohibited.
  - f. Advertising: all advertising shall be provided in separate and removable freestanding signs and shall not be affixed to the building.

## **DIVISION 10. MIXED USE 2 OVERLAY ZONE**

### **Sec. 29-96. Purpose and intent.**

MU2 mixed use 2 overlay zone. This overlay zone is applied on parcels within the more intensive general commercial and tourist commercial zoning districts, as depicted on the adopted zoning map. The intent of the overlay zone is to provide for a mix of Missing Middle housing, multi-family residential, and non-commercial uses to support an active, community- or regional-serving serving corridor, area, or activity center. This overlay zone includes the development of high-medium to higher density apartment, condominium, town house, duplex and triplex dwellings with a minimum density of twenty-one (21) dwelling units per acre and a maximum density of thirty (30) dwelling units per net acre, on lots not less than seven thousand two hundred (7,200) square feet in net area. A maximum density of thirty-eight (38) dwelling units per net acre may be approved for senior-only projects or a senior portion of a project in compliance with Article IV, Division 4, density bonus. Because mixed use development includes both residential and nonresidential uses, the overlay zone includes both density and intensity standards.

Overall, the MU2 overlay zone intends to:

- (a) implement the mixed use goals and policies of the General Plan, by creating or reactivating vital areas for living, working, shopping, and recreating.
- (b) ensure that mixed-use development is of high quality and contains a unified development plan with thoughtful integration of complementary residential uses.
- (c) provide a variety of housing types and densities to support the diverse population and local workforce.

- (d) create a lively setting for more intense commercial activities that promotes a mix of local and regional serving businesses.
- (e) enrich opportunities for amenity spaces, artwork and community involvement.
- (f) support walkability within an individual project and throughout the mixed use area, with an emphasis on facilitating pedestrian, bicycling, and transit connections.
- (g) enhance economic development, community identity and property values within El Centro.
- (h) provide opportunity to further activate and support the El Centro mall area by enabling the development of housing in close proximity to an established retail area.

### **Sec. 29-97. Mixed use 2 overlay zone use regulations.**

Development and redevelopment in the mixed use 2 overlay zone shall be pursuant to the underlying (CG general commercial or CT tourist commercial) zone use regulations identified in section 29-61.

Mixed use developments and stand-alone residential developments shall be permitted uses, only if the project fully complies with all development and design standards of this division.

### **Sec. 29-98. Mixed use 2 overlay zone development standards.**

The following minimum property development standards identified in table 29-98.1 shall apply to all land and buildings in the mixed use overlay zones, except that any lot shown on an official subdivision map duly approved and recorded, or any lot for which a bona fide deed had been duly recorded prior to the effective date of this chapter may be used as a building site. See also article III of this chapter for exceptions to, or clarification of, these regulations.

Additionally, before any building, structure, or use of land outside of a building or structure, is established in a mixed use 2 overlay zone, a site plan shall be submitted to and approved by the community development director, pursuant to article V, division 3 of this chapter. If specified by this chapter, such site plan review shall be conducted by the planning commission and/or city council.

Table 29-98.1  
Mixed Use Overlay Zones Development Standards

<u>Development Standard</u>		<u>Zoning District Regulations</u>				
		<u>MU2</u>				
(a)	<u>Minimum net lot area, in square feet</u>	<u>7,200</u>				
(b)	<u>Density - dwelling units per net acre</u> <u>(stand-alone residential or residential</u> <u>portion of a mixed use development)</u>					
	<u>(1) Minimum</u>	<u>21</u>				
	<u>(2) Maximum</u>	<u>30</u>				
	<u>(3) Maximum (senior-only projects or</u> <u>senior portion of a project)</u>	<u>38</u>				
(c)	<u>Minimum lot width, in feet</u>					
	<u>(1) Interior lot</u>	<u>60</u>				
	<u>(2) Corner lot</u>	<u>65</u>				
(d)	<u>Minimum lot depth, in feet</u>					
	<u>(1) Regular lot</u>	<u>100</u>				

<u>Development Standard</u>		<u>Zoning District Regulations</u>					
		<u>MU2</u>					
	<u>(2) Abutting a freeway</u>	<u>150</u>					
<u>(e)</u>	<u>Minimum building setbacks, in feet</u>	<u>See standards for base commercial zone.</u>					
<u>(f)</u>	<u>Maximum lot coverage, percent</u>	<u>No requirement</u>					
<u>(g)</u>	<u>Maximum building height, in feet</u>	<u>65</u>					
<u>(h)</u>	<u>Maximum floor area ratio</u>						
	<u>(1) Stand-alone commercial</u>	<u>0.4:1</u>					
	<u>(2) Mixed use</u>	<u>1.2:1</u>					
<u>(i)</u>	<u>Parking and loading</u>	<u>See article III, division 5</u>					
<u>(j)</u>	<u>Building stepback</u>	<u>10 ft stepback required for habitable space at 3rd floor when abutting residential zone.</u>					
<u>(k)</u>	<u>Vehicular access</u>	<u>See section 29-137</u>					
<u>(l)</u>	<u>Required landscaping, screening and fencing</u>	<u>See section 29-99 below and article III, division 6 of this Chapter.</u>					
<u>(m)</u>	<u>Laundry Room</u>	<u>For developments of ten (10) or more dwelling units, a minimum of one (1) clothes washer and one (1) clothes dryer per each full ten (10) dwelling units shall be provided and maintained within an enclosed structure. The provision of one (1) clothes washer and one (1) clothes dryer hookup in each dwelling unit shall meet this requirement.</u>					
<u>(n)</u>	<u>Performance standards</u>	<u>See article III, division 8 of this chapter</u>					
<u>(o)</u>	<u>Accessory uses</u>	<u>See article III, division 9 of this chapter</u>					
<u>(p)</u>	<u>Temporary uses</u>	<u>See article IV, division 5 of this chapter</u>					
<u>(q)</u>	<u>Nonconforming uses and lots</u>	<u>See article IV, division 6 of this chapter</u>					
<u>(r)</u>	<u>Signs</u>	<u>See chapter 22.1 of the City Code for allowances in the base commercial zone</u>					

### **Sec. 29-99. Mixed use 2 overlay zone design standards.**

(a) Purpose. These design standards are intended to assist the project applicant in understanding the city's requirements for high quality development. These mandatory standards complement the development regulations contained in this division by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations. These standards ensure the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

(b) Primary community amenity spaces in residential buildings.

(1) The primary community amenity spaces of a residential building or complex (such as lobbies, gyms, leasing offices, shared work spaces, clubhouses, community rooms, recreation rooms, and lounges) shall be located directly adjacent or within 100 feet distance of a public way, private drive, primary building entrance, and/or primary pedestrian path.

(c) Block connectivity.

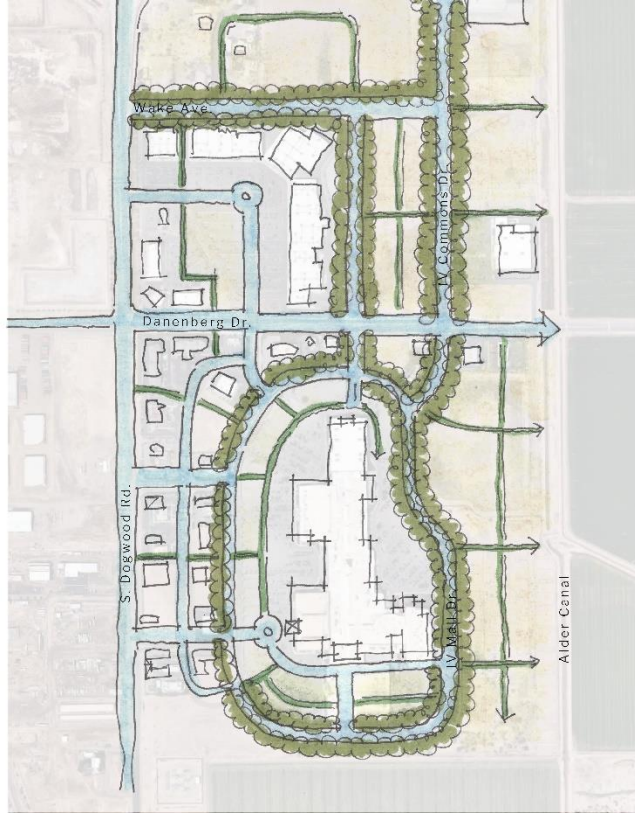
- (1) Orient development in ways that create compact blocks and lots. A 'block' is defined as an area of development that is delineated on all sides by any of the following elements: public streets, paseos, trails, parks, community facilities, and/or private internal streets. Except where site-specific circumstances preclude it, blocks within the MU-2 overlay zone shall have a maximum of perimeter of 2,000 feet.
- (2) A minimum of one paseo and one bicycle access way into the development shall be provided for approximately every five acres of developable area.
- (3) Private drives shall connect public rights-of-way to multiple locations within a development. Where private drives are provided, they shall comply with the following:
  - a. Private drives shall be designed to reduce conflicts between vehicles and pedestrian and bicycle circulation.
  - b. Non-contiguous sidewalks shall be provided along both sides of private drives.
  - c. The alignment of private drives shall be coordinated and connected to the public right-of-way, emphasizing interconnected streets and the ability to reach local destinations through multiple routes.
  - d. The number of trees required for each private drive frontage shall be calculated at the average rate of one 24-inch box canopy tree for every 40 feet of private drive frontage. Tree spacing may be varied to accommodate site conditions or design considerations.



Example MU2 Block Connectivity

- (4) New streets or private roads shall be provided throughout the development area in order to create an orderly network of streets, connections and developable parcels. New streets shall be provided so that minimum block sizes are 250 feet, but no block length shall exceed 500 feet in length.
- (5) The pedestrian circulation of MU-2 developments shall include three or more of the following features:
  - a. Artwork.
  - b. Open air café with food service.
  - c. Covered arcade, colonnade, or veranda.

- d. Recessed building entrance with a minimum recess of 10 feet.
- e. Widened sidewalk with a minimum width of 15 feet.
- f. Pedestrian through block connection (paseo) with a minimum width of 10 feet.
- g. Plaza with a minimum width of 40 feet and a minimum depth of 20 feet.



MU2 Site Concept

- (d) Building siting, access, orientation, and shade.
  - (1) Developments shall comply with design standards under Section 29-91(b).
- (e) Building Frontage Design.
  - (1) Developments shall comply with design standards under Section 29-91(d).
- (f) Building scale, massing, and articulation.
  - (1) Developments shall comply with design standards under Section 29-91(e).
- (g) Circulation and parking.
  - (1) Developments shall comply with design standards under Section 29-91(f).
- (h) Open spaces and public access.
  - (1) Developments shall comply with design standards under Section 29-91(g).
- (i) Buffers and screening.

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- (1) Developments shall comply with design standards under Section 29-91(h).
- (j) Buffers and screening from existing commercial service areas.
- (1) New residential buildings abutting or facing the rear and service side of commercial shopping centers and other “big box” stores shall be set back from the right-of-way with a 20-foot wide buffer zone.
- (2) The 20-foot wide buffer zone may include open space and landscaped areas and slopes, including the following: trellises, garden walls and fences not exceeding 6 feet in height, retaining walls, lighting, signage, and pedestrian circulation elements.
- (3) The minimum 15-foot wide landscaped area (trees, shrubs and groundcover) shall be provided in the 20-foot wide buffer.
- (4) New residential buildings shall be oriented with the long dimension of the building perpendicular to existing commercial centers.
- (k) Roof treatments.
- (1) Developments shall comply with design standards under Section 29-91(i).
- (l) Building Materials, Finishes, and Colors.
- (1) Developments shall comply with design standards under Section 29-91(j).
- (m) Street Trees and Streetscape Improvements.
- (1) Street trees shall be placed in a continuous parkway. Provide a 40 square foot minimum area for all trees to allow for adequate root zone.
- (2) Street tree species to be consistent the entire stretch of each street segment.
- (3) Ground plane treatment at the tree cutouts or parkway shall include a combination of understory planting, rock mulch and boulders. Turf shall not be placed within parkway areas. (See Table 29-142.2 and Table 29-142.3 for Groundcover and Shrub Lists.)
- (4) All developments are encouraged to use medians and parkways for stormwater collection and treatment in order to make a landscape feature out of the stormwater system. Concrete lined channels are not acceptable for stormwater treatment areas.
- (5) Developments shall comply with design standards under Section 29-91(k)(4) and (5).
- (n) Refuse and recycling.
- (1) Developments shall comply with design standards under Section 29-91(k).
- (o) Drive-through business.
- (1) Developments shall comply with design standards under Section 29-91(l).
- (p) Lighting.
- (1) Developments shall comply with design standards under Section 29-91(m).

### **ARTICLE III. PROPERTY DEVELOPMENT STANDARDS**

#### **DIVISION 1. LOT SIZE REGULATIONS**

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**Sec. 29-100. Lot size averaging.**

Where land is subdivided into five (5) or more lots with a tentative map, such tentative map approval may authorize a reduction in the required minimum net lot area of the zone in which it is located by not more than ten (10) percent for not more than ten (10) percent of the total lots of the tentative map, provided the average of all lot sizes of the tentative map is not less than the minimum net lot size of the zone and that the subdivision does not exceed the maximum density allowed by the underlying zone.

**Sec. 29-101. Reduced lot size for public and utility buildings.**

Where a lot or building site is devoted exclusively to public buildings and uses owned by the city, county, or other political subdivision or to public utility buildings and uses, and no living quarters are located on such lot or parcel, a reduction in the minimum required lot size may be authorized by conditional use permit.

**Sec. 29-102. Lot size in planned developments and mobile home parks.**

Where land is to be developed pursuant to a conditional use permit for a planned unit development or mobile home park, the conditional use permit may specify lesser minimum lot sizes than otherwise required by the zone in which the land is located, provided the overall density of the project conforms to the provisions of division 2 of this article, entitled density regulations, and does not exceed the maximum density of the underlying zone.

**Sec. 29-103. Lot size for specific plans.**

For single-family detached residential development under a specific plan, the minimum lot size shall be 3,600 square feet and the minimum average single-family detached residential lot size shall be 5,400 square feet. The density of residential development under a specific plan shall be consistent with the maximum density required by the general plan.

**Secs. 29-104—29-106. Reserved.**

## *DIVISION 2. DENSITY REGULATIONS*

**Sec. 29-107. Computing permitted number of dwelling units.**

The maximum number of dwelling units permitted within the exterior lot lines of any lot or building site shall be equal to the product of the total of the net lot area of such lot or building site expressed in acres multiplied by the maximum density designated by the applicable zone. For example, the maximum permitted number of dwelling units for a building site with five (5) net acres in the R1 zone would be computed as follows:

Five (5) net acres of building site multiplied by the maximum density of seven (7) dwelling units per net acre for the R1 zone equals a maximum of thirty-five (35) permitted dwelling units on a five (5) net acre site.

A product with a fraction shall be rounded off to the nearest whole number of dwelling units. A product with a fraction of one-half ( $\frac{1}{2}$ ) or less of a dwelling unit shall be rounded down to the nearest whole number of dwelling units and a product with a fraction of more than one-half ( $\frac{1}{2}$ ) of a dwelling unit shall be rounded up to the nearest whole number of dwelling units provided that the product does not result in a density in excess of the maximum density allowed by the underlying zone. If rounding up to the nearest whole number would exceed the allowable maximum density of the underlying zone, then the product shall be rounded down to the nearest whole number.



### Sec. 29-108. Exceptions to density regulations.

Exceptions to this chapter's density regulations may be granted for specific housing projects as regulated by article IV, division 4 of this chapter, entitled density bonus program.

### Secs. 29-109—29-112. Reserved.

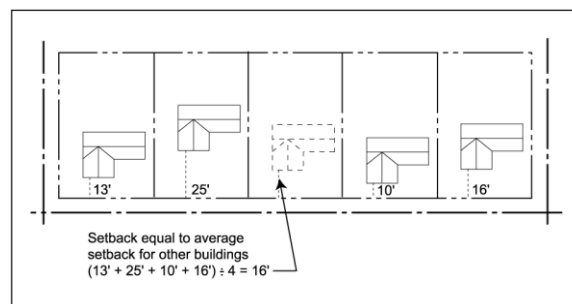
## DIVISION 3. SETBACK REGULATIONS

### Sec. 29-113. Yards, general conditions.

- (a) Yards shall be measured perpendicular to the property line or from a future street or highway line as shown in the general plan.
- (b) Yards shall apply to both main and accessory structures.
- (c) No required yard or other open space around an existing building or any building hereafter erected shall be considered as providing a yard or other open space for any other building on an adjoining lot or building site.
- (d) Garage doors shall not, when open or being opened, project beyond any lot line.

### Sec. 29-114. Exceptions to setback regulations.

- (a) *Partially built-up blocks.* Where lots comprising fifty-one (51) percent or more of the block frontage are developed with a front yard less than that prescribed herein, the average of such existing front yards shall establish the front yard for the remaining lots in the block frontage provided that a front yard determined in this manner shall be not less than fifteen (15) feet on local streets and twenty (20) feet on major highways and select city streets. Existing front yards greater than twenty-five (25) feet shall be considered as twenty-five (25) feet when computing said average.
- (b) *Neighborhood unit plans.* Where the entire block frontage is designed and developed as a unit, the front yard requirements may be varied by not more than five (5) feet in either direction provided that the average front yard for the entire block frontage is not less than that required in the zone.



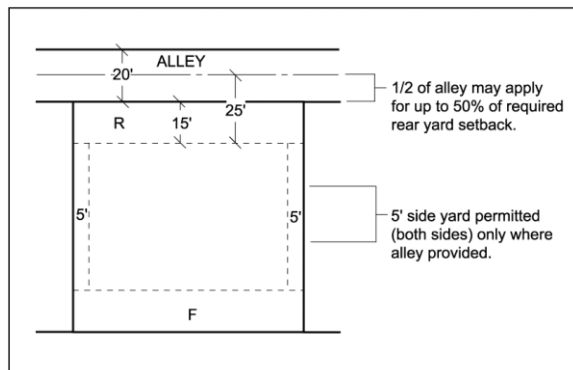
- (c) *Sidewalk arcades.* In view of the climatic conditions, the community development director will require the construction of an arcade over all or part of the sidewalks on Main Street, State Street and Broadway Avenue between 8th Street and 4th Street in connection with any new building or major alteration of an existing building. The community development director may specify the general character and architectural appearance of such arcades as recommended in the Urban Design Study: Downtown El Centro (1978).

(d) *Exception to permit carport.* In view of climatic conditions, the community development director may grant a site plan to allow a covered parking space (carport) within a required front or side yard. The community development director shall review the site plan for compliance with the following requirements:

- (1) This provision shall apply only to single-family or two-family dwellings that:
  - a. Never included garages or carports;
  - b. Were originally constructed with single-car garages or carports that remain available for use;
  - c. Include garages or carports that were legally converted; or
  - d. Provide required parking in full compliance with the provisions of division 5 of this article.
- (2) A minimum front yard of ten (10) feet and a minimum side yard of three (3) feet shall be maintained.
- (3) The site plan approval shall be subject to compliance with architectural design or other standards of conditions required by the community development director.

(e) *Where alleys are provided—Residential or mixed use zones.* The following applies where a dedicated public alley granting access to the rear yard in a residential or mixed use zone is provided:

- (1) The side yard setback shall be five (5) feet on both sides except where a greater setback is required by a conditional use permit or site plan;
- (2) One-half (½) the width of said alley may be considered as applying to not more than one-half (½) of the required rear yard setback of twenty-five (25) feet for a two (2) story building.



(f) *Existing lots abutting a freeway.* Any lot in an R1 (single-family residential) zone that contains an existing single-family residence on the effective date of this chapter shall have a rear yard requirement of twenty-five (25) feet when abutting a freeway.

(g) *Exception by variance or conditional use permit.* When a conditional use permit or variance for a use or structure is otherwise required by this chapter, the permit may authorize an exception to the setback regulations of the zone and establish greater or lesser setback and spacing requirements subject to the permit.

(h) *Street facades in mixed use zones.* Certain frontage design elements specified in Section 29-91(d)(1) may encroach no more than ten (10) feet into the required front setback for a maximum of 50 percent of the building front façade length.

(Ord. No. 13-16, § 13, 4-2-13)

## Sec. 29-115. Additional setback required.

- (a) *Future street line.* Where the public works director has determined a future right-of-way line for an arterial or collector street designated in the general plan circulation element, or for the necessary widening of a local street, the required yard setback for lots abutting such streets shall be measured from the future right-of-way line.
- (b) *Vision clearance of corner lots.* All corner lots shall maintain, for safety vision purposes, a triangular area, one (1) angle and two (2) sides of which shall be formed by the intersection of the front and side lot lines, excepting corner lots located within the CD zone. The third side of said triangle shall be a straight line connecting two (2) points on the property lines which are distant twenty (20) feet from the intersection of the front and side lot lines. Within the area comprising said triangle, no portion of the building or any sign, tree, fence, shrub, or other feature higher than three (3) feet above the estimated curb grade, which obstructs vision, shall be permitted (see illustration in section 29-143(11)a.)
- (c) *Through lots to have two (2) front yards.* A through lot shall maintain a front yard adjacent to each street upon which it fronts and to which it has access rights.
- (d) *Setback line on recorded map.* Where a recorded map has a specific building setback line delineated which is greater than the requirements set forth in the zone, the delineated setback line shall apply.
- (e) *Required distance between detached accessory buildings and main buildings.* Except as otherwise permitted in Section 29-168, nNo detached accessory building wall shall be closer than six (6) feet to any main building wall or other accessory building wall on the same lot or building site. No detached accessory building eaves shall be closer than five (5) feet to any main building eaves or other accessory building eaves on the same lot or building site. Swimming pools which do not extend more than three (3) feet above the level of the ground adjacent thereto are exempt from this provision.
- (f) *4th Street South of Orange Avenue.* A setback of twenty-five (25) feet is required on both sides of the segment of 4th Street south of Orange Avenue for all nonresidential development.

## Sec. 29-116. Exceptions to the required openness of required yards.

Every part of each required yard shall be open and unobstructed from finished grade to the sky except for buildings, structures, and projections allowed in said yard by the following table. Any building, structure or projection not specifically allowed in a required yard by table 29-116.1 is prohibited.

Table 29-116.1  
Permitted Buildings, Structures, and Projections in Required Yards

Buildings, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
(a) Accessory buildings ( <u>See also Section 29-168</u> )	Not permitted	Permitted in residential zones but not in front 50 feet of the lot	Permitted if a minimum front yard setback of 50 feet is maintained	Permitted in residential zones but may not cover more than 50% of the required yard	Permitted in residential zones but shall not cover more than 50% of the required yard or be within a minimum 50

					feet of the front lot line
(b) Outdoor swimming pools	Not permitted	Permitted in residential zones but not in the front 50 feet of the lot and must maintain a minimum 3-foot property line setback	Not permitted	Permitted in residential zones, but must maintain a minimum 3-foot property line setback	Permitted in residential zones, but must maintain a minimum 3-foot property line setback
(c) Private garages	Not permitted	Not permitted	Not permitted	Permitted in residential zones but may not cover more than 50% of the required yard	Permitted in residential zones but may not cover more than 50% of the required yard
(d) Carports	Not permitted except per Sec. 29-114(d)	Permitted if a 3-foot property line setback and corner cutback are maintained		Permitted in residential zones but may not cover more than 50% of the required yard	Permitted in residential zones but may not cover more than 50% of the required yard
(e) Living units including guest dwellings	Not permitted	Not permitted	Not permitted	Permitted in residential zones	Permitted in residential zones but may not cover more than 50% of the required yard
(f) Fences	Permitted in all zones if in conformance with fencing and landscaping regulations commencing at Sec. 29-142				
(g) Roofed, open-sided patios with a floor surface not more than thirty (30) inches above grade and are attached to	Permitted in all zones but may not extend more than 5 feet into required front yard	Permitted in all zones if a minimum 5-foot property line setback is maintained		Permitted in all zones but may not cover more than 50% of the required yard in combination with all detached accessory buildings and must maintain a 5-foot setback from the rear lot line. The sides of such patios may be enclosed with solid walls not more than thirty 30 inches in height above the patio	

the main building				floor, or by insect screening or plastic windows or a combination thereof	
(h) Sidewalk arcades and similar architectural features of buildings containing principal commercial use types	Permitted if conforming to Sec. 29-114(c)	Not permitted	Permitted if conforming to Sec. 29-114(c)	Not permitted	Not permitted
(i) Uncovered unenclosed porches, platforms, or landing places not extending above level of first floor of building	Permitted in all zones but may not extend more than 5 feet into required front or side yards			Permitted in all zones but may not cover more than 50% of the required yard in combination with all detached accessory buildings	
(j) Cornices, eaves, belt courses, water tables, sills, buttresses, capital, bases, fireplaces	Permitted in all zones but may not extend more than 4 feet into a required front yard; and may not extend more than 2 feet into a required side or rear yard				
(k) Fire escapes	Not permitted	Permitted in all zones but may not extend or project more than 3 feet into the required yard.			
(l) Open, unenclosed stairways or balconies, not covered by a roof or canopy	Permitted if not more than 4 feet into the required front yard	Not permitted	Not permitted	Not permitted	Not permitted

**Secs. 29-117—29-120. Reserved.**

#### *DIVISION 4. HEIGHT REGULATIONS*

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### **Sec. 29-121. Maximum height specified.**

The maximum height permitted shall be established in the property development standards of each zone. Height shall be measured in accordance with the definition of "building height" provided in article I, division 2 of this chapter.

### **Sec. 29-122. Permitted exceptions to height limits.**

- (a) The following structures shall be exempt from the maximum height provisions of the applicable zone:
    - (1) Radio and television receiving antennae no more than one hundred (100) feet in height of the type customarily used for home radio and television receivers.
    - (2) Transmitting antennae no more than one hundred (100) feet in height used by licensed amateur (ham) or citizens' band radio operators.
    - (3) Flagpoles no more than sixty-five (65) feet in height provided, however, that such flagpoles used as signs or attention-attracting devices shall be subject to the off-premise sign regulations of chapter 22.1 of the City Code.
    - (4) Chimneys extending no more than three (3) feet above the highest point of the roof of the building.
    - (5) Solar collector systems, stepped parapets walls, and cornices extending not more than five (5) feet above the highest point of the roof.
    - (6) Within commercial, mixed use, and manufacturing zones, roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment necessary to operate and maintain the building provided that such structures do not extend more than twelve (12) feet above the height of the building and do not provide additional floor space.
  - (b) A conditional use permit may be granted to authorize additional exceptions to height limits in any zone.
- (Ord. No. 09-04, § 1B, 6-17-09)

### **Secs. 29-123—29-126. Reserved.**

## ***DIVISION 5. PARKING AND LOADING REGULATIONS***

### **Sec. 29-127. General provisions.**

- (a) The requirements of this division shall be met for any new building constructed, any new use established, any addition or enlargement of an existing building or use, and any change in the occupancy of an existing building.
- (b) For additions or enlargements of any existing building or use, or any change of occupancy or manner of operation that would increase the number of parking spaces required, the additional parking spaces shall be required only for such addition, enlargement, or change and not for the entire building or use, unless required as a condition of approval of a conditional use permit. No existing parking may be counted as meeting this requirement unless it exceeds the requirements for the original building, and then only that excess portion may be counted.
- (c) Off-street automobile parking space being maintained in connection with any existing main building or use shall be maintained so long as said main building or use remains, unless an equivalent substitute number of

such spaces is provided and thereafter maintained conforming to the requirements of this section. However, this regulation shall not require the maintenance of more automobile parking space than is required herein for a new building or use, or the maintenance of such space for any type of building or use other than those specified herein.

- (d) All licensed vehicles incapable of movement under their own power shall be stored in an entirely enclosed space, except in cases of emergency.
- (e) Except as hereinafter provided, required parking facilities needed for any development shall be located within three hundred (300) feet of the building or use they are required to serve and on the same site; and be on the same site as said building or use unless an irrevocable access and/or parking easement is obtained, in which case the parking may be on an adjacent site. Property within the ultimate right-of-way of a street or highway shall not be used to provide required parking or loading spaces.
- (f) In the case of mixed use developments, the total number of required off-street parking spaces shall be the sum of the requirements for the each of the uses computed separately. Off-street parking facilities required for one use shall not be considered as providing the required parking facilities for any other use.
- (g) Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the community development director in the manner set forth in section 29-3. Such determination shall be based upon the requirements for the most comparable use specified herein.

(Ord. No. 13-16, § 14, 4-2-13)

## Sec. 29-128. Required parking spaces.

Parking spaces shall be provided and thereafter maintained for all buildings and uses established within the city as specified in table 29-128.1. After computing the required number of parking spaces, any fraction of one-half ( $\frac{1}{2}$ ) of a space or less shall be rounded down to the preceding whole number; fractions greater than one-half ( $\frac{1}{2}$ ) shall be rounded up to the next whole number.

Table-29-128.1  
Required Parking Spaces

Use Classifications	Required Number of Off-Street Parking Spaces
<i>Residential and transient uses</i>	
Single-family dwellings	2 per dwelling unit (covered)
Two-family dwellings (Duplex)	2 per dwelling unit
Multiple dwellings and apartment houses	
Studio or efficiency units	1.0 per dwelling unit, plus 0.25 per dwelling unit for guest parking
One (1) bedroom apartments	1.5 per dwelling unit, plus 0.25 per dwelling unit for guest parking
Two (2) bedroom apartments	2.0 per dwelling unit, plus 0.25 per dwelling unit for guest parking
Apartments of three (3) or more bedrooms	2.0 per dwelling unit, plus 0.5 spaces for each bedroom over 3, plus 0.25 per dwelling unit for guest parking
Condominiums or townhomes	2 per dwelling unit, plus 0.25 per unit for guest parking

Accessory <del>dwelling units/second dwelling to a single-family home</del>	<u>See Section 29-168. 1 per dwelling unit (plus 0.5 spaces for each bedroom over 2)</u>
<u>Live/work or artisan lofts</u>	<u>1 per dwelling unit plus 1 per 250 square feet of workspace gross floor area.</u>
Senior citizen apartment projects	1 per dwelling unit, plus 0.25 per unit for guest parking
Mobile homes in parks or planned developments	2 per dwelling unit (tandem allowed); plus 1 per 6 dwelling units used for guest parking; plus 1 per 10 dwelling units used for recreation center parking
Hotels, motels, apartment hotels, resort hotels, clubs, lodges, boarding houses, fraternity and sorority houses	1 per individual guest room or suite (exclusive of requirement for on-site restaurant or manager's dwelling)
Recreational vehicle (RV) park or campground	1 per RV or camp space; plus 1 per 20 RV or camp spaces for guests or recreation center parking; plus 6 for registration parking which shall be a minimum of 10 feet by 30 feet in size; plus 1 for each full-time employee of the park
Hospitals, psychiatric facilities, <del>convalescent rest</del> homes, sanitariums, and institutions	1 per 1,000 square feet of gross floor area,
<u>Emergency shelters, transitional housing, and supportive housing</u>	<u>Two (2) spaces per facility plus one (1) space for each employee, provided that no more parking is required than for other residential or commercial uses in the same zone. No minimum parking shall be required for residents of supportive housing located within ½ mile of a public transit stop in accordance with California Government Code Section 65654.</u>
<i>Commercial, retail, offices, and public establishments</i>	
Offices, banks, and other financial institutions	1 per 250 square feet of gross floor area exclusive of floor area used for air conditioning and other equipment, plus 1 per automatic teller machine (ATM) and queue space for five cars for drive-through services
Medical, dental, veterinary offices and clinics	1 per 200 square feet of gross floor area exclusive of floor area used for air conditioning or other utility equipment, plus 20% additional spaces for employee parking.
Retail stores and shops	1 per 250 square feet of gross floor area exclusive of floor area used for air conditioning and other equipment
Appliances and/or furniture stores	1 per 500 square feet of gross floor area
Eating and/or drinking establishments, including clubs and lodges	1 per 40 square feet of gross floor area of dining rooms, bars, dancing areas, and places where the



	public is served, plus 20% additional spaces for employee parking. See section 29-63 for additional standards applicable to drive-through businesses.
Gas stations and/or automotive service stations (exclusive of parking required for on-site sales of automobile or equipment parts)	1 per 300 square feet of gross floor area, plus queue space of at least 60 feet for car wash, if provided. Plus 1 per each air, water, vacuum, and telephone facility provided.
Mini-storage/self-storage facilities	2 per office, plus 1 per 10,000 square feet of gross floor area of storage space
Motor vehicle, trailer or machinery sales or rental (exclusive of parking required for on-site sales of automobile or equipment parts)	1 per 300 square feet of gross floor area
Motor vehicle repair shops; (exclusive of parking required for on-site sales of automobile or equipment parts)	1 per 200 square feet of gross floor area
Mortuaries, funeral homes	1 per 20 square feet of floor area of assembly rooms, plus 1 per employee, plus 1 for each car owned by such establishments
Swap meets or other open sales uses	1 per 300 square feet of gross open area or 1 per stall, whichever is greater. Areas used for parking shall not be counted in the gross open area.
Churches, theaters, auditoriums, and similar places of public assembly	1 per each 4 seats. A seat shall mean 18 lineal inches of seating space when seats consist of benches or pews. For auditoriums and other gathering spaces without permanent seats, a seat shall mean square feet of floor area
Wholesale and bulk merchandise stores	1 per 500 square feet of gross floor area
<i>Manufacturing and storage</i>	
<u>Artisan manufacturing and production</u>	<u>1 space per 250 square feet of gross floor area</u>
Manufacturing and industrial uses (including open manufacturing or assembly areas).	1 per 500 square feet of gross floor area, except where located in a commercial zone which shall be 1 space per 250 square feet of gross floor area.
Warehousing	1 per 800 square feet of gross floor area, plus office space exceeding 30% of gross floor area must meet the parking requirements for office use
Mini-warehouse	1 per full-time employee; plus 1 per 250 square feet of gross floor area within an office, provided that there shall be a 24 foot-wide access drive between buildings for parking while loading and unloading
<i>Day care, schools and colleges</i>	

Day care for less than twenty-five (25) children	1 per employee based on maximum occupancy load 1 for every 10 children based on maximum occupancy load
Day care for more than twenty-five (25) children	1 per employee; plus 1 per 5 children; or 1 per 10 children if off-street drop-off facilities designed to accommodate a continuous forward flow of vehicles to safely load and unload children are provided
Elementary and intermediate schools	1 per employee based on maximum capacity; plus 1 per 5 seats or 45 square feet of floor area in the place of public assembly
High schools	1 per employee based on maximum capacity; plus 1 per 6 enrolled students based on maximum capacity
Colleges	1 per employee based on maximum capacity; plus 1 per 3 enrolled students based on maximum capacity
Trade schools and business colleges	1 per every 150 square feet of gross floor area
<i>Commercial recreation facilities and parks</i>	
Arcades and game centers	1 per every 400 square feet of gross floor area
Batting cages	3 per cage
Bowling alleys, billiard halls	5 per alley; plus 2 per billiard table; plus 1 per 5 seats in any gallery
Golf course and/or driving range	6 per hole; plus 1 per tee for a driving range
Gymnasiums, health clubs	1 per 300 square feet of gross floor area
Laser tag	1 per 200 square feet of gross floor area
Miniature golf	3 per hole, plus established parking requirements for associated uses such as arcades, batting cages, and game centers where provided
Parks, public or private	1 per 8,000 square feet of active recreation area; plus 1 per acre of passive recreation area
Skating rinks	1 per 250 square feet of gross floor area
Tennis and other sports courts	3 per court
Conditional uses	Any use for which a conditional use permit is required shall provide parking as prescribed in

	said permit. If not prescribed, the requirements of this division shall apply.
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( Ord. No. 17-10, § 5, 9-19-17 )

## Sec. 29-129. Accessible parking spaces required.

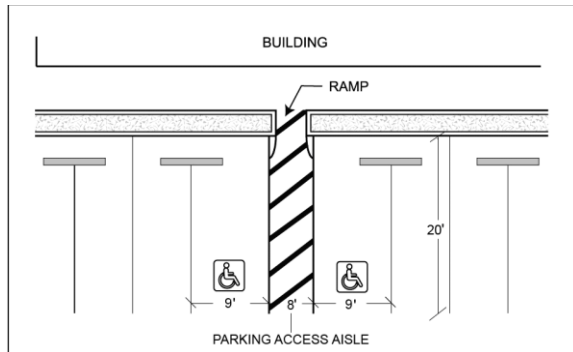
Public accommodations or facilities, including commercial, office, manufacturing, civic, limited use, and multi-family dwellings of five (5) or more units, shall provide parking spaces for the physically handicapped in compliance with the Americans with Disabilities Act (ADA) Accessibility Guidelines outlined in the following provisions:

- (1) *Size of space.* The minimum length of each parking space shall be twenty (20) feet with a minimum width of nine (9) feet.
- (2) *Van accessible space.* One (1) accessible van parking space, and not less than one (1), shall be provided for every eight (8) regular accessible spaces. Such van spaces shall be nine (9) feet in width.
- (3) *Access aisles.* Parking access aisles (five (5) feet wide for standard cars and eight (8) feet wide for vans) shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle.
- (4) *Number of required spaces.* The required number of accessible parking spaces per total number of spaces is provided in table 29-129.1.

Table 29-129.1  
Accessible Parking Space Requirements

Total Number of Parking Spaces	Number of Accessible Spaces Required
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total spaces provided
More than 1,000	20 plus 1 for each 100 spaces over 1,000

- a. If only one (1) space is provided, it shall be seventeen (17) feet wide and marked to provide a nine-foot parking area and an eight-foot loading and unloading area.
- b. When more than one (1) space is provided, in lieu of providing a seventeen (17) foot wide space for each parking space, two (2) spaces may be provided within a twenty-six-foot wide area marked to provide a nine-foot parking area on each side of an eight-foot loading/unloading area in the center (see figure 29-129.1).



**Figure 29-129.1. Accessible Parking Space Configuration**

(5) *Location.* Spaces shall be located as follows:

- a. Parking spaces for the physically handicapped shall be located as near as practical to a primary entrance.
- b. Slope of parking space. Surface slopes of parking spaces for the physically handicapped shall be the minimum possible, and shall not exceed two (2) percent in any direction.
- c. Arrangement of parking area. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. Also, the space shall be so located that a handicapped person is not compelled to wheel or walk behind parked cars other than his/her own. Pedestrian ways which are accessible to the physically handicapped shall be provided from each such parking space to related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space except where such encroachment into the length of any handicap space does not limit the handicapped person's capability to leave or enter the vehicle.

(6) *Signing.*

- a. Identification. Each parking space reserved for the handicapped shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text, or equal, displaying the international symbol of accessibility. The sign shall not be smaller than seventy (70) square inches in area and shall be centered at the interior end of the parking space at a minimum height of eighty (80) inches from the bottom of the sign to the parking space finished grade, or centered on the wall at the interior end of the parking space at a minimum height of thirty-six (36) inches from the parking space finished grade, ground or sidewalk.
- b. Pursuant to California Vehicle Code section 22511.8(d), a sign shall also be posted, in a conspicuous place, at each entrance to the off-street parking facility, not less than seventeen (17) inches by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, which clearly and conspicuously states the following:

"Unauthorized vehicles not displaying the distinguishing placards or license plates issued for physically handicapped persons may be towed away at the owner's expense. Towed vehicles may be reclaimed at \_\_\_\_\_ or by telephoning \_\_\_\_\_."

The sign shall also reference California Vehicle Code 22511.8(d).

- c. The surface of each parking place shall have a surface identification duplicating the symbol of accessibility in blue paint, at least three (3) square feet in area.

- (7) *Vertical clearance.* Entrances to and vertical clearances within parking structures shall have a minimum vertical clearance of eight (8) feet two (2) inches where required for accessibility to handicap parking spaces.
- (8) *Additional requirements.* For additional accessible site development requirements, including curbs, ramps and landing requirements refer to the California Code of Regulations, Title 24 for the accommodation of the disabled.

### Sec. 29-130. Area exempt from required parking.

All sites located on blocks 18, 19, 20, 21, 22, 23, 24, and 25, and the south half of blocks 6, 7, 8 and 9, and the north half blocks of 34, 35, 36, and 37 are exempt from the off-street parking requirements otherwise required by this division as shown on figure 29-130.1. Residential uses proposed within the downtown commercial zone shall not be exempt from the standard off-street parking requirement.

All off-street parking provided in said areas shall meet the design and access requirements of this division.



Figure 29-130.1. Area Exempt from Required Parking

(Ord. No. 13-18, § 7, 5-7-13)

### Sec. 29-131. Reductions in requirements for parking.

- (a) Whenever the city or any special parking district owns, or commences condemnation proceedings on land to be used for public off-street parking purposes, the planning commission may, on its own motion or pursuant to application by the owner of any land abutting the area used or to be used for public parking, recommend the reduction, in part or entirely, of the off-street parking requirements imposed by this chapter on the lands abutting said area, provided that:

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- (1) The planning commission, before recommending a reduction in off-street parking requirements, shall make a finding that the stated conditions exist in reference to subject property; and that
  - (2) The city council, in granting a reduction, may impose reasonable conditions to assure the intent and purpose of this chapter are met.
  - (3) The city council, in the formation of any parking district, may impose reasonable conditions to assure the intent and purpose of this chapter are met.
- (b) Pursuant to section 29-298, the administrative committee may grant an administrative variance reducing certain parking requirements.

### **Sec. 29-132. In lieu payments for noncompliance.**

As an alternative to compliance with the provisions of this division, an owner of property may pay the city's adopted in-lieu parking fee for noncompliance for each of the parking spaces by which the proposed project is deficient according to the parking requirements of this division. This section shall only apply to property located on a block in a commercial zone with fifty (50) percent or more of the frontage of such block occupied by commercial buildings at the time of the adoption of this chapter.

The city shall establish the amount of the in-lieu parking fee for noncompliance in a resolution adopted separate from this chapter. All in-lieu fee payments for noncompliance shall be held for three (3) years in the city's parking lot acquisition fund for the purpose of paying any parking district assessments which may become legally payable on behalf of the owners of said property. After three (3) years, said deposits may only be used by the city for such purpose, or for purchase or improvement of parking lot property within five hundred (500) feet of the said property. Upon payment of parking district assessments from any in-lieu fee payment, and the subsequent removal of parking requirements from said property by ordinance, any remaining money from the in-lieu fee payment shall be repaid to the then record owner of said property.

This section does not apply to residential units provided in the downtown commercial zone. All residential development must provide off-street parking in compliance with the requirement of table 29-128.1 and the other applicable provisions of this chapter.

( Ord. No. 17-10, § 6, 9-19-17 )

### **Sec. 29-133. Location of parking on building site.**

Covered or enclosed parking may be located anywhere a structure may be located or as permitted by section 29-116. Open parking may be located as follows:

- (1) *Residential zones.* Anywhere except within a required front yard. If within an interior side yard, a six-foot-high solid fence or wall is required. If within an exterior side yard, a three-foot property line setback and corner cutback must be maintained.
- (2) *Within commercial, manufacturing, or other zones.* Anywhere except within a required landscape strip.
- (3) *Conditional uses.* As prescribed in the approved conditional use permit. If not prescribed, the requirements of this division shall apply.
- (4) *Within MU1, MU2 overlay and MO overlay zones. To encourage an active, pedestrian environment, vehicle parking shall be placed to the side or rear of buildings and may not be placed within a required front yard or a required landscape strip. Below grade and structured parking are encouraged for larger developments.*

(5) Vehicle parking for live/work and artisan loft units is prohibited between the structure's street front façade and the street.

**Sec. 29-134. Design and improvement of parking areas.**

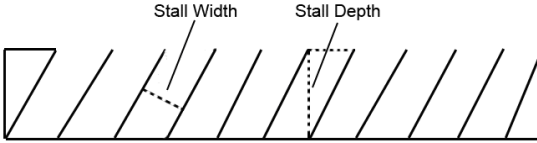
- (a) *Parking space dimension.* The minimum size of required parking spaces shall be a width of nine (9) feet and a length of twenty (20) feet, except that not more than twenty (20) percent of required parking spaces for any land use for which five (5) or more spaces are required, may be compact spaces and shall be a width of eight and one-half (8½) feet and a length of seventeen (17) feet.
- (b) *Parking layout.* The design standards identified in tables 29-134-1 and 29-134-2 shall apply to all off-street parking areas, except when the parking lot is served by an attendant:

Table 29-134.1  
Regular Parking Spaces (9 feet × 20 feet)

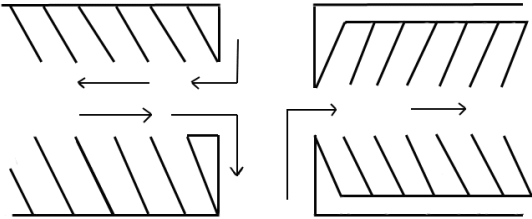
Angle of Parking (degrees)	Stall Width (feet/inches)	Stall Depth (feet/inches)	Driveway Width	
			One-Way (feet/inches)	Two-Way (feet/inches)
0	24—0	9—0	12—0	24—0
30	9—0	17—10	12—0	24—0
45	9—0	19—0	12—0	24—0
60	9—0	21—10	18—0	24—0
90	9—0	20—0	24—0	24—0

Table 29-134.2  
Compact Parking Space (8 feet 6 inches × 17 feet)

Angle of Parking (degrees)	Stall Width (feet/inches)	Stall Depth (feet/inches)	Driveway Width	
			One-Way (feet/inches)	Two-Way (feet/inches)
0	21—0	8—6	12—0	24—0
30	8—6	15—4	12—0	24—0
45	8—6	16—0	12—0	24—0
60	8—6	18—6	18—0	24—0
90	8—6	17—0	24—0	24—0

Single-Loaded				
				
	Regular Width*		Compact Width*	
Angle	One-way / Two-way		One-way / Two-way	
30	29' 10"	41' 10"	27' 4"	39' 4"
45	31' 0"	40' 0"	28' 0"	40' 0"
60	39' 10"	45' 10"	36' 6"	42' 6"
90	44' 0"	44' 0"	41' 0"	41' 0"

Double-Loaded				
				
	Regular Width*		Compact Width*	
Angle	One-way / Two-way		One-way / Two-way	
30	47' 8"	59' 8"	42' 8"	54' 8"
45	50' 0"	62' 0"	44' 0"	56' 0"
60	61' 8"	67' 8"	55' 0"	61' 0"
90	64' 0"	64' 0"	58' 0"	58' 0"

\* Width = Stall Depth × Driveway Width

(c) *Improvement standards for parking areas.*

- (1) *General standards.* All parking areas shall be improved and maintained to the standards of the public works department with regard to:
  - a. Ease of access.
  - b. Grading and drainage.
  - c. Surfacing with cement or asphaltic concrete.
  - d. Parking stall layout and markings.
  - e. Curbs, barriers and wheel stops.
  - f. Directional signs.
- (2) *Structural standards.* The public works department may require additional depth of base material and thickness of surfacing in portions of parking areas or driveways intended for use by heavy vehicles, such as by trash trucks or large delivery trucks.
- (3) *Lighting.* All outdoor lights within parking areas shall be hooded and arranged to reflect light away from adjacent property and streets.
- (4) *Adjacent to residential zone.* Where a parking area of five (5) or more spaces is established within or adjacent to a residential zone, a six (6) foot-high solid fence or wall shall be constructed and maintained between said parking area and the rear and/or interior side property line which abuts the residentially zoned property. Said fence or wall is to be reduced to three (3) feet in height within any comer cutback area and within the front yard area of the adjacent residential zones.



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- (5) *Maintenance.* All parking spaces shall be maintained free of debris and in good operating condition for the duration of the use requiring such parking, and shall be used exclusively for the parking of vehicles. Parking facilities shall not be used for the storage of merchandise, or for the storage or repair of vehicles or equipment.
  - (6) *Landscaping.* All parking areas of five (5) to twenty (20) spaces shall contain a minimum interior landscaped area of five (5) percent of the total parking area, exclusive of landscaping within a front or side yard setback. All parking areas of more than twenty (20) spaces shall contain a minimum interior landscaped area of ten (10) percent the total parking area, exclusive of landscaping within a front or side yard setback. Landscaping installed within a parking area shall count toward meeting the requirement of section 29-142 for required landscaping. Such landscaped area shall be designed and maintained in accordance with section 29-142(2) of this chapter.

### **Sec. 29-135. Parking of commercial and recreational vehicles in residential zones prohibited.**

The parking of commercially licensed vehicles and recreational vehicles in excess of one (1) ton capacity on private property in any residential zone is prohibited, except as follows:

- (1) When loading or unloading property; or
- (2) When such vehicle is parked in connection with, and in aid of, the performance of a service to or on property in the block in which such vehicle is parked.
- (3) Notwithstanding the above provisions, no commercially licensed or recreational vehicle shall remain parked in excess of twenty four (24) hours and no more than fourteen (14) days in a year.

### **Sec. 29-136. Off-street loading spaces.**

- (a) *General provisions.* Every hospital, institution, hotel, commercial, public assembly or industrial building hereafter erected or established shall have and maintain loading spaces as provided in this section.
  - (1) Loading spaces shall be not less than twelve (12) feet in width, forty (40) feet in length, and shall have fourteen (14) feet of vertical clearance.
  - (2) When the lot upon which the loading spaces are located abuts upon an alley, such loading spaces shall have access to said alley. The length of the loading space may be measured perpendicular to or parallel with the alley. Where such loading area is parallel with the alley and said lot is fifty (50) feet or less in width, the loading area shall extend across the full width of the lot.
  - (3) Loading spaces shall be so located and designed that trucks need not back into a street or alley.
  - (4) No part of an alley or street shall constitute part of a loading area required by this section.
  - (5) Loading spaces being maintained in connection with any main building existing on the effective date of this chapter shall thereafter be maintained so long as said building remains, unless an equivalent number of such spaces are provided on a contiguous lot in conformity with the requirements of this section. However, this regulation shall not require the maintenance of more loading space than is hereby required for a new building, nor the maintenance of such space for any type of main building other than those specified above.
  - (6) No loading space that is provided for the purpose of complying with the provisions of this chapter shall hereafter be eliminated, reduced, or converted in any manner below the requirements established in this chapter, unless equivalent facilities are provided elsewhere in conformance with this chapter.
- (b) *Loading spaces required.* The following off-street loading spaces shall be provided for all hospitals, institutions, places of public assembly, hotels, commercial and industrial uses:

(1) *Commercial and industrial uses:*

Gross Floor Area	Loading Spaces Required
10,001—20,000 square feet	1
20,001—40,000 square feet	2
> 40,000 square feet	3

(2) *Hospitals, institutions, and hotels:*

Gross Floor Area	Loading Spaces Required
10,001—50,000 square feet	1
50,001—100,000 square feet	2
> 100,000 square feet	3

(3) *Hotels, places of public assembly, and restaurants:*

Gross Floor Area	Loading Spaces Required
All	1

- (4) *Exceptions.* In any office commercial zone and downtown commercial zone, permitted uses therein as set forth in section 29-61 shall not be subject to the loading space requirements provided in this section. Notwithstanding the foregoing, office commercial uses shall comply with the requirements of this section. In addition, any block in a commercial zone where more than fifty (50) percent of the block frontage is occupied by commercial buildings at the time of the adoption of this chapter shall be subject to the following loading space requirements:

Gross Floor Area	Loading Spaces Required
15,001—21,000 square feet	1
20,001—40,000 square feet	2
>40,000 square feet	3

- (c) *Mixed occupancies.* In the case of mixed uses, the total number of required loading spaces shall equal the sum of the requirements for the various uses computed separately. Loading space facilities for one use shall not be considered as providing required loading space facilities for any other use. However, off-street loading spaces may be used between buildings and multiple occupants within the mixed use zones.

(Ord. No. 13-18, § 9, 5-7-13)

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## Sec. 29-137. Vehicular access.

- (a) *Access required.* Each building, structure or use shall have permanent vehicular access to the approved public or private street or right-of-way on which the lot or building site has frontage, unless a secondary means of permanent all weather vehicular access such as an alley, private drive or service road has been approved by the administrative committee under the provisions of section 29-298.
- (b) *Vehicular access to local and collector street frontage.* In order to encourage sound development of street frontage, the following provisions shall apply to all uses fronting on any local or collector street.
  - (1) All vehicular access ways shall be located not less than twenty-two (22) feet from the ultimate curb line of intersecting streets.
  - (2) Vehicular access ways on the same lot, building site or project shall be not less than sixty (60) feet apart as measured along the street frontage.
  - (3) In mixed use, mixed use overlay, and medical office overlay zones, vehicular access and parking shall be taken from the alley or side street unless otherwise approved by the City Engineer, and curb cuts should be limited in order to minimize traffic stacking.
- (c) *Vehicular access to ~~highway-arterial~~ frontage.* In order to encourage sound development of ~~highway-arterial~~ frontage, any access to ~~state highways or~~ arterial streets from property fronting on them shall be so arranged that vehicles entering the street ~~or highway~~ need not back out. This provision shall apply to all industrial, commercial, mixed use, office, public and institutional uses, as well as residential uses requiring four (4) or more parking spaces.
  - (1) In mixed use, mixed use overlay, and medical office overlay zones, vehicular access and parking shall be taken from the alley or side street unless otherwise approved by the City Engineer, and curb cuts should be limited in order to minimize traffic stacking.

## Sec. 29-138. Shared parking facilities.

A site plan may be approved for shared parking facilities in the CD-following zones serving more than one (1) use on a site or serving more than one (1) property: commercial, mixed use, and medical office. Site plan approval for shared off-street parking may allow a reduction of the total number of spaces required by this section if the following findings are made:

- a. The spaces to be provided will be available as long as the uses requiring the spaces are in operation;
- b. The peak hours of parking demand from all uses do not coincide so that peak demand is greater than the parking provided;
- c. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if collective parking is not provided; and
- d. A reciprocal parking and access agreement exists between the landowner(s) and the city, in a form satisfactory to the city attorney, which includes:
  - 1. A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking;
  - 2. A guarantee among the landowner(s) for access to and use of the shared parking facilities;

3. A provision that the city may require parking facilities in addition to those originally approved upon a finding by the community development director that adequate parking to serve the use(s) has not been provided;
4. A provision stating that the city may for due cause and upon notice, unilaterally modify, amend, or terminate the agreement at any time; and
5. A provision that the agreement will be recorded in the county recorder's office within ninety (90) days from the date of site plan approval.

The maximum allowable reduction in the number of spaces to be provided shall not exceed twenty (20) percent of the sum of the number required for each use served, and shall not reduce the total number of spaces to less than one (1) space for every four hundred (400) square feet of gross floor area.

An applicant for site plan review for shared parking may be required to submit survey data substantiating a request for reduced parking requirements. Site plan approval for shared parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use.

(Ord. No. 13-18, § 9, 5-7-13)

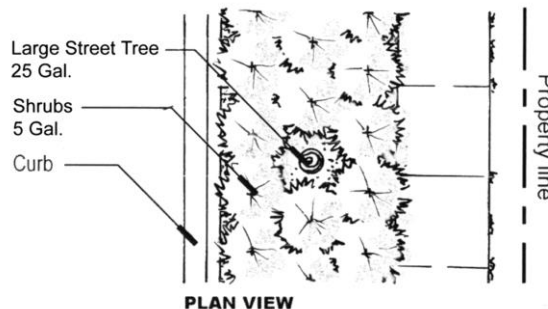
**Secs. 29-139—29-141. Reserved.**

## *DIVISION 6. WATER EFFICIENT LANDSCAPING, SCREENING, AND FENCING REGULATIONS*

### **Sec. 29-142. Required landscaping.**

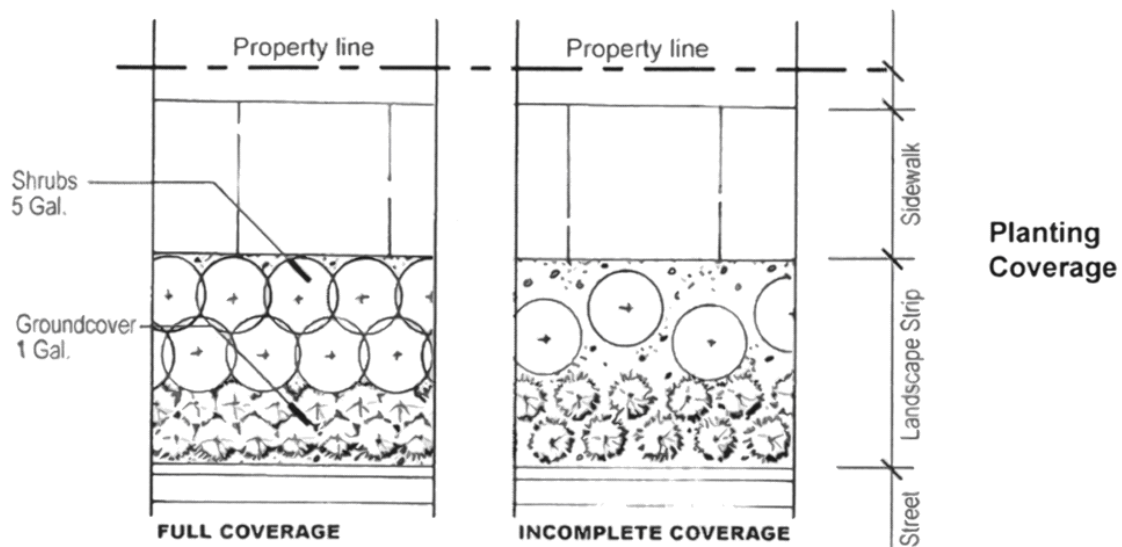
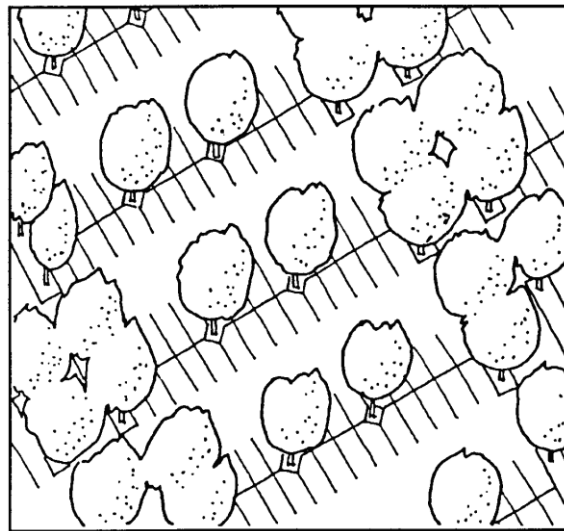
Landscaping shall be provided and maintained in all zones in accordance with the following standards and with the city retention basin standards, where applicable:

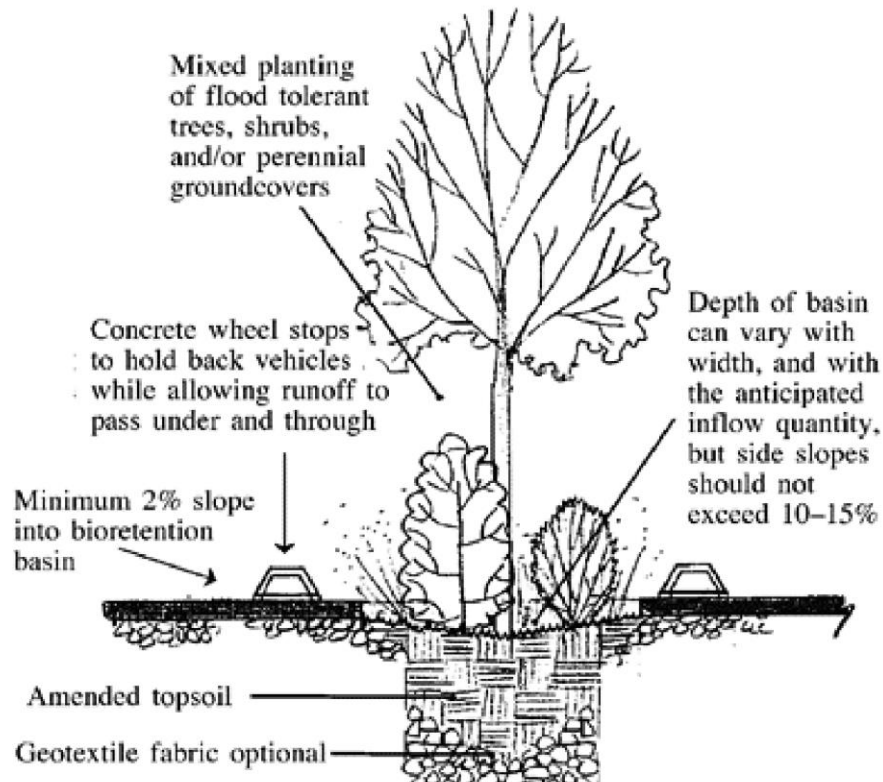
- (a) All front and exterior side yard areas in all zones, excluding permitted parking spaces, walkways, and driveways, shall be landscaped with a mixture of compatible species.
- (b) All off-street parking areas of five (5) or more spaces shall be landscaped. All parking areas of five (5) to twenty (20) spaces shall contain a minimum interior landscaped area of five (5) percent of the total parking area, exclusive of landscaping within a front or side yard setback. All parking areas of more than 20 spaces shall contain a minimum interior landscaped area of ten (10) percent of the total parking area, exclusive of landscaping within a front or side yard setback.



- (c) Required landscaping shall be evenly distributed throughout the parking area and planted sufficiently to achieve complete coverage within one (1) year of the initial planting (see illustration below). The parking lot

landscaping shall also include an appropriate number of trees to achieve forty (40) percent shading within 15 years. Islands at the ends of parking lanes shall be provided to help achieve "orchard" parking lot landscaping. Parking lot islands shall be a minimum five (5) feet in width with curbs and irrigated understory.





- (d) If an established use in a commercial, mixed use, manufacturing, or civic center zone abuts property in a residential zone or a school, then a ten (10) foot landscape strip shall be provided along the property line which is adjacent to the residential zone or use. The community development director may permit required landscaping to be located adjacent to a building rather than on the property line. Such landscaping shall include trees of a size and type in compliance with the other provisions of this section and planted twenty (20) feet on center or equivalent approved spacing.
- (e) If a use is established in the commercial, mixed use, or civic center zones or within any zone in a visual enhancement area, an area or areas equivalent to at least fifteen (15) percent of the net lot or building site area shall be landscaped. Uses established within the downtown commercial zone are exempt from the landscaping requirements. Uses established within a manufacturing zone shall provide a minimum of ten (10) percent of the building site with landscaping. In all non-residential zones a minimum of eighty (80) percent of the required landscaping shall be provided within the frontage area or areas visible from a public street.
- (f) If a use is established in a MBP (manufacturing business park) zone abutting Interstate 8 or the SR-111 a minimum twenty (20)-foot-wide landscape strip shall be provided along the abutting property line.
- (g) All required landscaping shall include the planting of trees at a minimum ratio of one (1) tree per two hundred (200) square feet of landscaping or one (1) tree per every five parking spaces, whichever is more. The required trees shall be a minimum of twenty-four (24) inch box in size when planted. Trees shall be of appropriate size and trunk diameter for the specified container and tree type. The planning commission may approve trees, shrubs, and ground cover not recommended by this section upon submission of evidence that such landscaping is well suited for the city.
- (h) New residential subdivisions and single-family dwellings shall provide a minimum of two (2) trees per lot from the recommended city tree list. Such trees shall be planted within the parkway strip if one is provided

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or within the required front yard setback. The use of street tree themes is encouraged. Not all trees within a development may be of the same variety.

- (i) All landscaped areas shall be maintained in a clean, neat, and healthy condition, whether the building is occupied or vacant. Maintenance shall include proper watering, fertilizing, weeding, removing of litter, and replacement of plants when necessary.
- (j) Where a site plan is required by this chapter, said site plan shall indicate the type, size, and location of all landscaping materials.
- (k) Landscaping located in commercial, mixed use, industrial, and multifamily residential developments shall include a water efficient irrigation system in accordance with specifications provided by the department of public works. All irrigation systems shall contain an adequate backflow prevention device.
- (l) Landscaping shall include a balanced mixture of trees, shrubs, and ground cover. Trees, shrubs, and ground cover material shall be selected from the recommended city tree, shrub and ground cover lists contained under subsections (t), (u), and (v) respectively, of this section.
- (m) In single-family residential developments, a minimum of fifty (50) percent of the required landscaping shall be provided from the approved city lists. Shrubs shall be a minimum of five (5) gallons in size when planted. Ground cover shall be evenly split between fifty (50) percent vegetative and fifty (50) percent non-vegetative. Not more than fifty (50) percent of the vegetative ground cover may be turf. Non-vegetative ground cover may include rocks, wood chips, and artificial covering.
- (n) Artwork, benches, and other structural features may be included in residential and mixed use developments if approved as part of the site plan. Decorative water features shall use recirculating water. The use of drought resistant plant materials is strongly encouraged.
- (o) Except for landscaping within a single-family residence, all landscaping and irrigation systems shall be installed prior to the issuance of a certificate of occupancy. The city may accept the posting of a bond for the estimated cost of completion of the landscaping to guarantee the installation of the landscaping within six (6) months of occupancy with complete coverage at one (1) year from occupancy.
- (p) Landscape planters shall be designed to retain water on site within the planter areas.
- (q) The city officer or body having jurisdiction over a site plan, variance, conditional use permit, or other plan may permit or require alternative methods or standards for landscaping as a condition of project approval.
- (r) All landscaping, except as provided for under section 29-142(~~s18~~) below shall, be subject to water efficiency conservation efforts as incorporated herein. A Xeriscape(tm) concept is provided on the following page.

(1) Model Water Efficient Landscape Requirements.

- a. Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the Model Water Efficient Landscape Ordinance (MWELo), including sections related to use of Compost and mulch as delineated in this Section 29-142(r)(1).
- b. The following Compost and mulch use requirements that are part of the MWELo are now also included as requirements of this ordinance. Other requirements of the MWELo are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.
- c. Property owners or their building or landscape designers that meet the threshold for MWELo compliance outlined in Section 29-142 (r)(1) a. above shall:



1. Comply with Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWEL0, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:

- i. For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six (6) percent organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
- ii. For landscape installations, a minimum three (3) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five (5) percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
- iii. Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.

2. The MWEL0 compliance items listed in this Section are not an inclusive list of MWEL0 requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWEL0 compliance outlined in Section 14(a) shall consult the full MWEL0 for all requirements.

d. If, after the adoption of this ordinance, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWEL0 September 15, 2015 requirements in a manner that requires Cities to incorporate the requirements of an updated MWEL0 in a local ordinance, and the amended requirements include provisions more stringent than those required in this Section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

(sf) The following projects are not subject to water conservation requirements:

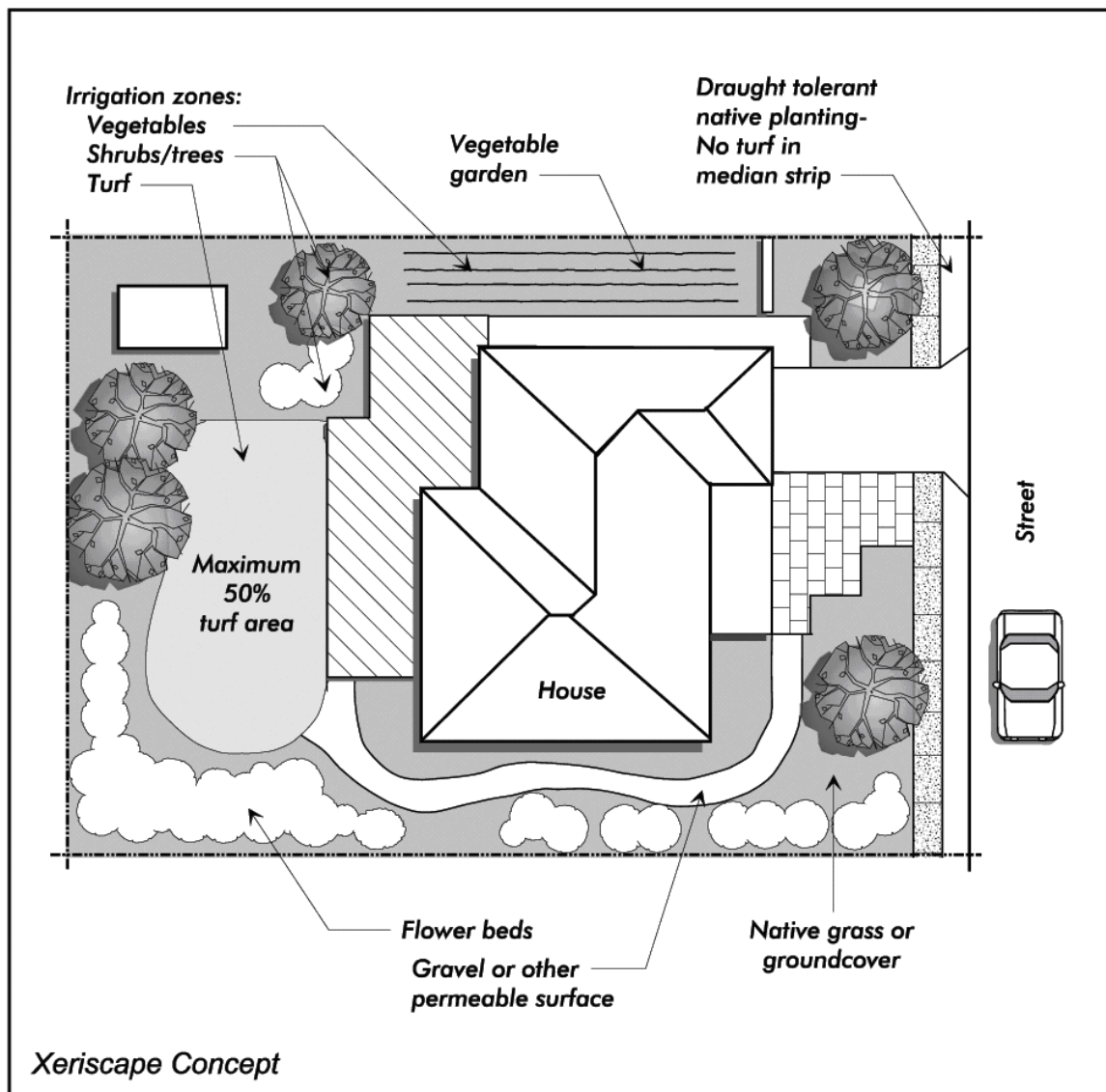
- (1) Property owner-provided landscaping for single-family residential projects;
- (2) New and rehabilitated cemeteries in compliance with Sections 492.4, 492.11, and 492.12; and existing cemeteries are limited to Sections 493, 493.1 and 493.2 of the MWEL0;
- (3) Ecological restoration projects that do not require a permanent irrigation system;
- (4) Mined-land reclamation projects that do not require a permanent irrigation system; or
- (5) Any project with a rehabilitated landscaped area less than two thousand five hundred (2,500) square feet.
- (6) Any project with a new landscaped area less than five hundred (500) square feet.

(ts) Prior to the issuance of any building permit, a landscape documentation package shall be submitted to the city for review and approval. The landscape documentation package shall include the following elements:

- (1) Water conservation concept statement.
- (2) Calculation of the maximum applied water allowance.
- (3) Calculation of the estimated applied water use.



- (4) Calculation of the estimated total water use.
- (5) Landscape design plan.
- (6) Irrigation design plan.
- (7) Irrigation schedules.
- (8) Maintenance schedule.
- (9) Landscape irrigation audit schedule.
- (10) Grading design plan.
- (11) Soil analysis.
- (12) Certificate of substantial completion (to be submitted after installation of the project.)



(u) Recommended tree list for the city. The city's recommended tree list is provided in table 29-142.1.

Table 29-142.1  
Recommended Tree List for the City of El Centro

Name	Height (feet)	Spread (feet)	Comments
* <i>Acacia abyssinica</i>	20— 25	20— 25	Slow growth to spreading, flat-topped or silhouette.
* <i>Acacia salicina</i> (Australian acacia)	20— 40	15	Fast growing tree with semi-weeping habit. Water moderately to control growth.
* <i>Acacia saligna</i> (Blue-Leaf Wattle)	20— 30	15— 20	Screen for privacy or wind control.
* <i>Acacia smalli</i> (Sweet Acacia)	30— 35	15— 25	Durable to frost.
<i>Albizia julibrissin</i> (Silk Tree)	40	n/a	Excellent patio tree.
* <i>Brachychiton populneus</i> (Bottle Tree)	30— 50	30	Susceptible to Texas root rot.
* <i>Ceratonia siliqua</i> (Carob Tree)	30— 40	30— 40	Do not plant in narrow areas.
* <i>Chamaerops humilis</i> (Mediterranean Fan Palm)	20	20	Hardest palm tree.
<i>Chilopsis linearis</i> (Desert Willow)	25	n/a	Grows fast at first.
<i>Chitalpa Tashkentensis</i> (Morning Cloud; Pink Dawn)	25— 30	n/a	Withstands low temperatures and grows quickly; excellent patio tree.
* <i>Cupressus</i> (Smooth Arizona Cypress)	40	20	Drought resistant when established.
<i>Dalea spinose</i> (Smoke Tree)	30	n/a	None.
* <i>Eucalyptus</i>	n/a	n/a	Evergreen trees, many varieties.
* <i>Fraxinus uhdei</i> (Evergreen Ash)	40	n/a	Rapid growth.
(Velutina)	n/a	n/a	Thrives in hot, dry climates.
<i>Fraxinus velutina</i> (Arizona Ash)	n/a	n/a	Tree withstands hot, dry conditions and cold to about -10°F.
* <i>Geijera parviflora</i> (Australia Willow)	25— 30	20	Useful as patio tree or street tree.
<i>Jacaranda mimosifolia</i> (Jacaranda)	40	30	Younger plants are tender below 25°F.
<i>Lagerstroemia indica</i> (Crape Myrtle)	30	n/a	Hardy to cold. Salt sensitive.
* <i>Lysiloma thornberi</i> (Feather Bush)	12	n/a	Takes desert heat and drought when established.
<i>Maclura pumifera</i> (Osage Orange)	60	n/a	Can stand heat, cold, wind, drought, poor soil and moderate alkalinity.
<i>Morus alba</i> (White Mulberry)	35	35	Heavy surface roots. Do not plant along parkways.
<i>Morus nigra</i> (Persian Mulberry)	30	n/a	Takes drought once established.
* <i>Olea europaea</i> (Olive)	25— 30	25— 30	Many varieties.
<i>Olneya tesota</i> (Desert Ironwood)	30	n/a	Cannot endure prolonged freezes.
<i>Oxycarpa</i> (Raywood Ash)	n/a	n/a	No invasive roots.
* <i>Pinus</i> (Pine Trees)	n/a	n/a	Evergreen trees, many varieties.
* <i>Pistacia chinesis</i> (Chinese Pistache)	60	50	Best in large areas.
<i>Pithecellobium flexicaule</i> (Texas Ebony)	30	15	Do not plant near sidewalks.

<i>Populus fremontii</i> (Freemont Cottonwood)	60	n/a	None.
* <i>Prosopis; Glandulosa</i> (Maverick - Honey/Mesquite)	n/a	n/a	Different varieties.
<i>Quercus virginiana</i> (Southern Live Oak)	60	n/a	Best oak for lawn planting in low desert. Heritage variety is recommended.
<i>Rhus lancea</i> (African Sumac)	25	n/a	Drought resistant. Hardy to 12o F. Susceptible to Texas root rot.
<i>Schinus molle</i> (California Pepper)	40	n/a	Tolerates drought once established.
<i>Schinus terebinthifolius</i> (Brazilian Pepper)	30	30	Good shade tree for patio or small garden.
<i>Tamarix aphylla</i> (Tamarisk)	n/a	n/a	Resistant to wind and drought.
* <i>Ulmus parvifolia</i> (Chinese Elm)	40— 60	50— 70	Evergreen.
<i>Vitex agnus-castus</i> (Chaste Tree)	25	n/a	Good small shade tree.
* <i>Washingtonia filifera</i> (California Fan Palm)	60	n/a	Hardy to 18 F°
* <i>Washingtonia robusta</i> (Mexican Fan Palm)	100	n/a	Slender trunk.
* <i>Ziziphus jujuba</i> (Chinese Jujube)	20— 30	20	Deciduous tree.

Notes:

\* Preferred

24-inch box minimum size for all recommended trees.

(v) Recommended Ground Cover List for the City of El Centro. Table 29-142.2 provides the City's recommend ground cover list.

Table 29-142.2  
Recommended Ground Cover List for the City of El Centro

Name	Height (feet)	Spread (feet)	Comments
<i>Acacia redolens</i> (Desert Carpet)	2	15	Endures drought and heat.
<i>Ajuga reptans</i> (Carpet Bugle)	n/a	n/a	High water use.
<i>Ambrosia deltoidea</i> (Trianglelead bursage)	n/a	n/a	None.
<i>Ambrosia dumosa</i> (White bursage)	n/a	n/a	None.
<i>Baccharis centennial</i>	2	5	Tolerates desert heat.
<i>Cerastium tomentosum</i> (Snow in Summer)	6 inches	2—3	Evergreen.
<i>Dalea greggii</i> (Trailing Indigo Bush)	1½	3	Fast-growing Evergreen.
<i>Decomposed granite, gravel, or rock mulch</i>	n/a	n/a	None.
<i>Gazania species</i>	n/a	n/a	None.
<i>Lantana montevidensis</i> (Purple Trailing Lantana)	1½	6	Hardy to 25°F.
<i>Lantana rigens</i> (No common name)	n/a	n/a	None.
<i>Malephora crocea</i> (Ice Plant)	6 inches	1½	Good for erosion control.
<i>Myoporum parvifolium</i> (Prostate Myoporum)	3	9	Moderately drought resistant.

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<i>Oenothera berlandieri</i> (Mexican Evening Rose)	n/a	n/a	1½ in flowers are carried on stems 10—12 inches high.
<i>Ophiopogon japonicum</i> (Mondo Grass)	n/a	n/a	Slow to establish as ground cover.
<i>Penstemon</i> sp. (Beard tongue)	n/a	n/a	None.
<i>Psilostrophe tagentina</i> (Papel flower)	n/a	n/a	None.
<i>Pyracantha santa cruz</i> (Prostate Firethorn)	3	5	Cold hardy.
<i>Phyla nodiflora</i> (Lippia)	n/a	n/a	Serves as lawn. Flowers attract bees. Unattractive in winter.
<i>Polygonum capitatum</i> (Pink Clover Blossom)	6 inches	20 inches	Will endure drought once established.
<i>Potentilla tabernaemontanii</i> (Spring Cinquefoil)	6 inches	18 inches	Evergreen.
<i>Rosmarinus officinalis prostratus</i> (Dwarf Rosemary)	2	8	Cold hardy.
<i>Verbena species</i> (Verbena)	flat mat	2	Many varieties.
<i>Wedelia</i> (No common name)	n/a	n/a	None.

Notes:

One (1) gallon minimum size for all recommended ground cover.

(~~www~~) Recommended shrub list for the city. Table 29-142.3 provides the city's recommended shrub list.

Table 29-142.3  
Recommended Shrub List for the City of El Centro

Name	Height (feet)	Comments
<i>Agave</i> sp. (NA)	n/a	None.
<i>Aloe</i> sp. (No Common Name)	n/a	None.
<i>Anisacanthus</i> sp. (Desert Honeysuckle)	n/a	None.
<i>Bougainvillea species</i> (Bougainvillea Shrubs)	3—5	Evergreen. Cannot withstand frost.
<i>Caesalpinia pulcherrima</i> (Red Bird of Paradise)	5—8	Deciduous shrub. Grows fast.
<i>Caesalpinia mexicana</i> (Mexican Bird of Paradise)	10—12	Evergreen shrub or small tree.
<i>Calliandra eriophylla</i> (Fairy Duster)	3—5	Evergreen. Hardy to 25 F° Drought resistant once established.
<i>Carissa microcarpa</i> (Natal plum)	n/a	None.
<i>Cassia artemisioides</i> (Feathery Cassia)	3	Other cassia varieties are also notable.
<i>Chamaerops humilis</i> (Mediterranean fan palm)	n/a	None.
<i>Cordia parvifolia</i> (Little leaf cordia)	n/a	None.
<i>Cortaderia sellowiana pumila</i> (Dwarf Pampas grass)	n/a	None.
<i>Dalea greggii</i> (Trailing Indigo Bush)	3—4	Excellent ground cover for desert.
<i>Dasyllirion</i> sp. (No common name)	n/a	None.
<i>Euryops pectinatus</i> (NA)	6	Easy maintenance and extremely long flowering season.
<i>Hesperaloe</i> sp. (Yucca)	n/a	None.

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<i>Juniperus species</i> (Juniper)	n/a	Evergreen. Many varieties do not tolerate desert heat.
<i>Lantana camara</i> (No common name)	n/a	None.
<i>Larrea tridentate</i> (Creosote Bush)	4—8	Evergreen. Cold hardy.
<i>Leucophyllum frutescens</i> (Texas Ranger)	3—5	Takes any degree of heat and wind.
<i>Maytenus phyllanthoides</i> (Mangle Duke)	n/a	None.
<i>Muhlenbergia lindheimeri</i> (No common name)	n/a	None.
<i>Muhlenbergia rigens</i> (Deer grass)	n/a	None.
<i>Myrtus communis 'compacta'</i> (Variegated dwarf myrtle)	n/a	None.
<i>Nandina domestica</i> (Heavenly Bamboo)	5—8	Vertical growth habit.
<i>Nerium oleander</i> (Oleander)	n/a	Evergreen shrubs. Many varieties. Basic shrub for the desert.
<i>Nolina microcarpa</i> (Bear grass)	n/a	None.
<i>Pennisetum setaceum</i> (Fountain grass)	n/a	None.
<i>Phoenix roebelinii</i> (Pigmy date palm)	n/a	None.
<i>Pyracantha fortuneana</i> (Firethorn)	n/a	Evergreen shrub.
<i>Rhapiolepis indica</i> (India Hawthorn)	3—5	Other varieties also suitable for the City. High water use.
<i>Rhus glabra</i> (Scarlet or smooth sumac)	n/a	None.
<i>Rosa varieties</i> (Rose)	n/a	Deciduous. High water use. Many varieties are available.
<i>Rosmanirus officinalis</i> (Rosemary)	4—6	Flowers attract bees.
<i>Ruellia peninsularis</i>	2—4	Drought tolerant once established.
<i>Russelia equisetiformis</i> (Coral fountain)	n/a	None.
<i>Salix exigua</i> (Coyote Willow)	n/a	None.
<i>Salvia greggii</i> (Red Salvia)	3—4	Other varieties also suitable for the City.
<i>Salvia sp.</i> (Sage)	n/a	None.
<i>Senna sp.</i> (No common name)	n/a	None.
<i>Simmondsia chinensis</i> (Jojoba)	n/a	Needs little water.
<i>Strelitzia nicolai</i> (Giant Bird of Paradise)	n/a	None.
<i>Strelitzia reginae</i> (Bird of Paradise)	n/a	None.
<i>Trachelospermum jasminoides</i> (Star Jasmine)	n/a	None.
<i>Thevetia peruviana</i> (Yellow Oleander)	6—8	Evergreen. Loves heat and sun.
<i>Xylosma congestum</i> (Shiny Xylosma)	8—15	Adaptable to most soils. Heat resistant.
<i>Yucca elata</i> (Soaptree yucca)	n/a	None.
<i>Yucca glauca</i> (Small soapweed)	n/a	None.

Notes:

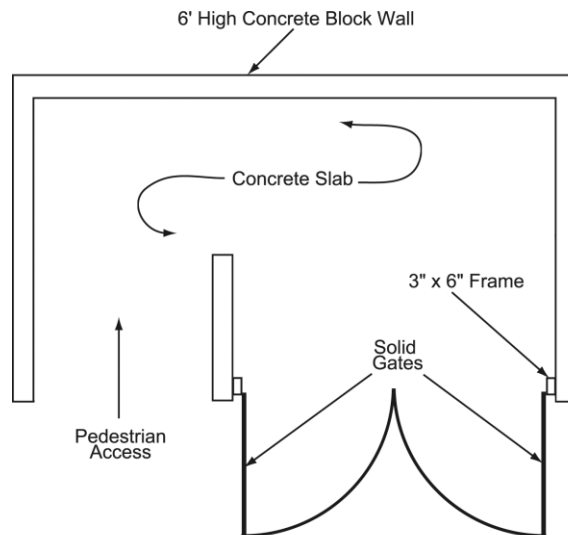
Five (5) gallon minimum size for all recommended shrubs.

(Ord. No. 13-16, § 15, 4-2-13; Ord. No. 13-18, § 10, 5-7-13)

## Sec. 29-143. Required screening and fencing.

Except as otherwise provided in this chapter, the following screening, fences and/or walls are required:

- (1) *Commercial, mixed use, manufacturing, limited use or civic center zones.* When a use is established in any commercial, mixed use, manufacturing, limited use or civic center zone, a six-foot-high solid masonry wall with a painted, stucco, or natural decorative masonry or adobe surface shall be constructed and maintained where a rear or interior side property line abuts a residential zone.
- (2) *Multi-family residential zone.* All uses established in a multiple-family residential zone shall require the construction and maintenance of a six-foot-high solid wood fence or masonry wall with a painted, stucco, or natural decorative masonry or adobe surface where a rear or interior side property line abuts a single-family residential zone.
- (3) *Parking areas.* All uses established in a commercial, mixed use, industrial, limited use, or civic center zone, shall require the construction and maintenance of a six-foot high solid masonry wall with a painted, stucco, or natural decorative masonry or adobe surface where any parking area of five (5) or more spaces and a rear or interior side property line abut a residential zone.
- (4) *Adjacent to street.* The above-required solid walls or fences shall be reduced to three (3) feet high within the required front yard when adjacent to a street.
- (5) *Trash enclosures.* All areas set aside for trash storage, pickup, and trash compactors and items used for recycling, reconditioning, or trash compacting shall be screened from view with a solid six (6) foot wall, fence, or other method deemed acceptable by the community development director when abutting:
  - a. Streets or public places;
  - b. Any property within a residential zone; and
  - c. Areas abutting alleys serving only commercial, mixed use, or industrial zones are exempt from this requirement. Trash enclosures and the other above-mentioned areas shall be maintained below the surrounding wall or fence.



- (6) *Storage areas.* All permitted outdoor storage areas in commercial, civic center, or industrial zones shall be screened or otherwise located so that such items are not visible from any public street, highway or residential zone. Screening shall consist of a six-foot-high solid or view-obscuring fence or wall or a chain-link fence with wood or metal slats. Outdoor storage areas featuring for-sale or rental automobiles or nursery stock shall be exempt from this requirement.
- (7) *Pool fencing.* All swimming pools, whirlpools, and spas shall be enclosed by a minimum five (5) foot high fence with a self-closing gate, except where rear and side yard fences or walls are provided.

(8) *Hazardous areas and railroads.*

- a. A solid six (6)-foot-high masonry wall shall be required along the perimeter of any lot or project abutting an irrigation canal.
- b. A fence or wall not less than six (6) feet in height may be required by the administrative committee due to certain property conditions or physical hazards, such as frequent inundation, erosion, excavation, or grade differential.
- c. An eight-foot-high solid masonry wall shall be installed at the time of new residential construction along any side or rear property line(s) adjacent to operational railroad right-of-way.

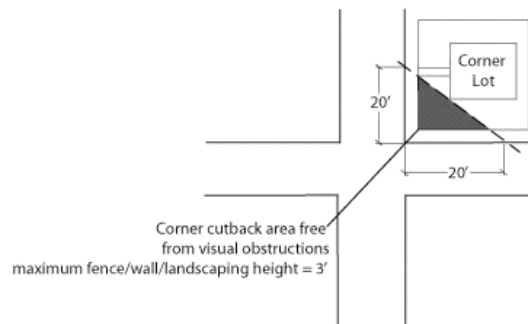
(9) *Security fencing.* Security fencing as required by any governmental agency or jurisdiction shall be permitted, notwithstanding the other provisions of this chapter.

(10) *Exceptions to screening and fencing requirements.*

- a. Required walls and fences between zone boundaries and for purposes of screening parking areas need not be provided if a wall or fence, meeting required specifications, exists immediately abutting and on the opposite side of the property line.
- b. In lieu of a required wall, a thirty-six-inch-high landscaped berm, or combination of wall and berm totaling thirty-six (36) inches in height, may be provided between any parking area and a street.
- c. Where the requirements of this chapter for screening would prove to be ineffective, the community development director may approve alternatives that meet the intent of this chapter.
- d. The city officer or body having jurisdiction over a site plan, variance, conditional use permit, or other plan may permit or require alternative methods or standards for screening as a condition of project approval.

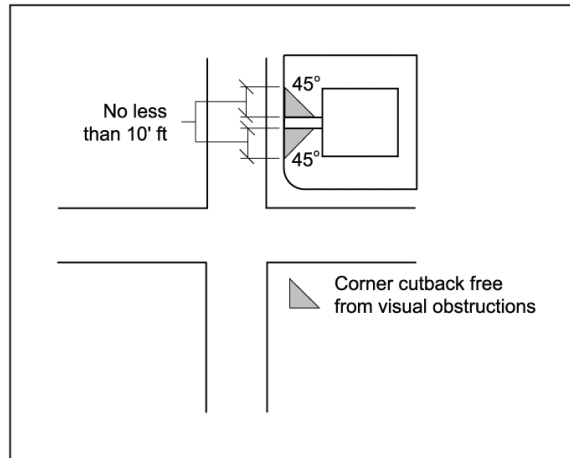
(11) *Required intersection visibility in all zones.*

- a. Corner lots. There shall be no visual obstructions as herein described within the corner cutback area of all corner lots. The corner cutback area shall be defined by a line on a horizontal plane connecting two (2) points along the front and street-side property lines and forming a triangle. These points shall be measured twenty (20) feet back from the intersection of the front and street-side property lines. In the corner cutback area of corner lots, the height of mature shrubs, without pruning, and walls, fences and other features that obstruct vision may not exceed three (3) feet above curb grade.



- b. Driveways. There shall be a corner cutback area on each side of any private driveway at its intersection with a street. The cutback lines shall be in a horizontal plane, making an angle of

forty-five (45) degrees with the side, front or rear property lines, as the case may be. They shall pass through a point not less than ten (10) feet from the edges of the driveway where it intersects the street right-of-way.



- c. Exceptions. The foregoing provisions regarding intersection visibility shall not apply to the following: permanent buildings in existence on the effective date of this chapter; utility poles; trees trimmed at the trunk line at least eight (8) feet above the level of the intersection; supporting members or appurtenances to permanent buildings in existence on the effective date of this chapter; and official warning signs or signals.
- (12) *Architectural compatibility.* Notwithstanding the other provisions of this section, all required screening, fences, and/or walls shall be designed in a manner that is architecturally compatible with the structures and/or uses of the lot on which they are located; structures and/or uses adjacent to the lot on which they are located; and the character of the surrounding area.

(Ord. No. 13-16, § 16, 4-2-13)

## **Sec. 29-144. Permitted fences, walls, and hedges.**

Except where a greater or lesser height is required by the landscaping and screening regulations, or other provisions of the zone, fences, walls, and hedges are permitted in any zone in accordance with the following standards:

- (1) A thirty-six-inch-high solid fence, wall, or hedge may be located anywhere on a lot.
- (2) A forty-eight-inch-high open fence may be located anywhere on a lot.
- (3) Except where driveway, street or alley visibility requires a cutback area, a six-foot-high fence, wall, or hedge may be located anywhere on a lot behind the required front yard.
- (4) Within the main building area, a fence, wall, or hedge may be no higher than twelve (12) feet.
- (5) Within visual enhancement areas, a six-foot high solid masonry wall shall be permitted.
- (6) Under no circumstances shall any fence, wall, or hedge, regardless of its location, block pedestrian or vehicular visibility for safe and easy circulation.

## **Secs. 29-145—29-148. Reserved.**



## *DIVISION 7. LIGHTING REGULATIONS*

### **Sec. 29-149. Lighting standards.**

Outdoor lighting shall be permitted so as to provide safe pedestrian and vehicular access and to provide security lighting in compliance with the following standards:

- (1) Lights shall be used for the purpose of illumination only, and not designed for or used as an advertising display.
- (2) Light fixtures shall be so designed and adjusted as to reflect light away from the following: any road or street; adjoining premises on which a dwelling is located; or land zoned for other than business or industrial uses.
- (3) Light fixtures for any light source shall be shielded from above in such a manner that the edge of the shield is level with or below the bottom of the light source in order to minimize the direct emission of light above the horizontal. For the purposes of this section, the term light source shall include light-directing refractors and exclude incandescent lamps of two hundred (200) watts or less and light produced directly by the combustion of natural gas or other fuels.
- (4) No light or glare shall be transmitted or reflected in such concentrated quantities or intensities as to be detrimental or harmful to, or to interfere with, the use of surrounding properties or streets.
- (5) The height of light poles shall not exceed a maximum height of forty-five (45) feet; however, light fixtures between twenty-five (25) feet and thirty-five (35) feet are preferred.

### **Secs. 29-150—29-153. Reserved.**

## *DIVISION 8. PERFORMANCE STANDARDS*

### **Sec. 29-154. Compliance required.**

All uses established or placed into operation after the effective date of this chapter shall comply at all times hereafter with the following performance standards. All commercial and industrial uses actually established and in operation on the effective date of this chapter shall be made to comply with the following performance standards on or before the effective date of this chapter and shall comply at all times thereafter.

### **Sec. 29-155. Residential noise insulation standards.**

All new residential construction shall comply with the noise insulation standards of title 24, part 2 of the California Code of Regulations.

### **Sec. 29-156. Commercial, mixed use, and industrial standards.**

- (a) *Fire and explosion hazards.* The city fire prevention code shall apply to all developments and uses in the city.

- (b) *Electrical disturbance.* Except where rules of the Federal Communications Commission take precedence, devices that radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Radio-frequency energy is defined as electromagnetic energy at any frequency in the radio spectrum between ten (10) kilocycles and three million (3,000,000) megacycles.
- (c) *Noise.* The maximum one (1) hour average sound level radiated by any use or facility when measured at any point at least four (4) feet above ground level, on or beyond the boundary line of the property on which sound is generated, shall not exceed the following:

Zone*/Time Period	One Hour Average Sound Level (decibels)
<b>Residential Zones</b>	
7 a.m. to 10 p.m.	50
10 p.m. to 7 a.m.	45
<b>Commercial, <u>Mixed Use</u>, Civic Center and Limited Use Zones</b>	
7 a.m. to 10 p.m.	60
10 p.m. to 7 a.m.	55
<b>Manufacturing Zones</b>	
7 a.m. to 10 p.m.	75
10 p.m. to 7 a.m.	70

\* Zone which exists on the abutting or nearby property at whose boundary the measurement is taken.

- (d) *Vibration.* Every use shall be so operated that the ground vibration inherently and recurrently generated does not cause a displacement of the earth greater than three thousandths (0.003) of one (1) inch as measured at any point along the property line of the use.
- (e) *Smoke.* No emission of visible grey smoke shall be permitted at any point, from any chimney or otherwise, when of a shade equal to or darker than:
- (1) Units No. 1 & No. 2 on the Power's Micro-Ringlemann chart. Emissions of such smoke are permitted for a maximum of four (4) minutes in any thirty (30) minute period. These provisions are also applicable to visible smoke of a different color but with an apparently equivalent opacity.
- (f) *Emission of Dust, Heat and Glare.* Every use shall be so operated that it does not emit dust, heat or glare in such a quantity or degree as to be readily detectable on any boundary line of the lot on which the use is located. The following requirements also apply:
- (1) Dust, dirt and fly ash shall not exceed three tenths (0.3) grains per cubic feet of flue gas at stack temperature of five hundred (500) degrees Fahrenheit, nor fifty (50) percent excess air. In addition, such emissions shall in no manner be unclean, destructive, unhealthful, hazardous, nor shall visibility be impaired by emission of a haze in which vision is unduly impeded with an apparent opaqueness equivalent to Unit No. 1 of the Power's Micro-Ringlemann chart.
  - (2) Glare from arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point outside of the property.
- (g) *Emission of odors.* No emission of odorous gases or other odorous matter in quantities which exceed the proportions shown in the Imperial County Air District's Rules and Regulations manual as periodically updated.
- (1) Odor. The emission of obnoxious odors of any kind shall not be permitted.
  - (2) Gas. No gas which is deleterious to the public health, safety or general welfare shall be emitted.

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**Secs. 29-157—29-160. Reserved.**

## *DIVISION 9. ACCESSORY USE REGULATIONS*

### **Sec. 29-161. Accessory uses subordinate to principal use.**

In addition to the permitted principal uses, each zone established by this chapter shall be deemed to include specifically identified accessory uses and other accessory uses that are necessarily and customarily associated with, and are appropriate, incidental, subordinate to, and create no greater impact to surrounding property than such principal uses. It shall be the responsibility of the community development director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use. Such a determination shall be based on his or her evaluation of two (2) issues:

- (1) The resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses; and
- (2) The relationship between the proposed accessory use and the principal use.

Such determinations may be appealed to the administrative committee pursuant to section 29-353.

(Ord. No. 13-16, § 17, 4-2-13)

### **Sec. 29-162. Residential and mixed use zones.**

For accessory uses in residential and mixed use zones, the following regulations shall apply:

- (1) *Guest dwellings.* Upon site plan review and approval by the community development director, one (1) guest dwelling is permitted in the RAP, RR and R-I zones on a lot or building site with an area of not less than the minimum lot area size required in that zone.
- ~~(2) *Accessory unit.* Upon site plan review and approval by the community development director, one (1) accessory unit may be permitted when in compliance with the following:~~
  - ~~a. *Applicability.* An accessory unit shall not be authorized for a residence on a lot of less than six thousand (6,000) square feet. An accessory unit shall not be authorized for a residence within a subdivision created after the effective date of this subsection of this chapter until one (1) year after occupancy of the residence as documented by the date of the building inspector's final inspection or any other evidence that may be required by the community development director.~~
  - ~~b. *Owner occupancy.* Owner occupancy of the primary residence is required for any property with an occupied accessory unit.~~
  - ~~c. *Attachment.* An accessory unit shall be attached to the primary unit in a manner that creates the appearance of an enlarged primary residence with a logical extension of roof and/or walls. The accessory unit shall not give the appearance of an add-on unit.~~
  - ~~d. *No conversion of a garage or other nonliving area.* There shall be no conversion of a garage, accessory building, or other nonliving area of a primary residence into an accessory unit.~~
  - ~~e. *Area.* The minimum allowed area of an accessory unit shall be no less than three hundred fifty (350) square feet. The maximum allowed area of an accessory unit shall be no more than thirty (30) percent of the floor area of the primary unit. Whenever an increase in floor area is involved, it shall not exceed thirty (30) percent of the existing living area.~~

- ~~f. — Parking. An accessory unit shall have at least one (1) off-street parking space in addition to the parking required for the primary unit. Tandem parking may be used to provide the required off-street parking space.~~
- ~~g. — Conformity with generally applicable standards, fees, and procedures. Any construction of an accessory unit shall conform to the height, setback, lot coverage, review procedures, fees, charges, and other zoning, building, and development requirements generally applicable to a proposed dwelling unit in the zone in which the property is located as specified in this chapter.~~
- ~~h. — Occupancy of accessory unit. Occupancy of all accessory units shall be limited to a maximum of two (2) persons.~~

**(23) Home occupations.**

- a. Home occupations shall include any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof. The use shall be clearly incidental and secondary to the principal use of the dwelling as a residence. The following uses or similar uses shall be considered as home occupations provided that such uses comply with the criteria established by this section:
  - 1. Consultative professional occupations that function to provide a service not involving the exchange of goods or products.
  - 2. Second business offices where the principal office, staff and equipment of said business is located elsewhere.
  - 3. The home office of a salesman when all sales are conducted by correspondence and commodities or displays are not provided on the premises.
  - 4. Drafting, designing and like businesses using only normal drafting equipment.
  - 5. One station beauty salon or barber shop.
  - 6. One station massage therapist licensed and certified pursuant to chapter 16, article VI, divisions 1 and 2.
- b. The following regulations shall apply in the operation of any home occupation:
  - 1. There shall be no employment of help other than resident family members.
  - 2. There shall be no use of materials or mechanical equipment not recognized as being part of normal household or hobby uses.
  - 3. Required off-street parking for the residence shall be maintained.
  - 4. There shall be no sales of products or services not produced on the premises.
  - 5. The use shall not generate pedestrian or vehicular traffic beyond the level normal to the zone in which it is located.
  - 6. There shall be no commercial delivery of materials to or from the premises beyond those normally experienced in a residential zone.
  - 7. There shall be no unsightly storage of materials or supplies in connection with the home occupation.
  - 8. There shall be no signs or structures other than those permitted in the zone.

**(34) Repair of vehicles and equipment.** Repair, fabrication, or other work on automobiles, other vehicles or equipment on residential premises shall be subject to the following conditions and restrictions:

- a. Such work shall be done only upon vehicles or equipment owned by a resident of the premises

- b. Such work shall be limited to vehicles or equipment that may be stored within a private garage upon residential premises.
- c. Such work shall be done only between the hours of 8:00 a.m. and 10:00 p.m.
- d. Such work shall not be done in a public right-of-way.
- e. Storage of parts for such vehicles or equipment on the premises shall be limited to those parts reasonably necessary for repair of the occupant's vehicle or equipment. Parts which cannot be conveniently located within an enclosed structure shall be screened so as not to be visible from the public right-of-way and adjacent property.
- f. Notwithstanding anything to the contrary herein, no such work that creates a nuisance or otherwise tends to deteriorate the environment, peace, tranquility, and enjoyment of residents in the surrounding neighborhood shall be permitted.
- g. Flammable liquids shall not be used in any building or residential premises in connection with such work, and no welding or torch cutting may be done anywhere on such premises except when a permit is obtained from the city fire code official. All such work shall be conducted in conformance with the applicable provisions of the city fire prevention code.

(45) *Large family day care homes.* Large family day care homes shall be permitted in all residential zones when appurtenant to a single-family residential dwelling in conformance with the California Health and Safety Code and shall conform to all development standards specified for the zone in which such home is located. In addition, large family day care homes shall be permitted on all lots zoned for two-family residential dwelling units. The following standards and conditions apply to large family day care homes:

- ~~a. Notice to operate a large family day care home. Notice of application to operate a large family day care home shall be mailed to all property owners within a one hundred foot radius of the exterior boundaries of the proposed site not less than ten (10) days prior to the date on which the decision will be made on the application.~~
- ~~b. Administrative hearing required. The applicant or any affected person(s) may request an administrative hearing before the administrative committee for consideration of the application. Any request for an administrative hearing, shall be made in writing to the city, not more than fifteen (15) days from receipt of the notice to operate.~~
- ~~c. No hearing required. If an administrative hearing is not requested by the applicant or affected person(s), the application shall be reviewed by the community development director as a nondiscretionary permit under the site plan review procedure and shall be in accordance with the standards listed under subsections d. through i. below.~~
- ~~d. Spacing/concentration. A large family day care home shall not be located within six hundred (600) feet of another such facility on the same street as measured from the exterior property lines. An exemption to the spacing requirement may be approved by the city if the existing facility is at capacity or the applicant demonstrates that a need exists for a unique or particular service not currently provided by the existing large family day care home.~~
- ~~e. Parking. A minimum of two (2) off-street parking spaces shall be provided for the project. Off-street parking related to the day care home operation may only be provided on a driveway within the twenty-foot front yard setback. Residences located on arterial streets (as designated in the circulation element of the general plan) shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street.~~
- ~~f. Noise. Play areas shall be designed and located to reduce impacts of noise on surrounding properties. Noise levels shall be in compliance with the city's residential noise level standards provided in chapter 17.1 of the City Code pertaining to noise abatement and control. The city~~

~~may impose reasonable requirements to alleviate noise, including but not limited to the installation of a six-foot high block wall around the perimeter of the rear yard.~~

- ~~g. State license. Prior to the approval of the site plan review application, the applicant shall provide proof that he or she is licensed by the California Department of Social Services and operating said facility in accordance with all applicable state requirements.~~
  - ~~h. Operation. Large family day care homes shall be operated in a manner that will not adversely affect adjoining residences or be detrimental to the character of the residential neighborhood.~~
  - ~~i. Exempt from CEQA. Pursuant to CEQA guidelines section 15274, applications to operate large family day care homes are exempted from formal environmental review.~~
  - ~~j. Signs. No on-site signs advertising the day care shall be permitted.~~
  - ~~k. Health and safety requirements. The operator shall comply with all applicable regulations or other requirements of the city fire department regarding health and safety requirements and all other applicable codes and regulations.~~
- (56) *Large residential care facilities.* ~~Large residential care facilities shall be permitted in all residential zones when appurtenant to a residential dwelling in conformance with the California Health and Safety Code. In addition, large residential care facilities shall be permitted on all lots zoned for multiple-family residential dwelling units. The following standards and conditions apply to large residential care facilities family day care homes:~~
- a. *Notice to operate a large residential care facility.* Notice of application to operate a large residential care facility shall be mailed to all property owners within a one hundred-foot radius of the exterior boundaries of the proposed site not less than ten (10) days prior to the date on which the decision will be made on the application.
  - b. *Administrative hearing required.* The applicant or any affected person(s) may request an administrative hearing before the administrative committee for consideration of the application. Any request for an administrative hearing, shall be made in writing to the city, not more than fifteen (15) days from receipt of the notice to operate.
  - c. *No hearing required.* If an administrative hearing is not requested by the applicant or affected person(s), the application shall be reviewed by the planning director as a nondiscretionary permit under the site plan review procedure and shall be in accordance with the standards listed under subparagraphs d. through k. of this subsection (6).
  - d. *Spacing/concentration.* A large residential care facility shall not be located within three hundred (300) feet of another such facility on the same street as measured from the exterior property lines. An exemption to the spacing requirement may be approved by the city if the existing facility is at capacity or the applicant demonstrates that a need exists for a unique or particular service not currently provided by the existing large residential care facility.
  - e. *Parking.* A minimum of two (2) off-street parking spaces shall be provided for the project. Off-street parking related to the large residential care facility operation may only be provided on a driveway within the twenty-foot front yard setback. Residences located on arterial streets (as designated in the circulation element of the general plan) shall provide a drop-off/pick up area designed to prevent vehicles from backing onto the street.
  - f. *Noise.* Outdoor common areas shall be designed and located to reduce impacts of noise on surrounding properties. Noise levels shall be in compliance with the city's residential noise level standards provided in chapter 17.1 of the City Code pertaining to noise abatement and control. The city may impose reasonable requirements to alleviate noise, including but not limited to the installation of a six-foot high block wall around the perimeter of the rear yard.

- g. *State license.* Prior to the approval of the site plan review application, the applicant shall provide proof that he or she is licensed by the California Department of Social Services, if applicable, and operating said facility in accordance with all applicable state requirements.
- h. *Operation.* Large residential care facilities shall be operated in a manner that will not adversely affect adjoining residences or be detrimental to the character of the residential neighborhood.
- i. *Exempt from CEQA.* Pursuant to CEQA Guidelines Section 15274, applications to operate residential care facilities are exempted from formal environmental review.
- j. *Signs.* No on-site signs advertising the large residential care facility shall be permitted.
- k. *Health and safety requirements.* The operator shall comply with all applicable California Health and Safety Code regulations or other requirements of the city building and safety department and fire department regarding health and safety requirements and all other applicable codes and regulations.

(6) Supportive and transitional housing. Supportive and transitional housing that is provided in single-family, duplex, manufactured housing, multi-family, mixed-use units, or group dwellings shall be permitted, conditionally permitted or prohibited in the same manner as the other single-family, duplex, manufactured housing, multi-family, mixed-use units, or group dwellings under this chapter.

(Ord. No. 09-04, § 1C, 6-17-09; Ord. No. 11-02, § 4, 4-19-11; Ord. No. 13-16, § 18, 4-2-13; Ord. No. 13-20, § 4, 5-21-13; Ord. No. 16-13, § 2, 11-1-16 ; Ord. No. 17-15, § 4, 11-21-17 )

## **Sec. 29-163. Commercial, manufacturing and civic center zones.**

- (a) Accessory structures and uses shall, for the purposes of this section, be defined as those necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal commercial, industrial or other uses which are permitted in each zone.
- (b) A ~~caretaker residencesingle accessory dwelling unit~~ shall be subject to site plan review and approval by the community development director, and shall comply with the following:
  - (1) In any commercial or manufacturing zone, a ~~caretaker residencesingle accessory residential unit~~ may be established when it is located within and occupies not more than twenty (20) percent of the floor area of a commercial or industrial building, and is occupied exclusively by the owner, caretaker, superintendent, or security personnel and his/her family.
  - (2) Within the ML (Light Manufacturing) or MG (General Manufacturing) zones only, a detached ~~caretaker residencesingle family accessory residential unit~~ shall be permitted, provided that such dwelling occupies not more than twenty (20) percent of the floor area occupied by the principal manufacturing use and is screened from view from any public street in a manner satisfactory to the city. Pursuant to article V, division 4 of this chapter, a site plan shall be submitted to the city for review and approval prior to the issuance of any building permits. The appropriate school districts shall be notified through the site plan review procedure in order to assess any appropriate school impact mitigation.
- (c) *Accessory residential in the CG (general commercial) zone.* A conditional use permit for a mixed commercial/residential development in general compliance with the standards and procedures for a planned unit development may be granted by the city council following review and recommendation by the planning commission. In approving said conditional use permit, the planning commission and city council shall find that the proposed development would better achieve the goals of the general plan than would strict compliance with the permitted uses of the CG (general commercial) zone.

(d) Supportive and transitional housing. Supportive and transitional housing that is provided in single-family, duplex, manufactured housing, multi-family, mixed-use units, or group dwellings shall be permitted, conditionally permitted or prohibited in the same manner as the other single-family, duplex, manufactured housing, multi-family, mixed-use units, or group dwellings under this chapter.

(Ord. No. 13-16, § 19, 4-2-13)

**Secs. 29-164—29-167. Reserved.**

## ***DIVISION 10. ACCESSORY~~SECOND~~ DWELLING UNITS***

### **Sec. 29-168. Accessory~~Second~~ dwelling unit regulations.**

~~Second dwelling units, as defined by California Government Code section 65852.2(i)(4), shall be regulated in conformance with California Government Code section 65852.2.~~

- (a) Purpose. The purpose of this chapter is to establish standards for the development of Accessory Dwelling Units and Junior Accessory Dwelling Units consistent with Government Code Sections 65852.2 and 65852.22, as amended. Accessory Dwelling Units and Junior Accessory Dwelling Units are allowed in conjunction with single-family and multi-family dwellings in order to provide flexible and affordable housing options within the City.
- (b) Number Permitted. Notwithstanding sections (1) through (3) below, the number of dwelling units permitted on a lot shall not exceed the number allowed by California Government Code Sections 65852.21 and 66411.7.
- (1) The following shall be permitted as accessory uses on lots with one existing or proposed single-family dwelling:
- a. One Accessory Dwelling Unit, and
  - b. One Junior Accessory Dwelling Unit.
- (2) The following shall be permitted as an accessory use on lots with more than one existing or proposed single-family dwelling:
- a. One internal or detached Accessory Dwelling Unit per lot.
- (3) The following shall be permitted as accessory uses to existing or proposed multiple-family dwellings:
- a. Up to two detached Accessory Dwelling Units, and
  - b. The conversion of portions of multiple-family structures that are not used as living space to create at least one internal Accessory Dwelling Unit, or up to twenty-five percent of the number of existing dwelling units as internal Accessory Dwelling Units.
- (c) Occupancy. When a Junior Accessory Dwelling Unit is located on a residential property, either the Junior Accessory Dwelling Unit or the primary dwelling shall be occupied by the owner of the primary dwelling. Prior to the issuance of a building permit, Aa deed restriction shall be recorded against the title of the property that stipulates this owner occupancy requirement and that the Junior Accessory Dwelling Unit cannot be sold separately from the primary dwelling.
- (d) Minimum Allowance. Development standards included in this chapter or elsewhere in Chapter 29 shall not prohibit an Accessory Dwelling Unit that is up to 16 feet high, with a floor area up to 800 square feet and 4-foot side and rear yards.



(e) Development Standards. The following development standards shall apply to Accessory Dwelling Units and Junior Accessory Dwelling Units. Where development standards are not specified in this chapter, Accessory Dwelling Units and Junior Accessory Dwelling Units shall meet all development standards for the zone within which they are located, provided the development standards do not prohibit the minimum allowance as described in (d) above.

(1) Density. Accessory Dwelling Units and Junior Accessory Dwelling Units shall not be counted for the purpose of determining residential density as defined in this title.

(2) Lot Size. There is no minimum lot size required for Accessory Dwelling Units or Junior Accessory Dwelling Units.

(3) Existing Structures.

a. When an existing accessory building is converted to an Accessory Dwelling Unit, the existing square footage may be expanded by up to 150 square feet to allow for ingress and egress.

b. Junior Accessory Dwelling Units shall not include expansions of existing structures.

(4) Junior Accessory Dwelling Unit Size.

a. The minimum floor area of a Junior Accessory Dwelling Unit shall be 150 square feet.

b. The maximum floor area of a Junior Accessory Dwelling Unit shall be 500 square feet.

(5) Accessory Dwelling Unit Size.

a. The minimum floor area of an Accessory Dwelling Unit shall be 150 square feet.

b. The maximum floor area of an Accessory Dwelling Unit shall be 50 percent of the size of the primary dwelling (not to exceed 1,200 square feet), or at least 850 square feet for units with one or fewer bedrooms and 1,000 square feet for units with two or more bedrooms.

c. The conversion of an existing accessory building to an Accessory Dwelling Unit is not subject to a maximum size limit, provided there is no expansion of the existing structure beyond 150 square feet for ingress and egress.

(6) Height.

a. The maximum height for detached or attached Accessory Dwelling Units shall be ~~46~~25 feet.

b. The maximum height for internal Accessory Dwelling Units and Junior Accessory Dwelling Units shall be the same as the primary dwelling in the underlying zone.

c. The conversion of an existing accessory building to an Accessory Dwelling Unit is not subject to this height limit, provided there is no expansion of the existing structure beyond 150 square feet.

(7) Setbacks for Attached or Detached Accessory Dwelling Units. Setbacks for attached or detached Accessory Dwelling Units shall be as follows:

a. Front setback. The front setback shall be consistent with the requirements of the underlying zone.

b. Rear setback. Rear setbacks shall be four feet or consistent with the requirements of the underlying zone, whichever is less.

c. Rear setback abutting a freeway. Rear setbacks abutting a freeway shall be 50 feet.

d. Interior side setback. Interior side setbacks shall be four feet or consistent with the requirements of the underlying zone, whichever is less.

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- (8) Setbacks for Internal and Junior Accessory Dwelling Units. Setbacks for Internal Accessory Dwelling Units and Junior Accessory Dwelling Units shall be consistent with the requirements for the primary dwelling in the underlying zone.
- (9) Setbacks for conversions. The conversion of an existing accessory building to an Accessory Dwelling Unit is not subject to setback requirements, provided there is no expansion of the existing structure beyond 150 square feet.
- (f) Parking for Junior Accessory Dwelling Units. No additional off-street parking spaces shall be required for Junior Accessory Dwelling Units, except that existing off-street parking within an attached garage that is removed as part of a conversion to a Junior Accessory Dwelling Unit shall be replaced elsewhere on the property. Required off-street parking spaces may be provided as tandem spaces or within setback areas, provided the spaces do not create a health or safety hazard.
- (g) Parking for Accessory Dwelling Units. Off-street parking shall be provided for Accessory Dwelling Units as follows:
- (1) One off-street parking space shall be required per Accessory Dwelling Unit, except:
- a. No off-street parking spaces are required for Accessory Dwelling Units located within one-half mile walking distance of public transit, defined for the purposes of this section as a location including, but not limited to, a bus stop or train station where the public may access buses, trains, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- b. No off-street parking spaces are required for Accessory Dwelling Units located within an architecturally and historically significant historic district.
- c. No off-street parking spaces are required for Accessory Dwelling Units that are part of the proposed or existing primary dwelling or an accessory structure.
- d. No off-street parking spaces are required for Accessory Dwelling Units when on-street parking permits are required, but not offered to the occupant of the accessory dwelling unit.
- e. No off-street parking spaces are required for Accessory Dwelling Units when there is a car share vehicle located within one block of the accessory dwelling unit.
- f. Existing off-street parking within a garage, carport, or covered parking structure that is removed or converted as part of construction of an Accessory Dwelling Unit is not required to be replaced.
- (2) Required off-street parking spaces may be provided as tandem spaces or within setback areas, provided the spaces do not create a health or safety hazard.
- (h) Fire Sprinklers. Fire sprinklers shall not be required for Accessory Dwelling Units or Junior Accessory Dwelling Units unless they are required for the primary dwelling.
- (i) Design. A Junior or Accessory Dwelling Unit, whether attached or detached, shall be architecturally compatible with the primary dwelling through the use of consistent architectural style, exterior building and roofing colors and materials, and landscaping.

## ***DIVISION 11. ANIMAL KEEPING REGULATIONS***

### **Sec. 29-169. Application of animal keeping regulations.**

The following regulations shall apply to the keeping of animals on any residential property and shall specifically be inapplicable to the following:

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- (1) Dogs and cats not constituting a kennel.
  - (2) Animals kept for sale in zones where retail sale is permitted, provided such animals are kept within an enclosed building without outside runs or cages.
  - (3) Animals kept incidental to the operation of a veterinary hospital.

#### **Sec. 29-170. Animal keeping by conditional use permit.**

Where accessory to a single-family or two-family dwelling, the following animal keeping is permitted subject to the following standards, including a conditional use permit where specified. All other animal keeping is prohibited within the city.

- (1) *Birds*. Where more than ten (10) birds are kept on any premises, whether for pleasure or profit, a conditional use permit shall be required.
- (2) *Poultry, rabbits, chinchillas, furbearing animals, amphibians, and other small animals*. Where more than two (2) such animals are kept on any premises, whether for pleasure or profit, a conditional use permit shall be required. In no case shall such conditional use permit allow more than twenty-five (25) such animals.
- (3) *Wild, exotic or undomesticated animals*. Not permitted.
- (4) *Horses, bovine animals, sheep, goats, swine, mules, and roosters*. Permitted within the rural residential zone and not otherwise permitted except as an animal raising project as specified in sections 5-1 and 29-171.

(Ord. No. 13-26, § 1, 10-1-13)

#### **Sec. 29-171. Temporary permits for animal raising regulations.**

Animal raising projects shall be subject to the following regulations:

- (1) *Youth organization*. Such project is limited to the keeping, raising and breeding of domesticated animals under the auspices of 4-H, FFA or other similar youth organizations.
- (2) *Minimum lot size*. No such animal raising project shall be permitted on a lot less than six thousand (6,000) square feet in net area.
- (3) *Temporary use permit*. A temporary use permit shall be required for such animal raising project for a period not to exceed six (6) months. The fee for a temporary use permit shall be waived for all animal raising projects contemplated by subsection (1).
- (4) *Other conditions*. A temporary use permit for an animal raising project may impose other conditions pertaining to the type, number, and location of animals as are reasonable and necessary for the protection of the public health and welfare and for the protection of the health and welfare of the animals.

(Ord. No. 13-26, § 2, 10-1-13)

#### **Secs. 29-172—29-175. Reserved.**

### **ARTICLE IV. GENERAL PROVISIONS**

## ***DIVISION 1. PLANNED UNIT DEVELOPMENT***

### **Sec. 29-176. Intent and purpose.**

It is the intent of this division to provide greater flexibility in the application of development standards for residential projects as set forth in chapter 24 of the City Code, subdivision ordinance, and this chapter, and to encourage innovative site planning in keeping with the following principles:

- (1) The encouragement of a more desirable living environment through application of modern site planning techniques which are not generally available through strict application of conventional development standards.
- (2) The arrangement of buildings, streets, and landscaped areas in a more functional and visually satisfying pattern.
- (3) The development of a more interesting and varied project in accordance with a detailed comprehensive plan encompassing such elements as the design and location of structures, the circulation pattern, parking facilities, landscaping, open space, and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying the property.

### **Sec. 29-177. Conditional use permit required.**

Planned unit developments are subject to a conditional use permit and may be approved pursuant to the provisions regarding conditional use permits outlined in article V, division 6 of this chapter.

### **Sec. 29-178. Development standards.**

The following standards shall apply to planned unit developments unless modified by the city council pursuant to the provisions of section 29-182 of this division.

- (1) *Project size.* There shall be five (5) or more acres of land within the project to be developed.
- (2) *Yard requirements.* No structure shall be located closer to the project perimeter line than a distance equal to the height of such structure, and no structure shall be located closer to any dedicated street line than ten (10) feet, plus five (5) feet for each floor of such structure in excess of two (2) stories.
- (3) *Distance between buildings.* The minimum distance between any two (2) adjacent buildings or structures shall be equal to one-half (½) the aggregate height of the two (2) buildings or structures.
- (4) *Town house or row house development.* In areas where town house developments are proposed, no continuous group of dwellings shall exceed two hundred (200) feet in any dimension.
- (5) *Land area per unit.* The land area required per unit, which is owned in fee by individuals, may be waived by the city council in those instances where common open space has been provided as required in this division, except that:
  - a. Each single-family detached unit shall occupy parcels of land not less than five thousand (5,000) square feet in area with a minimum average width of not less than fifty (50) feet; and

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- b. Each individual town house unit shall occupy parcels of land not less than one thousand six hundred (1,600) square feet in area with a minimum average width of not less than twenty (20) feet.
- (6) *Density.* A planned unit development shall not exceed the density of the zone(s) in which it is located. When a planned unit development contains two or more general plan land use designations, the density of the planned unit development may not be transferred from one general plan designation to another without a general plan amendment.
  - (7) *Local access.* Nothing in this division shall cause the waiver of street requirements established in chapter 24 of the City Code, subdivision ordinance. However, planned unit developments may be served by private ways, streets or alleys that vary from the requirements for dedicated streets if, in the judgment of the city council, such waiver is in conformity with the provisions of this division. Furthermore, such paved private access ways, exclusive of pedestrian walkways, shall be at least:
    - a. Twenty (20) feet wide for one-way traffic when parking is prohibited by posted signs.
    - b. Twenty-four (24) feet wide for two-way traffic when visitor parking is provided in specially designed bays outside of the right-of-way and parking on the access way is prohibited by posted signs.
    - c. Forty (40) feet wide for two-way traffic when parking is allowed on both sides.
  - (8) *Trash and garbage pickup.* All areas set aside for storage and pickup of trash and garbage shall be completely enclosed on four (4) sides by a solid six (6) foot wall or fence, or completely screened by other methods acceptable to the planning commission and city council. Said areas shall be sited in a manner convenient to the residents which they are intended to serve. Solid access doors shall be of the same height as the wall or fence.
  - (9) *Building height limits.* Building heights above the limits imposed in the zone in which the planned unit development is located shall be permitted if the city council determines that additional height furthers the objectives of this division.
  - (10) *Required open space.* At least forty (40) percent of the total area of a planned unit development shall be maintained as open space. Land occupied by buildings, streets, driveways or parking spaces may not be counted in satisfying this open space requirement. However, land occupied by recreational buildings and structures may be counted as required open space.

## **Sec. 29-179. Conditions of approval.**

All planned unit developments shall be subject to the following conditions of approval placed upon the project in accordance with Article V, division 6 of this chapter:

- (1) *Private access streets and driveways.* All common access streets, driveways, alleys and other access ways provided for vehicular access and serving cluster units within the project shall be developed in accordance with the plans and specifications approved as part of this action by the city council, and shall be maintained by responsible management of the project indefinitely. The council may require changes in the design of these common access elements as a condition of approval if, in their judgment, such changes are essential to provide access for fire, police and other emergency vehicles.
- (2) *Dedication of public easements.* The city council may require and accept dedication of public easements for utilities both public and private within, along or across the common areas of the project. The council may also require easements for pedestrian use where needed to provide through access to a public school, park, or other public facility.

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- (3) *Improvement and maintenance of open space.* Open space areas shall be suitably improved for their intended purpose. All or any part of the required open space may be reserved for use in common by the residents of the planned development and all lawn and landscaped areas reserved for common use shall be provided with a permanent watering system adequate to maintain such areas. All areas intended for common use shall be irrevocably reserved by deed restriction for such common use.
  - (4) *Dedication of open space.* If, in the judgment of the city council, there exists in the project open space which might at a future time be developed in a manner conflicting with the intent of the zone or the objectives of this division, the council may require the dedication of development rights for said open space to the city as a condition of approval. The instruments used to transfer said rights shall be acceptable to the city and the deeded rights shall be clearly indicated on all maps of record.
  - (5) *Phased development.* If development is to be accomplished in phases, the development plan shall coordinate the improvement of open space, the construction of buildings, structures and improvements in such open space, and the construction of dwelling units so that each development phase achieves, at a minimum, a proportionate share of the total open space improvements of the total planned development.
  - (6) *Other requirements.* The city council may require other reasonable conditions of approval that relate to the physical development of the project or to the methods of managing the common elements and providing for perpetual maintenance of these elements.
  - (7) *Revocation of permit.* Any conditional use permit granted pursuant to the provisions of this division shall contain a condition providing for the revocation of said permit if:
    - a. Open areas and recreational facilities are not preserved and maintained;
    - b. Automobile storage space and adequate access thereto is not preserved and maintained; or
    - c. Any taxes or assessments on the common elements are not paid within the period required by law.

## **Sec. 29-180. Procedure for review of planned unit development.**

In addition to the procedures for submittal and review of a conditional use permit outlined in article V, division 6 of this chapter, the following procedures shall apply to all projects initiated pursuant to this division:

- (1) *Pre-application meeting.* Prior to the filing of an application for a conditional use permit, the developer or subdivider should meet with the community development director or designated representative to discuss the proposed project so that the necessary subsequent steps may be undertaken with a clear understanding of requirements for development under this division.
- (2) *Administrative review.* Subsequent to filing an application for conditional use permit, the community development director shall review the preliminary plans submitted by the applicant with other city officials including, but not limited to, the city engineer, city attorney, assistant community development director and fire chief. These officials shall submit their recommendations in writing to the community development director. Upon receipt of these recommendations, a meeting with the developer or subdivider shall be scheduled at which time the administrative recommendations will be made known to the developer or subdivider.

(Ord. No. 13-16, § 20, 4-2-13)

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## **Sec. 29-181. Additional requirements for application.**

In addition to the procedures for submittal and review of a conditional use permit outlined in article V, division 6 of this chapter, the following additional information shall also be required of planned unit developments:

- (1) General development plan(s) with at least the following details shown to scale and dimensioned:
  - a. The location and use(s) proposed for each existing and proposed structure in the project area as well as the number of stories, gross building area and approximate location of entrances;
  - b. All existing and proposed curb cuts, driving lanes, streets, alleys and parking, loading, storage and refuse pickup areas;
  - c. All pedestrian walks and open areas for common use;
  - d. Types of surfacing treatment proposed for all walks, streets and driveways;
  - e. Types of landscaping elements proposed for the project including fences and screen planting; and
  - f. All existing and proposed physical features such as hydrants, utility facilities, drainage facilities and recreational facilities.
- (2) A boundary survey map of the project (a tentative subdivision map may be substituted for this requirement if the applicant proposes to subdivide the property).
- (3) A map showing existing topography of the project area with contours at one-foot intervals, and grading plans if grading is contemplated.
- (4) Statements in writing of all declarations, restrictions, covenants, or methods of managing the project and maintaining the common areas and elements located therein.

## **Sec. 29-182. Modification of requirements.**

Modification of the requirements of this division may be granted by the city council when it determines that such modification will not be detrimental to the subject development, adjacent properties or the public interest. However, no modification shall be granted from the density or total open space area requirements specified in this division.

## **Sec. 29-183. Applicability to other land uses.**

Where the procedures and requirements of this division will better implement the general plan or other goals or policies of the city as determined by the city council, a planned unit development may be used for a commercial, industrial, mixed land use, or public project. In such case, the open space requirements and other standards of this division may be waived by the council.

## **Secs. 29-184—29-187. Reserved.**

# ***DIVISION 2. MOBILE HOME REGULATIONS***

## **Sec. 29-188. Intent and purpose.**

It is the intent of this division to provide standards for the use of mobile homes on private lots or in mobile home parks to achieve the following purposes:

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- (1) To supplement the zone regulations applied to mobile homes with additional standards and procedures which will promote a satisfactory living environment for residents of mobile homes and other types of factory-built housing within the city.
  - (2) To better facilitate utilization of mobile homes as a housing resource.

**Sec. 29-189. Mobile home on a private lot.**

- (a) *Application of section.* The provisions of this section apply to mobile homes permitted by section 29-53 that are on a permanent foundation located on a private lot for use as single-family residences where no other mobile homes on permanent foundations or single- or multi-family dwellings are located, regardless of the lot size and the number of dwellings or dwelling units otherwise permitted in the zone.
- (b) *Effect of locating a mobile home on a permanent foundation.* A mobile home which has been placed on a private lot and on a permanent foundation system pursuant to these regulations shall be subject to local property taxation.
- (c) *Requirement for placing a certified mobile home on a private lot.*
  - (1) *Eligibility.* A mobile home that was constructed after September 15, 1971, and was issued an insignia of approval by the state department of housing and community development or a mobile home that has been certified under the National Mobile home Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.) may be located on a private lot only upon compliance with the requirements set forth below.
  - (2) *Requirements.* Any eligible mobile home shall comply with the following requirements when located on a private lot:
    - a. Alterations in violation of applicable codes are not permitted;
    - b. A unit shall only be occupied as a residential use;
    - c. All provisions of this chapter applicable to residential structures shall apply;
    - d. Attachment to a permanent foundation system in compliance with the provisions of section 18551 of the California Health and Safety Code shall be required;
    - e. The exterior cover material shall be consistent with the exterior cover material used on conventional dwellings. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;
    - f. The roof shall have a pitch of not less than two (2) inches of vertical rise for each twelve (12) inches of horizontal run and consist of shingles or other material customarily used for conventional dwellings.
    - g. The roof shall have an overhang of not less than one (1) foot measured from the vertical side of the mobile home. When carports, garages, porches, or similar structures are attached as an integral part of the mobile home, the community development director may waive the eave requirement where the accessory structure is attached to the mobile home.
  - (3) *Site plan.* A site plan shall be provided for review by the assistant community development director of the city. Said site plan shall include architectural elevations as needed to show compliance with the design requirements of this section.
  - (4) *Building permit.* Prior to installation of a mobile home on a permanent foundation system, the mobile home owner or a licensed contractor shall obtain a building permit from the assistant community



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development director. To obtain such a permit, the owner or contractor shall comply with all requirements of section 18551(a) of the California Health and Safety Code.

- (5) *Cancellation of registration.* The owner shall comply with the regulations established pursuant to section 18551(b) of the California Health and Safety Code for cancellation of registration of a mobile home. The owner shall also comply with the provisions of section 18550(b) of the California Health and Safety Code.
  - (6) *Approval for occupancy.* The assistant community development director shall determine that the proposed project is in compliance with all applicable requirements and conditions prior to issuing final approval for occupancy.
  - (7) *Modification of requirements.* Unless otherwise specified, no modification may be granted from these requirements specified in Title 25 of the California Code of Regulations, which are not subject to local modification.
- (d) *Use of a mobile home on a private lot.* Mobile homes qualify as ~~accessory~~<sup>second</sup> dwelling units and for other typical single family uses including day care homes (small and large) as stipulated in the California Government Code.

(Ord. No. 13-16, § 21, 4-2-13)

## **Sec. 29-190. Mobile home park regulations.**

A mobile home park may be authorized where permitted by the zone, upon issuance of a conditional use permit and subject to the following standards:

- (1) *General standards.*
  - a. Minimum Area. A mobile home park shall be not less than five (5) acres in area.
  - b. Density. A mobile home park shall conform to the applicable density requirements of the underlying zone.
  - c. Factory-built housing. Factory-built housing may be permitted in a mobile home park and shall be attached to a permanent foundation system and conform to all other requirements of section 18611 of the California Health and Safety Code.
- (2) *Development standards.*
  - a. Compatibility with adjacent land uses. The mobile home park shall be designed and developed in a manner compatible with, and complementary to, existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development.
  - b. Setback: perimeter. Mobile homes and buildings within a mobile home park shall maintain the following setbacks:
    - 1. Those established by the setback regulations applicable to the property.
    - 2. A side yard and rear yard setback from the exterior boundary of the mobile home park equal to the height above grade of the closest mobile home or other structure.
    - 3. A setback of twenty (20) feet from any street along the exterior boundary of the mobile home park.

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- c. Setbacks: recreation use area. No common active recreational area or facility within the mobile home park shall be permitted within one hundred (100) feet of any external boundary that adjoins, or is separated only by a boundary street from, land in any residential zone.
  - d. Open space. At least one (1) substantial area of group usable open space shall be provided. Such area shall total at least two hundred fifty (250) square feet per dwelling unit, have a minimum dimension of one hundred (100) feet, and include outdoor recreational facilities for both active and passive recreation.
  - e. Recreational facilities. Completely enclosed indoor recreation facilities shall be provided and consist of not less than ten (10) square feet per dwelling unit.
  - f. Interior access drives. Interior private access drives shall be paved with at least two (2) inches of asphaltic concrete to a width of not less than twenty-five (25) feet. All corners shall have a minimum twenty-five (25) foot radius.
  - g. Storage area. Common storage areas shall be provided with an enclosed fenced area for residents of the mobile home park to store RVs, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall total not less than fifty (50) square feet for each mobile home lot. All storage on a mobile home lot shall be in accordance with the provisions of title 25 of the California Code of Regulations.
  - h. Sewer and water. Each mobile home lot in a mobile home park shall be provided with water and sewer connections in accordance with title 25 of the California Administrative Code of Regulations.
  - i. Undergrounding. All sewer and water facilities, electric, gas, telephone, and television signal distribution systems shall be placed underground.
  - j. Antennae. A master antenna television (MATV) system shall be provided with underground cable service to at least all mobile homes and other buildings containing dwelling units. This MATV system shall be provided at no charge for service. This requirement may be alternatively met by the provision of an underground cable television (CATV) system by a licensed CATV operator. No other television antennae shall be permitted unless authorized by the conditional use permit.
  - k. Fire protection. On- and off-site fire hydrants and other fire protection facilities shall be installed as specified in the conditional use permit and shall be of a type approved by the city fire code official.
  - l. Night lighting. Artificial light shall be provided and maintained for walks, driveways, parking areas, and other facilities as specified in title 25 of the California Code of Regulations to assure safe and convenient nighttime use.
  - m. Access. Each mobile home park shall have direct vehicular access from a publicly maintained street. This requirement does not apply to the expansion of an existing mobile home park when adequate access is obtained through an existing portion of the mobile home park.
- (3) *Mobile home lot development standards.*
- a. Density of occupation. Each mobile home lot shall be designed for occupation by one (1) single-family mobile home and uses accessory thereto. For the purposes of this section, a mobile home lot refers to either a leased or rented space within the park or a lot created through the subdivision process.
  - b. Lot size. Each mobile home shall be placed on a lot not less than three thousand (3,000) square feet in net lot area, However, a maximum twenty-five (25) percent of the lots within a mobile

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home park may be not less than one thousand eight hundred fifty (1,850) square feet in net area and designated for mobile homes not more than fourteen (14) feet in width.

- c. Lot coverage. Not more than seventy-five (75) percent of the area of a mobile home lot shall be covered by the mobile home and its accessory structures, including covered porches, carports and storage buildings.
  - d. Setback from interior access drive. Each mobile home lot shall have a front yard setback of not less than five (5) feet extending the entire width of the mobile home lot. A front yard will be measured from the nearest element of the mobile home or any mobile home accessory structure to the closest edge of the interior access drive.
  - e. Side yard. Each mobile home lot shall have a side yard of not less than three (3) feet in width along the entire length of the mobile home lot in accordance with title 25 of the California Code of Regulations.
  - f. Rear yard. Each mobile home lot shall have a rear yard of not less than three (3) feet in width along the entire length of the mobile home lot in accordance with title 25 of the California Code of Regulations.
  - g. Access. All mobile home lots and recreation facilities shall have access only from an interior access drive.
  - h. Mobile homes on a permanent foundation. No dwelling unit shall be placed on a permanent foundation in a mobile home park where tenants rent or lease spaces to accommodate their individually owned units. This provision shall not apply to the following: subdivided mobile home parks; mobile home parks where the dwelling units are not owned by the tenants; nor mobile home parks where the minimum term of lease for a space is fifty-five (55) years.
- (4) *Modification of standards.* Modification of the standards of this section may be granted by the community development director if he or she determines that such modification would not be detrimental to the subject development, adjacent properties and residents, the public interest, or the intent of the general plan. No modification shall be granted from any requirements specified in title 25 of the California Code of Regulations that are not subject to local modification.
- (5) *Accessory uses and structures.* The following accessory uses and structures may be permitted in mobile home parks provided that they conform to the requirements of Title 25 of the California Code of Regulations:
- a. Convenience structures. Permitted structures include, but are not limited to: awnings; portable, demountable, or permanent cabanas; storage cabinets and buildings; fences or windbreaks; carports; garages or porches; greenhouses; and lath houses.
  - b. Recreational facilities. Permitted facilities include, but are not limited to: parks, playgrounds, riding and hiking trails, golf courses, lakes, recreational buildings, clubhouses, community centers, and other similar uses and facilities. All such uses and facilities shall be designed for and limited to use by residents of the mobile home park and their guests.
  - c. Public utilities. Public utilities and public service facilities are permitted.

(Ord. No. 13-16, § 22, 4-2-13)

**Secs. 29-191—29-194. Reserved.**

### *DIVISION 3. RECREATIONAL VEHICLE PARKS*

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### **Sec. 29-195. Intent and purpose.**

A recreational vehicle (RV) park may be authorized where permitted by the zone, upon issuance of conditional use permit and subject to the following provisions which are established to ensure that RV parks meet minimum standards of habitability for vacationers and short-term residents of the city, and do not adversely impact surrounding property.

### **Sec. 29-196. General standards.**

- (a) *Minimum site area.* Each RV park shall be located on a parcel of land not less than five (5) acres in area.
- (b) *Density of occupation.* Occupancy of designated spaces within RV parks is limited to one (1) RV in each space.
- (c) *Limitations.* Length of occupancy within park spaces shall be regulated as follows:
  - (1) For vehicles with total hook-up capacity, including sewer, water and electricity, occupancy is limited to a maximum of two hundred forty (240) days in any twelve-month period.
  - (2) Persons occupying tents or vehicles with less than total hook-up capacity shall not occupy any space in a RV park for a period exceeding thirty (30) consecutive days in any twelve-month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed a total of thirty (30) days in any twelve-month period.

### **Sec. 29-197. Development standards.**

- (a) *Perimeter.* The RV park shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of surrounding areas from potentially adverse effects of the development, especially where problems stemming from water drainage or potential insect breeding sites may occur.
- (b) *Perimeter landscaping or fencing.* Each RV park shall be entirely enclosed at its exterior boundaries by appropriate decorative screening or landscaping material, provided that any fencing located within a front yard shall be constructed at or behind the required setback.
- (c) *Perimeter setback.* All designated RV spaces and park buildings shall maintain the following: a minimum front yard of twenty (20) feet; a side street setback of fifteen (15) feet; and a side and rear yard of twenty-five (25) feet, except where abutting a recreational facility or area of permanent open space, in which case the required setback shall be specified in the conditional use permit.
- (d) *Minimum size of spaces.* Each designated RV space within a RV park shall be not less than one thousand (1,000) square feet in area. However, a maximum of twenty-five (25) percent of said spaces may be provided at not less than six hundred fifty (650) square feet in area for the accommodation of tents and small camping units only.
- (e) *Individual campground space setbacks.*
  - (1) Each RV or tent occupying a designated RV space and all accessory buildings shall maintain a six-foot setback from any building, or other travel trailer, RV or tent, pursuant to Title 25 of the California Code of Regulations.
  - (2) No RV or tent shall be permitted to locate less than six (6) feet from any abutting property.
  - (3) No RV or tent shall be located less than fifteen (15) feet from any street right-of-way.

- (f) *Landscaping.* All setbacks from streets and other areas in a RV park not used for driveways, parking, buildings and service areas shall be landscaped in accordance with the requirements of the conditional use permit. Walls, earthen berms, and landscaped buffer strips shall be used where feasible to minimize noise from highway sources.
- (g) *Portable accessory structures.* Accessory structures or fixtures shall be permitted, provided that such structures or fixtures are portable.
- (h) *Interior roadways.* Private streets within a RV park shall have the following minimum clearance widths. Adequate roadway space for turn-arounds shall be provided.

	Street Type	Feet
(1)	One-way with no side parking.	20
(2)	One-way with parking permitted on one side	24
(3)	Two-way with no parking on either side	24
(4)	Two-way with parking permitted on one side	32
(5)	Two-way with parking permitted on both sides	40

- (i) *Off-street parking.* Parking spaces in an RV park shall be provided in accordance with the parking regulations outlined in division 5 of article III of this chapter, or as specified by the conditional use permit.
- (j) *Utilities.* All utilities, including cable television lines, shall be placed underground.
- (k) *Locational map.* Each RV space in a RV park shall be clearly identified and a locational map shall be provided at the park office.
- (l) *Trash collection.* Common storage enclosures for garbage and trash shall be provided. Such enclosures shall be of sturdy construction and designed to screen trash and garbage receptacles from public view.
- (m) *Lighting.* Adequate artificial lighting shall be provided for all walkways, streets, parking areas, sanitary facilities, storage areas, and recreational facilities. No lighting shall be constructed or positioned so as to cause direct or undesirable illumination of adjacent property or RV spaces within the park.
- (n) *Sanitary facilities.* Sanitary facilities for an RV park shall be provided in accordance with Title 25 of the California Code of Regulations, and shall include:
- (1) The availability of a potable water supply from a public utility or a distributor holding a valid permit from the state.
  - (2) Sewer connections to RV spaces in accordance with the requirements of chapter 5, title 25 of the California Code of Regulations and as approved by the assistant community development director.
  - (3) A trailer sanitation station designed and constructed in accordance with title 25 of the California Code of Regulations.
  - (4) Toilets, showers and lavatories for the exclusive use of the occupants of the recreational park shall be provided as required by title 25 of the California Code of Regulations.
  - (5) Laundry facilities provided in accordance with the requirements of title 25 of the California Code of Regulations.
- (o) *Storage facilities.* Storage facilities may be provided for the storage of vehicles belonging to park occupants. Storage areas shall be paved and enclosed by a solid wall or fence not less than six (6) feet in height.
- (p) *Recreation facilities.* An RV park shall provide areas for active recreation and assembly as follows:

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- (1) Indoor recreation and assembly. A minimum of ten (10) square feet per RV space shall be provided within an enclosed building or buildings for indoor recreation and assembly. This may include areas for dancing, card playing, hobby or craft activities, exercise, or games.
  - (2) Outdoor recreation. A minimum of one hundred (100) square feet per RV space shall be provided for common outdoor recreation areas. At least one area of recreation open space within the RV park shall be a minimum of two thousand five hundred (2,500) square feet in size with a minimum dimension of twenty-five (25) feet. Uses within the outdoor recreation area may be passive or active. Such area or areas shall be appropriately landscaped and at least one (1) suitable shade structure shall be provided.
  - (3) The above requirements for recreation facilities may be waived for RV parks which are accessory to a hotel or motel which provides equivalent recreation facilities for use by RV park occupants.

(Ord. No. 13-16, § 23, 4-2-13)

#### **Sec. 29-198. Modification of standards.**

Modification of the standards of this division may be granted by the planning commission or city council when it determines that such modification will not be detrimental to the public interest; provided however, no modification shall be granted from any applicable requirements specified in title 25 of the California Code of Regulations which are not subject to local modification.

#### **Sec. 29-199. Accessory uses.**

An RV park may include the following accessory uses, provided such uses are designed to be clearly accessory to the RV park and intended for the convenience of the occupants and their guests:

- (1) *Assembly and recreation.* A building or buildings designed for indoor assembly and/or recreation.
- (2) *Commercial services.* Commercial structures and uses such as a general store, restaurant, lunch counter, and/or snack bar.

#### **Sec. 29-200. Use of recreation facilities by the public.**

If permitted by the planning commission, recreation facilities of an RV park, such as a golf course and clubhouse, may be open for use by the general public on a fee or membership basis. If such public use is permitted, additional parking shall be provided based on the parking requirements identified in article III, division 5 of this chapter.

#### **Secs. 29-201—29-204. Reserved.**

### ***DIVISION 4. DENSITY BONUS PROGRAM***

#### **Sec. 29-205. Intent and purpose.**

The purpose of the Density Bonus Program is to provide density bonuses, incentives, and/or concessions for the private development of affordable housing for very low, low, and moderate income households, seniors, students, and other populations in accordance with state law. Density bonuses for qualified residential development shall be provided as specified in California Government Code Sections 65915 through 65918.

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~~In accordance with sections 65915, 65915.5, and 65917 of the California Government Code and the city's general plan housing element, the purpose of this section is to provide density bonuses, incentives or concessions for the private development of housing for very low, low, and moderate income households, senior households, and for the provision of day care centers and donations of land.~~

## **~~Sec. 29-206. Definitions.~~**

~~The following definitions shall apply to this section:~~

~~*Affordable ownership cost.* A reasonable down payment and an average monthly housing cost including average mortgage loan principal and interest over the term of the loan, mortgage insurance, property taxes and property assessments, homeowners insurance, homeowners association dues, if any, and all other dues and fees assessed as a condition of property ownership, which does not exceed:~~

- ~~(1) Thirty (30) percent of fifty (50) percent of area median income for very low income households;~~
- ~~(2) Thirty (30) percent of seventy (70) percent of area median income for lower income households; and~~
- ~~(3) Thirty (30) percent of one hundred ten (110) percent of area median income for moderate income households.~~

~~Area median income shall be adjusted for assumed household size based on unit size as follows: one (1) person in a studio unit, two (2) persons in a one-bedroom unit, three (3) persons in a two-bedroom unit, four (4) persons in a three-bedroom unit, five (5) persons in a four-bedroom unit, and six (6) persons in a five-bedroom unit. The city council, by resolution, shall establish guidelines for determining affordable ownership cost.~~

~~*Affordable rent.* Monthly rent, including a reasonable allowance for garbage collection, sewer, water, electricity, gas and other heating, and cooking and refrigeration fuels, and all mandatory fees charged for use of the property, which does not exceed:~~

- ~~(1) Thirty (30) percent of fifty (50) percent of area median income for very low income households;~~
- ~~(2) Thirty (30) percent of sixty (60) percent of area median income for lower income households; and~~
- ~~(3) Thirty (30) percent of one hundred ten (110) percent of area median income for moderate income households.~~

~~Area median income shall be adjusted for assumed household size based on unit size as follows: one (1) person in a studio unit, two (2) persons in a one-bedroom unit, three (3) persons in a two-bedroom unit, four (4) persons in a three-bedroom unit, and five (5) persons in a four-bedroom unit. The city council, by resolution, shall establish guidelines for determining affordable rent.~~

~~*Area median income.* The annual median income for the county, adjusted for household size, as published periodically in title 25, section 6932, California Code of Regulations, or an alternative figure as adopted by the city council.~~

~~*Concessions.* Such regulatory concessions as listed in section 29-214.~~

~~*Day care center.* A facility approved and licensed by the state, other than a family day care home, that provides non-medical care on less than a twenty-four hour basis, including infant centers, preschools, extended day care facilities, adult day care and elderly day care facilities. "Day care center" does not include residential care facilities, residential service facilities, interim housing, or convalescent hospitals/nursing homes.~~

~~*Density bonus units.* Those residential units approved pursuant to this division, which exceed the otherwise allowable maximum residential density for the development site.~~

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~~*Density bonus.* An increase in the number of dwelling units over the otherwise maximum allowable residential density as established in the land use element of the city general plan in accordance with state law and this division.~~

~~*Density bonus program guidelines.* Guidelines adopted by resolution of the city council that outline the criteria and procedures for implementing density bonuses or other regulations.~~

~~*Development standard.* Development regulations, design standards, and site/construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation. "Site or construction conditions" are standards that specify the physical development of a site and structures on the site in a residential development.~~

~~*First approval.* The first of the following approvals to occur with respect to a residential development: Specific plan, development agreement, planned unit development permit, tentative map, minor subdivision, conditional use permit, site plan review, building permit.~~

~~*Incentives.* Such regulatory incentives as listed in section 29-214.~~

~~*Lower income households.* Households with an annual income that does not exceed the United States Department of Housing and Urban Development's annual determination for lower income households with incomes of eighty (80) percent of area median income, adjusted for household size.~~

~~*Maximum residential density.* The maximum number of residential units permitted by this chapter on the date the application is deemed complete.~~

~~*Moderate income households.* Households with an annual income that does not exceed the United States Department of Housing and Urban Development's annual determination for very low income households with incomes of one hundred twenty (120) percent of area median income, adjusted for household size.~~

~~*Nonrestricted units.* All units within a residential development excluding the target units.~~

~~*Qualifying residents.* Persons eligible to reside in senior housing as defined in California Civil Code section 51.3.~~

~~*Residential development.* Any project requiring any specific plan, development agreement, planned unit development permit, tentative map, minor subdivision, conditional use permit, site plan review, or building permit, for which a development review application has been submitted to the city, and which would create five or more additional dwelling units by construction or alteration of structures, not including conversion of existing dwelling units to condominiums or common interest developments.~~

~~*Senior citizen apartment project.* A residential development of thirty-five (35) dwelling units or more designed for permanent residency by qualifying residents in accordance with California Civil Code section 51.3. This definition pertains to the density bonus allowed for senior housing units allowed in accordance with the state density bonus provisions, and includes mobile home parks.~~

~~*Target unit.* A dwelling unit within a housing development that is reserved for sale or rent to, and is made available at an affordable rent or affordable ownership cost to, very low, low, or moderate income households, or is a unit in a senior housing development, and which qualifies the residential development for a density bonus and other incentives or concessions pursuant to section 29-207.~~

~~*Very low income households.* Households with an annual income, which does not exceed the United States Department of Housing and Urban Development's annual determination for very low income households with incomes of fifty (50) percent of area median income, adjusted for household size.~~



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**~~Sec. 29-207. State density bonuses, incentives, and concessions for construction of affordable and senior housing.~~**

- ~~(a) *Basic density bonus in accordance with state law (very low and lower income units).* A residential development is eligible for a twenty (20) percent density bonus if it includes at least five (5) dwelling units, and the applicant seeks a density bonus and agrees to construct at least one (1) of the following:~~
- ~~(1) Ten (10) percent of the total units of the residential development as units affordable to lower income households; or~~
  - ~~(2) Five (5) percent of the total units of the residential development as units affordable to very low income households.~~
- ~~(b) *Basic density bonus in accordance with state law (senior citizen apartment projects).* A senior citizen apartment project is eligible for a twenty (20) percent density bonus if it includes at least thirty five (35) dwelling units (including mobile homes in a mobile home park), and the applicant seeks a density bonus. Senior citizen apartment projects are not required under State law to be affordable to very low, lower or moderate income households.~~
- ~~(c) *Basic density bonus in accordance with state law (moderate income ownership units).* A residential development is eligible for a five (5) percent density bonus if it includes at least five (5) dwelling units, and the applicant seeks a density bonus and agrees to construct ten (10) percent of the total units as ownership units affordable to moderate income households.~~
- ~~(d) *Additional density bonus in accordance with state law.* The density bonus to which the applicant is entitled shall increase if the percentage of affordable housing units exceeds the base percentage established in subsections 29-207(a) or (c) above, as follows:~~
- ~~(1) *Very low income units.* For each one (1) percent increase above five (5) percent in the percentage of units affordable to very low income households, the density bonus shall be increased by two and one half (2.5) percent up to a maximum of thirty five (35) percent.~~
  - ~~(2) *Lower income units.* For each one (1) percent increase above ten (10) percent in the percentage of units affordable to lower income households, the density bonus shall be increased by one and one half (1.5) percent up to a maximum of thirty five (35) percent.~~
  - ~~(3) *Moderate income ownership units.* For each one (1) percent increase above ten (10) percent of the percentage of ownership units affordable to moderate income households, the density bonus shall be increased by one (1) percent up to a maximum of thirty five (35) percent.~~
  - ~~(4) *Senior citizen apartment project.* No additional state density bonus is provided for senior only units.~~
- ~~(e) *Calculation of density bonus.*~~
- ~~(1) When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded to the next larger whole number.~~
  - ~~(2) The density bonus units shall not be included when determining the number of target units required to qualify for a density bonus. When calculating the required number of target units, any calculations resulting in fractional units shall be rounded to the next larger whole number.~~
  - ~~(3) The developer may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required target units pursuant to subsections 29-207(a), (b), and (c) above. Regardless of the number of target units, no residential development may be entitled to a total density bonus of more than thirty five (35) percent.~~

- ~~(4) Each residential development is entitled to only one (1) density bonus, which may be selected by the applicant based on the percentage of either very low income target units, lower income target units, or moderate income ownership target units, or the project's status as a senior citizen apartment project development. Density bonuses from more than one (1) category may not be combined, except that bonuses for land dedication pursuant to section 29-208 may be combined with bonuses granted pursuant to this subsection, up to a maximum of thirty five (35) percent, and an additional square footage bonus for day care centers may be granted as described in section 29-209.~~
- ~~(f) Incentives or concessions in accordance with state law. A residential development is eligible for incentives and concessions if it includes at least five (5) dwelling units, and the applicant seeks a density bonus and agrees to construct affordable units as follows:~~
- ~~(1) Very low income units. A residential development is entitled to one (1) incentive or concessions for a project that includes at least five (5) percent of the units for very low income households; two (2) incentives or concessions for a project that includes at least ten (10) percent of the units for very low income households; and three (3) incentives or concessions for a project that includes at least fifteen (15) percent of the units for very low income households.~~
- ~~(2) Lower income units. A residential development is entitled to one (1) incentive or concession if it includes at least ten (10) percent of the units for lower income households; two (2) incentives or concessions if it includes at least twenty (20) percent of the units for lower income households; and three (3) incentives or concessions if it includes at least thirty (30) percent of the units for lower income households.~~
- ~~(3) Moderate income ownership units. A residential development with ownership units affordable to moderate income households is entitled to one (1) incentive or concession for a project that includes at least ten (10) percent of the ownership units for moderate income households; two (2) incentives or concessions for a project that includes at least twenty (20) percent of the ownership units for moderate income households; and three (3) incentives or concessions for a project that includes at least thirty (30) percent of the ownership units for moderate income households.~~
- ~~(g) The requirements of this section are minimum requirements and shall not preclude a residential development from providing additional affordable units or affordable units with lower rents or sales prices than required by this section.~~
- ~~(h) In accordance with state law, neither the granting of an incentive or concession nor the granting of a density bonus shall be interpreted, in and of itself, to require a general plan amendment, zoning ordinance amendment or rezone, or other discretionary review application approval.~~

### **Sec. 29-208. State density bonus for land donation.**

- ~~(a) When an applicant for a residential development seeks a density bonus for the donation and transfer of land for the development of units affordable to very low income households, as provided for in this section, the residential development shall be eligible for a fifteen (15) percent density bonus above the otherwise maximum allowable residential density in accordance with state law. For each one (1) percent increase above the minimum ten (10) percent land donation described in paragraph (2) of this section, the maximum density bonus shall be increased by one (1) percent, up to a maximum of thirty five (35) percent. This increase shall be in addition to any increase in density allowed by section 29-207, up to a maximum combined density bonus of thirty five (35) percent if an applicant seeks both the density bonus authorized by this section and the density bonus authorized by section 29-207. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded to the next larger whole number. This density bonus applies only when land is donated for the construction of very low income housing.~~

~~(b) The city may approve the density bonus described in this section if it makes all of the following findings when approving the residential development:~~

- ~~(1) The applicant will donate and transfer the land no later than the date of approval of the final map, parcel map, or applicable development review application for the residential development.~~
- ~~(2) The developable acreage and zoning regulations of the applicable zoning district of the land to be transferred will permit construction of units affordable to very low income households in an amount not less than ten (10) percent of the total number of residential units in the proposed development, or will permit construction of a greater percentage of units if proposed by the developer to qualify for a density bonus of more than fifteen (15) percent.~~
- ~~(3) The transferred land is at least one (1) acre in size or is large enough to permit development of at least forty (40) units, has the appropriate general plan land use designation, has the appropriate zoning and development standards to make feasible the development of very low income housing, and at the time of project approval is, or at the time of construction will be, served by adequate public facilities and infrastructure.~~
- ~~(4) No later than the date of approval of the final map, parcel map, or other applicable development review application for the residential development, the transferred land will have all of the applicable development permits and approvals, other than any required building permit approval, necessary for the development of the very low income housing units on the transferred land unless the city council finds that the applicant has provided specific assurances guaranteeing the timely completion of the very low income units, including satisfactory assurances that construction and permanent financing will be secured for the construction of the units within a reasonable time.~~
- ~~(5) The transferred land and the very low income units constructed on the land will be subject to a recorded density bonus housing agreement ensuring continued affordability of the units consistent with section 29-212, which restriction shall be filed for recordation by the community development director with the Imperial County recorder's office on the property at the time of dedication.~~
- ~~(6) The land will be transferred to the city or to a housing developer approved by the city. The city reserves the right to require the applicant to identify a developer for the very low income units and to require that the land be transferred to that developer.~~
- ~~(7) The transferred land is within the site boundaries of the proposed residential development. The transferred land may be located within one quarter (¼) mile of the boundary of the proposed residential development provided that the city council finds, based on substantial evidence, that off-site donation will provide as much or more affordable housing at the same or even lower income levels, and of the same or superior quality of design and construction, and will otherwise provide greater public benefit, than donating land on site.~~

~~(Ord. No. 12-11, § 12, 12-4-12; Ord. No. 13-16, § 24, 4-2-13)~~

### **~~Sec. 29-209. State density bonus or incentive or concession for day care centers.~~**

~~(a) A residential development that includes at least five (5) dwelling units; includes target units as specified in section 29-207(a), (b), or (c); and includes a day care center that will be located on the premises of, as part of, or adjacent to the residential development, is eligible for either of the following, at the option of the city, if requested by the applicant in accordance with state law:~~

- ~~(1) A density bonus in addition to those permitted by section 29-207 and 29-208 that is equal to the square footage of the gross floor area of the day care center; or~~

- ~~(2) An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the day care center.~~
- ~~(b) The city may approve the density bonus or incentive or concession described in this section if it makes all of the following findings and requires as a condition of approval that:~~
- ~~(1) The day care center will remain in operation for a period of time equal to or longer than the period of time during which the target units are required to remain affordable pursuant to section 29-212.~~
- ~~(2) Of all children who attend the day care center, the percentage of children of very low income households, lower income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low income households, lower income households, or moderate income households in the residential development.~~
- ~~(3) The applicant shall be responsible for all costs of monitoring compliance with these provisions.~~
- ~~(c) Notwithstanding any other requirement of this section, the city shall not be required to provide a density bonus or incentive or concession for a day care center if it finds, based upon substantial evidence, that the community already has adequate day care center facilities.~~

#### **~~Sec. 29-210. State density bonus for condominium conversions.~~**

- ~~(a) An applicant shall be eligible for either a density bonus or other incentives or concessions of equivalent financial value in accordance with state law if the applicant for a conversion of existing rental apartments to condominiums agrees to provide thirty three (33) percent of the total units of the proposed condominium project as target units affordable to households with moderate incomes or less, or to provide fifteen (15) percent of the total units in the condominium conversion project as target units affordable to lower income households. All such target units shall remain affordable for the period specified in section 29-212.~~
- ~~(b) For purposes of this subsection, a density bonus means an increase in units of twenty five (25) percent over the number of units to be provided within the existing structure or structures proposed for conversion.~~
- ~~(c) No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives or concessions were previously provided pursuant to this article or California Government Code section 65915.~~

#### **~~Sec. 29-211. Summary tables.~~**

~~The following tables (Table 29-211.1 and Table 29-211.2) summarize the available density bonuses, incentives, and concessions pursuant to state density bonus law:~~

~~Table 29-211.1  
Density Bonus Summary~~

<del>Target Units or Category</del>	<del>Minimum % Target Units</del>	<del>Bonus Granted</del>	<del>Additional Bonus for Each 1% Increase in Target Units</del>	<del>% of Target Units Required for Maximum Bonus</del>
<del>Pursuant to State Density Bonus Law: A State density bonus may be selected from only one category, except that bonuses for land donation may be combined with others, up to a maximum of 35%, and an additional square footage bonus may be granted for a day care center.</del>				
<del>Very low income</del>	<del>5%</del>	<del>20%</del>	<del>2.5%</del>	<del>11%</del>

Lower-income	10%	20%	1.5%	20%
Moderate-income (ownership units only)	10%	5%	1%	40%
Senior citizen apartment project (35 units or more; no affordable units required)	100% senior	20%	—	—
Land donation for very-low income housing	10% of market-rate units	15%	1%	30%
Condominium conversion—moderate-income	33%	25%(A)	—	—
Condominium conversion—lower-income	15%	25%(A)	—	—
Day care center	—	Sq. ft. in day care center (A)	—	—

Notes:

(A)—Or an incentive of equal value, at the City's option.

Table 29-211.2  
State Density Bonus Incentives and Concessions Summary

Target Units or Category	% of Target Units		
Pursuant to state density bonus			
Very-low income	5%	10%	15%
Lower-income	10%	20%	30%
Moderate-income (ownership units only)	10%	20%	30%
Condominium conversion—33% moderate-income	(D)		
Condominium conversion—25% lower-income	(D)		
Day-care center	(D)		
Maximum Incentive(s)/Concession(s) <sup>(A)(B)(C)</sup>	1	2	3

Notes:

(A)—A concession or incentive may be requested only if an application is also made for a density bonus.

(B)—Concessions or incentives may be selected from only one (1) category (very low, lower, or moderate).

(C)—No concessions or incentives are available for land donation.

(D)—Condominium conversions and day care centers may have one (1) concession or a density bonus at the city's option, but not both.

## Sec. 29-212. Affordability and occupancy standards.

- (a)—Target units offered for rent to lower-income and very-low income households shall be made available for rent at an affordable rent and shall remain restricted and affordable to the designated income group for a minimum period of thirty (30) years. A longer period of affordability may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the housing development.
- (b)—Target units offered for sale to very low, lower, or moderate-income households shall be sold at an affordable ownership cost. For all other target units offered for sale, the city shall record standard documents to ensure that, at resale, the city will recapture any initial subsidy plus a share of appreciation.

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consistent with the provisions of California Government Code section 65915. The initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sales price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance or other public subsidy. A longer period of affordability may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the housing development.

- (c) ~~Any household that occupies a target unit must occupy that unit as its principal residence.~~
- (d) ~~No household may begin occupancy of a target unit until the household has been determined by the city or its designee to be eligible to occupy that unit. The city council, by resolution, shall establish guidelines for determining household income, maximum occupancy standards, affordable ownership cost, affordable rent, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.~~
- (e) ~~The city council, by resolution, may establish fees for projects requesting density bonuses and incentives or concessions and for the on-going administration and monitoring of the target units and day care centers, which fees may be updated periodically, as required.~~
- (f) ~~The city council, by resolution, shall approve standard documents to ensure the continued affordability of the target units. The documents may include, but are not limited to, density bonus housing agreements, regulatory agreements, promissory notes, deeds of trust, rights of first refusal, options to purchase, resale provisions, and/or other documents, which shall be recorded against all target units.~~
- (g) ~~Any person who is a member of the city council or the planning commission, and their immediate family members, and any person having any equity interest in the residential development, including but not limited to a developer, partner, investor, or applicant and their immediate family members, is ineligible to rent, lease, occupy, or purchase a target unit. The city council, by resolution, may establish guidelines for determination of "immediate family members."~~

### **~~Sec. 29-213. Development standards.~~**

- (a) ~~Target units shall be constructed concurrently with non-restricted units or pursuant to a schedule included in the density bonus housing agreement approved pursuant to section 29-217.~~
- (b) ~~Single-family detached target units shall be dispersed throughout the residential development. Townhouse, rowhouse, and multifamily target units shall be located so as not to create a geographic concentration of target units within the residential development.~~
- (c) ~~Target units shall have the same proportion of unit types as the market-rate units in the residential development and shall have the same square footage and the same bedroom count as the market-rate units~~
- (d) ~~The quality of exterior design and overall quality of construction of the target units shall meet all site, design, and construction standards included in chapter 7 (buildings and construction regulations), chapter 24 (subdivisions), and this chapter (zoning) of the City Code, including but not limited to compliance with all design guidelines included in applicable specific plans or otherwise adopted by the city council.~~
- (e) ~~Target units made available for purchase shall include space and connections for a clothes washer and dryer within the unit. Target units made available for rent shall include either connections for a clothes washer and dryer within the target unit or sufficient on-site self-serve laundry facilities to meet the needs of all tenants without laundry connections in their units.~~
- (f) ~~Upon the request of the developer, the city shall not require an off-street vehicular parking standard, inclusive of handicapped and guest parking, of a residential development meeting the criteria of section 29-207(a), (b), or (c) that exceeds the following:~~
  - (1) ~~Zero (0) to one (1) bedroom: one (1) on-site parking space.~~

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- ~~(2) Two (2) to three (3) bedrooms: two (2) on-site parking spaces.~~
  - ~~(3) Four (4) and more bedrooms: two and one-half (2.5) parking spaces.~~
  - ~~(4) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a residential development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.~~

#### **~~Sec. 29-214. Development incentives or concessions.~~**

- ~~(a) Incentives or concessions that may be requested pursuant to this section may include the following:~~
  - ~~(1) A reduction of development standards or a modification of zoning ordinance requirements which exceed the minimum building standards provided in part 2.5 (commencing with section 18901) of division 13 of the California Health and Safety Code and which result in identifiable, financially sufficient, and actual cost reductions, including, but not limited to:~~
    - ~~a. Reduced minimum lot sizes.~~
    - ~~b. Reduced lot dimensions.~~
    - ~~c. Reduced minimum yards.~~
    - ~~d. Increased maximum lot coverage or reduced usable open space.~~
    - ~~e. Increased maximum building height.~~
    - ~~f. Reduced minimum distance between buildings.~~
  - ~~(2) Approval of mixed-use buildings or developments in conjunction with the residential development, if non-residential land uses will reduce the cost of the residential development, and if the city finds that the proposed non-residential uses are compatible with the residential development and with existing or planned development in the area where the proposed residential development will be located.~~
  - ~~(3) Deferral until occupancy of development impact fees (e.g., park fees, fire fees, sanitary sewer trunk line fees, storm drain trunk line fees, street tree fees, library fees or traffic impact fees).~~
  - ~~(4) Other regulatory incentives or concessions proposed by the applicant or the City that result in identifiable, financially sufficient, and actual cost reductions.~~
- ~~(b) Applicants may seek a waiver or modification of development standards that will have the effect of precluding the construction of a residential development meeting the criteria of section 29-207(a), (b), or (c) at the densities or with the incentives or concessions permitted by this section. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible based upon appropriate financial analysis and documentation.~~

#### **~~Sec. 29-215. Application requirements.~~**

~~Applications for a density bonus shall include:~~

- ~~(1) A density bonus housing plan, showing any density bonus, incentive, concession, waiver, modification, or revised parking standard requested pursuant to this section, shall be submitted as part of the first approval of any residential development. The density bonus housing plan shall specify, at the same level of detail as the application for the residential development: the number, unit type, level of affordability, tenure, number of bedrooms and baths, approximate location, size, and design, construction and completion schedule of all target units, number and location of all density bonus~~

units, phasing of target units in relation to non-restricted units, and marketing plan. The density bonus housing plan shall also specify the methods to be used to verify tenant and buyer incomes and to maintain the affordability of the target units and shall specify a financing mechanism for the on-going administration and monitoring of the target units.

- ~~(2) A description of any requested incentives, concessions, waivers, or modifications of development standards, or modified parking standards.~~
- ~~(3) For all incentives and concessions except mixed use buildings and developments, the application shall include evidence that the requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation. Such an analysis shall be prepared for the community development director by his or her designee. The applicant shall be responsible for the cost of the required analysis.~~
- ~~(4) For waivers or modifications of development standards, the application shall include evidence that the waiver or modification is necessary to make the housing units economically feasible based upon appropriate financial analysis and documentation. Such an analysis shall be prepared for the community development director by his or her designee. The applicant shall be responsible for the cost of the required analysis. The application shall also provide evidence that the development standards will have the effect of precluding the construction of a housing development at the densities or with the incentives or concessions permitted by this section.~~
- ~~(5) If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in section 29-208(b) can be made.~~
- ~~(6) If a density bonus or concession is requested for a day care center, the application shall show the location and square footage of the day care center and provide evidence that each of the findings included in section 29-209(b) can be made.~~
- ~~(7) If a mixed use building or development is proposed, the application shall provide evidence that the finding included in section 29-216(a)(4) can be made.~~

~~(Ord. No. 13-16, § 25, 4-2-13)~~

### **Sec. 29-216. Review of application.**

- ~~(a) An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be subject to approval of a conditional use permit pursuant to division 6, article V of this chapter. The density bonus plan may be approved, approved with conditions, or denied pursuant to the findings required by this section. Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed in accordance with the requirements of article V, division 9, appeals, of this chapter. In their review of the conditional use permit application for a density bonus, incentive, concession, waiver, or modification, the planning commission and city council shall make the following findings:
  - ~~(1) The proposed project meets the objectives and policies of the general plan and housing element;~~
  - ~~(2) The number and location of other density bonus projects in the vicinity of the proposed project, and the condition of other housing in the vicinity, does not result in an undue concentration of lower income households and a detrimental impact on the surrounding neighborhood;~~
  - ~~(3) The application is eligible for a density bonus and any concessions, incentives, waivers, modifications, or reduced parking standards requested; conforms to all standards for affordability included in this section, and includes a financing mechanism for all implementation and monitoring costs.~~~~



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- ~~(4) Any requested incentive or concession will result in identifiable, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation as described in section 29-215.~~
- ~~(5) If the density bonus is based all or in part on donation of land, the approval body has made the findings included in section 29-208(b).~~
- ~~(6) If the density bonus, incentive, or concession is based all or in part on the inclusion of a day care center, the approval body has made the findings included in section 29-209(b).~~
- ~~(8) If the incentive or concession includes mixed use buildings or developments, the approval body has made the finding included in section 29-216(a)(4).~~
- ~~(9) If a waiver or modification is requested, the developer has shown that the waiver or modification is necessary to make the housing units economically feasible by providing appropriate financial analysis and documentation as described in section 29-215.~~
- ~~(b) Approval of a conditional use permit application for a density bonus will be conditioned upon the developer contractually agreeing to provide a specified percentage of the total units for persons and families of low or very low income categories.~~
- ~~(c) The exterior and interior design of the reserved affordable units approved by the conditional use permit shall be in keeping with the other units in the project. The size of the designated units shall reflect the proportion of similar size units in the project as a whole. For example, if fifty (50) percent of the units in the project as a whole have two (2) bedrooms, then fifty (50) percent of the reserved affordable units shall have two (2) bedrooms.~~
- ~~(1) The reserved affordable units shall be constructed concurrently with or in advance of the market rate units. Under no circumstances shall more than one-half (½) of the market rate units be built and sold or rented prior to completion of the reserved affordable rental rate housing.~~
- ~~(2) If the required findings can be made, and a request for an incentive or concession is otherwise consistent with this section, the approval body may deny an incentive or concession only if it makes a written finding, based upon substantial evidence, of either of the following:~~
- ~~a. The incentive or concession is not required to provide for affordable rents or affordable ownership costs; or~~
- ~~b. The incentive or concession would have a specific adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to lower, very low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, and identified, written public health or safety standards, policies, or conditions, as they existed on the date that the application was deemed complete.~~
- ~~(d) If the required findings can be made, and a request for a waiver or modification is otherwise consistent with this section, the approval body may deny the requested waiver or modification only if it makes a written finding, based upon substantial evidence, of either of the following:~~
- ~~(1) The modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to lower, very low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or~~

~~safety standards, policies, or conditions as they existed on the date that the application was deemed complete; or~~

~~(2) The modification would have an adverse impact on any real property that is listed in the California Register of Historic Resources.~~

~~(e) If a density bonus or concession is based on the provision of day care centers, and if the required findings can be made, the approval body may deny the bonus or concession only if it finds, based on substantial evidence, that the city already has adequate day care centers.~~

~~(f) A request for a minor modification of an approved density bonus housing plan may be granted by the city manager or his or her designee if the modification is substantially in compliance with the original density bonus housing plan and conditions of approval. Other modifications to the density bonus housing plan shall be processed in the same manner as the original plan.~~

### **~~Sec. 29-217. Density bonus housing agreement.~~**

~~In the absence of an agreement by a developer in accordance with Government Code section 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of state density bonus law (Government Code sections 65915—69518).~~

### **~~Sec. 29-218. Enforcement.~~**

~~(a) The city attorney shall be authorized to enforce the provisions of this article and all density bonus housing agreements, regulatory agreements, covenants, resale restrictions, promissory notes, deed of trust, and other requirements placed on inclusionary units, by civil action and any other proceeding or method permitted by law. The city may, at its discretion, take such enforcement action as is authorized under the City Code and/or any other action authorized by law or by any regulatory document, restriction, or agreement executed under this article.~~

~~(b) Failure of any official or agency to fulfill the requirements of this article shall not excuse any applicant or owner from the requirements of this article. No permit, license, map, or other approval or entitlement for a residential development shall be issued, including without limitation a final inspection or certificate of occupancy, until all applicable requirements of this article have been satisfied.~~

~~(c) The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the city from any other remedy or relief to which it otherwise would be entitled under law or equity.~~

**Secs. 29-20619—29-223. Reserved.**

## ***DIVISION 5. TEMPORARY USES***

### **Sec. 29-224. Intent and purpose.**

It is the intent of this division to require a temporary use permit for certain uses which are customarily provided on a seasonal or temporary basis, and to ensure that such uses are conducted in a manner that minimizes potential problems of unsightliness, traffic congestion or incompatibility with surrounding permanent land uses.

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## Sec. 29-225. Temporary uses listed.

- (a) Circuses, carnivals, rodeos, parades, sports events or similar outdoor entertainment or enterprises, subject to not more than ten (10) calendar days of operation in any calendar year. Requests to exceed this time limitation will require the submittal and approval of a conditional use permit by the city council.
- (b) Christmas tree sales lots, Halloween pumpkin sales, and other holiday sales subject to not more than ninety (90) calendar days of operation on one (1) lot in any calendar year. No one temporary use or activity shall exceed 30 calendar days in any calendar year.
- (c) Subdivision sales offices, model home complexes and directional signs. Sales offices may be established for pre-sales or leasing prior to construction of the project. Such temporary offices may remain for up to twelve (12) months after establishment. This period may be renewed for two (2) six (6)-month periods, for good cause shown, upon approval of a written re-quest, submitted to the community development director thirty days prior to the expiration of the permit. In no event, however, shall such extensions allow the temporary use to remain for more than two (2) years.
- (d) Outdoor art and craft sales, shows and exhibits, subject to not more than five (5) calendar days of operation or exhibition in any sixty (60) calendar day period. No more than thirty (30) total calendar days per year.
- (e) Contractors' offices and storage yards on the site of an active construction project. See exemption in section 29-226 below.
- (f) Mobile home residences provided for security purposes on the site of an active construction project. See exemption in section 29-226 below.
- (g) Temporary business offices in trailer coaches constructed for such use, for a period not to exceed one (1) year.
- (h) Automobile tent sales only permitted in the CT, CG and CH zones on parcels of land, or portions thereof, that comply with all zoning and development standards of this chapter when conducted by a business having a valid city business license and a valid California Department of Motor Vehicles retail sales license, for a maximum of eight (8) times a year by the business conducting the sale for a duration of no more than five (5) consecutive operational days and only when all sales transactions are completed in the city.
- (i) Stand-alone, temporary automatic teller machines (ATMs) of any duration are not permitted unless provided on a site permanently developed in compliance with all applicable provisions of this chapter.
- (j) All temporary structures of any duration not listed in this section are prohibited. Structures not listed as allowed temporary uses in this section and the sites on which they are located shall be developed in compliance with all applicable provisions of this Code.
- (k) A special events permit provides a uniform procedure for processing requests for public and private events, which include community events (e.g., farmers' market; ice cream social), private block parties and promotional events (grand openings, liquidation sales, etc.). This permit is processed through the department of parks and recreation. Exemptions are discussed in section 29-226.
- (l) Mobile food facilities that process foods, or those with limited food preparation, or involving the sale prepackaged foods, inclusive, but not limited to, food trucks, hot dog carts, snow cones, kettle corn/popcorn, coffee carts, fresh produce carts, subject to a twelve (12) month annual permit to be renewed in December annually.

(Ord. No. 10-10, § 1, 10-5-10; Ord. No. 13-16, § 26, 4-2-13; Ord. No. 16-08, § 5, 8-9-16)

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## **Sec. 29-226. Temporary use permit required.**

- (a) Except as hereinafter provided, a temporary use permit shall be required for the uses listed in section 29-225. The temporary use permit shall be filed with and approved by the community development director and may be subject to a filing fee, refundable deposit, and conditions specified by said director, including but not limited to the following:
- (1) The temporary use shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
  - (2) The temporary use shall not have substantial adverse noise impacts on nearby residential uses.
  - (3) Permanent alterations to the site are prohibited.
  - (4) If the property is developed, the site of the temporary use shall contain an area that supports the temporary use without encroaching into or creating a negative impact on existing buffers, open space, landscaping, pedestrian and vehicular traffic movements (including emergency vehicle access), and parking space availability.
  - (5) If the property is undeveloped, the site of the temporary use shall contain sufficient land area to allow the temporary use to occur, as well as any parking and traffic movement that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers.
  - (6) Temporary structures shall be located so as to not interfere with the normal operations of any permanent use located on the property.
  - (7) The temporary use shall not violate any applicable conditions of approval that apply to the principal use on the site.
  - (8) Off-street parking shall be adequate to accommodate the proposed temporary use.
  - (9) All approved temporary signs associated with the temporary use shall be removed when the activity ends.
  - (10) All inspections and permits required by applicable construction codes have been approved and passed.
  - (11) If playgrounds are included they shall be reviewed and regulated as part of the temporary use permit.
  - (12) Fencing and screening shall be reviewed and regulated as part of the temporary use permit.
- (b) The following uses are exempt from the requirement to obtain a temporary use permit:
- (1) Contractors' offices and storage yards on the site of an active construction project.
  - (2) Mobile home residences provided for security purposes on the site of an active construction project, which shall be subject to review by the assistant community development director for proper set-up and utility connection.
  - (3) Special events permit. This permit is processed through the department of parks and recreation.
- (c) Appeals process pursuant to article V division 9 of this chapter.
- (Ord. No. 10-10, § 1, 10-5-10; Ord. No. 13-16, § 27, 4-2-13)

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**Sec. 29-227. Condition of site following temporary usage.**

Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used only in accord with the provisions of this chapter.

**Secs. 29-228—29-231. Reserved.*****DIVISION 6. NONCONFORMING LOTS, BUILDINGS, AND USES*****Sec. 29-232. Purpose and intent.**

Where buildings, uses or lots which were lawful prior to the adoption of, revision or amendment to this chapter, but which fails by reason to such adoption, revision or amendment, to conform to the present requirements of this chapter, it is the purpose and intent of this division to declare such buildings, uses and lots to be nonconforming and to limit their enlargement, re-establishment after abandonment, or restoration after destruction, for the purpose of protecting the public health, safety, and general welfare.

**Sec. 29-233. Continuance and maintenance.**

- (a) A use lawfully occupying a structure or a site, that does not conform with the provisions of this chapter regarding use, property development standards, or performance standards for the zone in which the use is located shall be deemed to be a nonconforming use and may be continued, except as otherwise provided in this division.
- (b) A structure, lawfully occupying a site, that does not conform with the property development standards for front yard, side yards, rear yard, height, coverage, or distances between structures, for the zone in which the structure is located shall be deemed to be a nonconforming structure and may be used and maintained, except as otherwise provided in this division.
- (c) Routine maintenance and repairs may be performed on a structure or site when the use or structure has been deemed to be nonconforming.
- (d) An existing legal lot shall not be deemed nonconforming if it does not meet the minimum lot width, depth or lot size for the zone in which it is located.

**Sec. 29-234. Alterations and additions to nonconforming uses and structures.**

- (a) No structure, the use of which is nonconforming, shall be moved, altered, or enlarged unless required by law, or unless the moving, alteration, or enlargement will result in the elimination of the nonconformity, except as otherwise provided in this division.
- (b) No nonconforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site or another structure or site which it did not occupy at the time it became a nonconforming use, nor in such a way as to displace any conforming use occupying a structure or site, except as provided in this division.
- (c) No nonconforming structure shall be altered or reconstructed so as to extend or increase the discrepancy between existing conditions and the property development standards for the zone in which the structure is located. No nonconforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the property development standards for the zone in which the structure is located.

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- (d) No use which fails to meet the performance standards of the zone in which it is located shall be enlarged or extended nor shall have equipment replaced that results in failure to meet performance standards unless the enlargement, extension, or replacement will result in elimination of the nonconformity with performance standards.

#### **Sec. 29-235. Discontinuance of a nonconforming use.**

Whenever a nonconforming use has been discontinued or changed to a conforming use for a continuous period of one hundred eighty (180) calendar days or more, the nonconforming use shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the zone in which it is located. Discontinuation shall include cessation of a use regardless of intent to resume the use, unless the community development director is notified in writing of the intent to resume and has approved a schedule for resumption of said use.

(Ord. No. 13-16, § 28, 4-2-13)

#### **Sec. 29-236. Restoration of a damaged structure.**

- (a) Whenever a structure which does not comply with the property development standards for front yards, side yards, rear yards, height of structures, or distances between structures prescribed in the zone in which the structure is located, or the use of which does not conform with the performance standards for the zone in which it is located, is destroyed by fire, flood, wind, earthquake, war, riot, or other calamity, to the extent of fifty (50) percent or less, the structure may be restored to its original or conforming dimensions and the nonconforming use may be resumed, provided that restoration does not result in a greater degree of nonconformity than existed prior to destruction and is started within one (1) year and diligently pursued to completion. When such destruction exceeds fifty (50) percent or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the property development standards for the zone in which it is located; the nonconforming use shall not be resumed.
- (b) The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the assistant community development director and shall be based on the minimum cost of construction in compliance with the Uniform Building Code.

(Ord. No. 13-16, § 29, 4-2-13)

#### **Sec. 29-237. Change to another nonconforming use.**

A conditional use permit may be granted by the planning commission for conversion of a nonconforming use to another nonconforming use provided that the commission finds that the proposed nonconforming use will not have a greater adverse impact on the surrounding area than the existing or former nonconforming use.

#### **Sec. 29-238. Elimination of nonconforming uses.**

Except as otherwise permitted by this chapter, nonconforming uses shall be discontinued and removed from their sites, altered to conform, or altered as prescribed to decrease the degree of nonconformity within the time period specified as follows:

- (1) *Commercial and manufacturing uses in residential zones.* In residential zones, commercial and manufacturing uses shall be discontinued or altered as prescribed, as follows:

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- a. Type 1 and 2 construction (as defined in the Building Code): twenty (20) years.
  - b. Type 3 and 4 construction (as defined in the Building Code): fifteen (15) years.
  - c. Type 5 construction (as defined in the Building Code): ten (10) years.
  - d. When said nonconforming use is removed from the land, at or before the end of the amortization period, every future building and use shall be in conformity with the provisions of this chapter.
  - e. The prescribed time period shall apply regardless of any change in the existing commercial or manufacturing use except pursuant to a conditional use permit in accordance with Article V, division 6 of this chapter.
- (2) *Open uses.* A nonconforming use of land in any zone where no buildings are involved, or the only buildings employed are accessory or incidental to such use shall, when deemed by the council to be detrimental to the public health, safety and welfare, be completely terminated or so altered so as to be in conformity with the provisions of the zone within five (5) years.
  - (3) *Nonconforming off-street parking and loading facilities.* Existing buildings with off-street parking or loading facilities not in conformance with the provisions of this chapter may expand or add facilities, provided the requirements for off-street parking and loading space are complied with for such expansion or added facilities.
  - (4) *Nonconforming outdoor storage.* Existing uses involving outside storage not conforming to the provisions of this chapter shall within two (2) years be brought into conformity with the requirements of this chapter, provided that if the uses on the premises are expanded or the building so altered as to require a building permit, the owner shall comply with the applicable provisions at that time.
  - (5) *Nonconformity with performance standards.* The use of land, buildings or structures that do not meet the standards of performance for said use or the standards for equipment employed in the operation of said use as required by this chapter shall be brought into conformity with said standards within a period of one (1) year.
  - (6) *By order of city council.* In any zone, any nonconforming use or structure may be ordered terminated by the city council within a period of time less than specified above upon a finding that such use constitutes a nuisance or a danger to the public health, safety or general welfare that necessitates a lesser amortization period.

### **Sec. 29-239. Notice of elimination date for nonconforming use.**

When the community development director determines the existence of nonconforming uses listed in section 29-238 and notifies the owner by certified or registered mail of the provisions and dates for compliance with the provisions of section 29-238, the time periods prescribed shall commence. Thereafter, annual notification shall be given in the same manner as the first notification. The city clerk shall record at the office of the county recorder any notice of termination of a nonconforming use.

(Ord. No. 13-16, § 30, 4-2-13)

### **Secs. 29-240—29-243. Reserved.**



## *DIVISION 7. SEXUALLY ORIENTED BUSINESSES<sup>2</sup>*

### **Sec. 29-244. Rationale and findings.**

- (a) *Purpose.* It is the purpose of this division to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. The provisions of this division have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this division to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this division to condone or legitimize the distribution of obscene material.
- (b) *Findings and rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); and *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Tollis, Inc. v. County of San Diego*, 505 F.3d 935 (9th Cir. 2007); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *Dream Palace v. Maricopa County*, 384 F.3d 990 (9th Cir. 2004); *Center for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003); *Talk of the Town v. City of Las Vegas*, 343 F.3d 1063 (9th Cir. 2003); *Deja Vu-Everett-Federal Way, Inc. v. City of Federal Way*, 46 Fed. Appx. 409 (9th Cir. Aug. 20, 2002); *Colacurcio v. City of Kent*, 163 F.3d 545 (9th Cir. 1998); *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986); *Ellwest Stereo Theatres, Inc. v. Wenner*, 681 F.2d 1243 (9th Cir. 1982); *Tily B., Inc. v. City of Newport Beach*, 69 Cal. App. 4th 1 (Cal. Ct. App. 1998); *Sundance Saloon, Inc. v. City of San Diego*, 213 Cal. App. 3d 807 (Cal. Ct. App. 1989); *E.W.A.P., Inc. v. City of Los Angeles*, 65 Cal. Rptr. 2d 325 (Cal. Ct. App. 1997); *City of National City v. Wiener*, 838 P.2d 223 (Cal. 1990); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *Deja Vu of Nashville, Inc. v. Metropolitan Gov't of Nashville & Davidson County*, 466 F.3d 391 (6th Cir. 2006); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Davis v. Gates*, No. 91-56174, 1992 U.S. App. LEXIS 22417 (9th Cir. 1992); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings

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<sup>2</sup>Editor's note(s)—Ord. No. 09-06, § 6, adopted September 2, 2009, amended the Code by repealing former div. 7, §§ 29-244—29-250, and adding a new div. 7. Former div. 7 pertained to adult entertainment establishments, and derived from Ord. No. 07-17, adopted November 27, 2007.



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of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; Jackson County, Missouri - 2008; New York, New York Times Square - 1994; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the City Council finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, noise, traffic, urban blight, litter, and sexual assault and exploitation.
- (2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one (1) area.
- (3) Each of the foregoing negative secondary effects constitutes a harm which the city has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city's rationale for this division, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the city's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the city. The city finds that the cases and documentation relied on in this division are reasonably believed to be relevant to said secondary effects.

The city hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

(Ord. No. 09-06, § 6, 9-2-09)

## **Sec. 29-245. Definitions.**

For purposes of this division, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

*Adult bookstore or adult video store* means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas."

A "principal business activity" exists where the commercial establishment:

- (1) Has a substantial portion of its displayed merchandise which consists of said items, or
- (2) Has a substantial portion of the wholesale value of its displayed merchandise which consists of said items, or

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- (3) Has a substantial portion of the retail value (defined as the price charged to customers) of its displayed merchandise which consists of said items, or
  - (4) Derives a substantial portion of its revenues from the sale or rental, for any form of consideration of said items, or
  - (5) Maintains a substantial portion of its interior business space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "interior business space" maintained for the display, sale, or rental of said items); or
  - (6) Maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."

*Adult cabaret* means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude.

*Adult motion picture theater* means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five (5) persons for any form of consideration.

*Characterized by* means describing the essential character or quality of an item. As applied in this division, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

*City* means the City of El Centro, California.

*Establish or establishment* shall mean and include any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
- (3) The addition of any sexually oriented business to any other existing sexually oriented business.

*Hearing officer* means an attorney, not otherwise employed by the city, who is licensed to practice law in California, and retained to serve as an independent tribunal to conduct hearings under this Division.

*Influential interest* means any of the following:

- (1) The actual power to operate the sexually oriented business or control the operation, management or policies of the sexually oriented business or legal entity which operates the sexually oriented business;
- (2) Ownership of a financial interest of thirty (30) percent or more of a business or of any class of voting securities of a business; or
- (3) Holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the sexually oriented business.

*Nudity or a state of nudity* means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

*Operator* means any person on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise

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overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.

*Person* shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.

*Premises* means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

*Regularly* means the consistent and repeated doing of an act on an ongoing basis.

*Semi-nude or state of semi-nudity* means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

*Semi-nude model studio* means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:

- (1) By a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) In a structure:
  - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
  - b. Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class.

*Sexual device* means any three (3) dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

*Sexual device shop* means a commercial establishment that regularly features sexual devices. This definition shall not be construed to include any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services, or any establishment that does not limit access to its premises or a portion of its premises to adults only.

*Sexually oriented business* means an "adult bookstore or adult video store," an "adult cabaret," an "adult motion picture theater," a "semi-nude model studio," or a "sexual device shop."

*Specified anatomical areas* means and includes:

- (1) Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activity* means any of the following:

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- (1) Intercourse, oral copulation, masturbation or sodomy; or
  - (2) Excretory functions as a part of or in connection with any of the activities described in (1) above.

*Substantial* means at least thirty-five (35) percent of the item(s) so modified.

*Transfer of ownership or control* of a sexually oriented business shall mean any of the following:

- (1) The sale, lease, or sublease of the business;
- (2) The transfer of securities which constitute an influential interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

*Viewing room* shall mean the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video reproduction.

(Ord. No. 09-06, § 6, 9-2-09)

## **Sec. 29-246. Location of sexually oriented businesses.**

- (a) *Location standards.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city:
  - (1) In a zone other than a zone in which sexually oriented businesses are a permitted use; or
  - (2) Within one thousand (1,000) feet of another sexually oriented business or any church, school, public park, public playground, or residential zone.
- (b) *Measurement.* Distance, without regard to intervening structures, shall be measured as follows:
  - (1) A straight line measured between the closest exterior structural walls of any two (2) sexually oriented businesses.
  - (2) A straight line measured from the closest exterior structural wall of the sexually oriented business to the closest property line of a church, school, public park, public playground, or residential zone.
- (c) *Nonconforming uses.* Notwithstanding anything to the contrary in this Code, any sexually oriented business located within the city on the date this section become effective, which does not conform to this section, shall be terminated within twelve (12) months of the date this provision becomes effective. Provided, however, that a nonconforming sexually oriented business may apply for an extension of the amortization period, based upon a showing of financial hardship. The extension, if granted, shall not exceed one (1) year. An application for a hardship extension shall be made at least sixty (60) days before the conclusion of the original twelve (12) month amortization period.
- (d) *Procedure for seeking hardship extension.* An application for a hardship extension shall be filed in writing with the city planning and zoning director, and shall include evidence of purchase and improvement costs, income earned and lost, depreciation, and costs of relocation. Within ten (10) days after receiving the application, the director shall schedule a public hearing on the application before the hearing officer, which public hearing shall be conducted within thirty (30) days after the director's receipt of the application. Notice of the time and place of such public hearing shall be sent via U.S. mail to the applicant, and shall be published in a newspaper of general circulation published within the city, at least ten (10) days before the hearing. The notice shall contain the particular location for which the hardship extension is requested. The hearing officer shall issue a written decision within ten (10) days after the public hearing on the application

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for a hardship extension. A hardship extension shall be approved only if the hearing officer makes all of the following findings:

- (1) The applicant, prior to the effective date of this section, made a substantial investment in the property or structure on or in which the nonconforming sexually oriented business is conducted; and
- (2) Such property or structure cannot be readily converted to another, conforming use; and
- (3) The applicant will be unable to recoup said investment as of the date established for termination of the use; and
- (4) The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with this section.

(Ord. No. 09-06, § 6, 9-2-09)

### **Sec. 29-247. Severability.**

This division and each section and provision of said division hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said division, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this division be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this division.

(Ord. No. 09-06, § 6, 9-2-09)

### **Secs. 29-248—29-254. Reserved.**

## ***DIVISION 8. COMMUNICATION FACILITIES<sup>3</sup>***

### **Sec. 29-255. Purpose.**

This division is enacted to establish a consistent set of standards regulating the placement and design of all types of communication facilities in the incorporated areas of the city. These standards are intended to protect and promote public health, safety, community welfare and the unique visual character of the city by encouraging the orderly development of communication infrastructure. It is the intent of the city council that these regulations serve to:

- (1) Protect residential areas and other land uses from potential adverse impacts of towers and antennae;
- (2) Encourage the location of towers and regeneration facilities in nonresidential areas;
- (3) Minimize the number of towers throughout the community;

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<sup>3</sup>Editor's note(s)—Ord. No. 16-03, § 1, adopted April, 19,2016, repealed the former Div. 8, and enacted a new Div. 8 as set out herein. The former Div. 8 pertained to similar subject matter and derived from Ord. No. 07-17, §§ 1,2 adopted November 27, 2007.

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- (4) Strongly encourage the joint use of new and existing tower sites as a primary option and alternative to the construction of additional single-use towers;
  - (5) Encourage users of towers and antennae to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
  - (6) Encourage users of towers and antennae to configure them in a way that minimizes the adverse visual impact of the towers and antennae through careful design, siting, landscape screening, and innovative camouflaging techniques;
  - (7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
  - (8) Consider the public health and safety impacts of communication towers;
  - (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. All towers are to be engineered for the environment in which they are to be located and for the expected loading;
  - (10) Encourage the due consideration of the City's General Plan, Zoning Map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennae; and
  - (11) Minimize the amount of private infrastructure systems in public right-of-ways.
  - (12) Implement California Government Code section 65850.6 and section 65964 and section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC"), which requires a state or local government to approve any eligible facilities request for a modification of an existing tower or base station that does not result in substantial change to the physical dimensions of such tower or base station.

( Ord. No. 16-03, § 1, 4-19-16)

## **Sec. 29-256. Definitions.**

The following definitions shall apply to this section:

*Alternative tower structure* means manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennae or towers.

*Amateur radio (HAM) facility* means a wireless communication facility operated by a federally-licensed amateur radio operator as part of the amateur radio services.

*Amateur radio (HAM) operator* means a person holding a written authorization to be the control operator of an amateur radio facility. This authorization shall be in the form of a license or permit issued by the Federal Communications Commission or a foreign national or multi-national license or permit recognized by treaty as valid in the United States.

*Amateur radio (HAM) service* means radio communication services, including the amateur-satellite service and the amateur service, which are for the purpose of self-training, intercommunication and technical investigations carried out by amateurs who are duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest, as defined in title 47, Code of Federal Regulations, Part 97 and regulated there under.

*Antenna* means any system of towers, poles, panels, rods, wires, drums, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves. The distinction is made between the support structure and the antenna(e) mounted thereon. See also "*satellite dish*" or "*satellite antenna*".

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*Backhaul network* means the lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

*Base station* means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term "base station" does not encompass a tower as defined herein or any equipment associated with a tower. The term "base station" includes, without limitation:

- i. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- ii. Radio transreceivers, antennas, coaxial or fiber-optic cable regular and backup power supplies and comparable equipment, regardless of technological configuration (including distributed antenna systems ["DAS"] and small-cell networks).
- iii. Any structure other than a tower that, at the time the relevant application is filed the city under this section, supports or houses equipment described in paragraphs (a)(i)—(a)(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term "base station" does not include a structure that, at the time the relevant application is filed with the city under this section, does not support or house equipment described in (a)(i)—(a)(ii) of this section.

*Broadband* means pertaining to a transmission system or facility with an information bandwidth capacity greater than a single voice channel (3 kHz).

*Broadcast* means to transmit a signal for direct reception by the general public.

*Camouflaged tower* means any telecommunication tower that due to design or appearance to the extent possible hides, obscures, or conceals the presence of the tower and antennae.

*Cell* means a geographic area covered by a single cellular, ESMR or PCS transmitter.

*Cellular network* means a system providing mobile telephone services through all the cells in a coverage area. A coverage area consists of multiple adjacent cells operating on slightly different frequencies. Calls are "handed-off" from one (1) cell to the next as a mobile unit moves from cell to cell. This is the fundamental innovation that has allowed for the development of cellular, ESMR and mobile PCS services.

*Cellular telephone system* means a mobile radio system that connects subscriber hand held devices to each other through the cellular network and with wire line telephones through the public switched network.

*Collocation* means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

*Collocation facility* means the placement or installation of wireless facilities, including antennae, and related equipment, on, or immediately adjacent to, a wireless telecommunication collocation facility.

*Commercial private wireless communication facility* means a wireless communication facility operated by a for-profit business for its own internal purposes and without supplying access to members of the general public. See, by contrast, "*noncommercial wireless communication facility*" and "*commercial public wireless communication facility*".

*Commercial public wireless communication facility* means a wireless communication facility operated by a for-profit business whose business is provision of wireless communication services to subscribers or the general public. See by contrast, "*noncommercial wireless communication facility*" and "*commercial private wireless communication facility*".



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*Commercial wireless communication facility* means a wireless communication facility operated by a for-profit business, and includes commercial private wireless communication facilities and commercial public wireless communication facilities.

*Communication facility* means a facility, site or location that contains one (1) or more antennae, telecommunication towers, alternative support structures, satellite dish antennae, other similar communication devices and support equipment which is used for transmitting, receiving or relaying telecommunications signals.

*Eligible facilities request* means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- i. Collocation of new transmission equipment;
- ii. Removal of transmission equipment; or
- iii. Replacement of transmission equipment.

*Eligible support structure* means any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the city under this section.

*Enhanced specialized mobile radio service (ESMR)* means a specialized mobile radio service (SMR) system (see definition below) which utilizes digital cellular technology to enable wide-area coverage as well as interconnection with other users and the cellular and public switched (landline) telephone networks.

*Existing* means a constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for the purposes of this section.

*FAA* means the Federal Aviation Administration.

*FCC* means the Federal Communications Commission.

*Federal Communications Commission (FCC)* means the federal regulatory agency established and provided for in title 47, U.S. Code, and charged with regulation of communication by wire and radio (which includes broadcast and non-broadcast communication of any type).

*Gigahertz (GHz)* means a unit of measurement of radio frequency equal to one billion (1,000,000,000) Hertz (cycles per second). One (1) gigahertz is equivalent to one thousand (1,000) megahertz (MHZ). Microwave frequencies are usually expressed in gigahertz.

*Ground-mounted antenna* means an antenna, which is attached to a support structure resting on the ground, and has an overall height not greater than fifteen (15) feet above finished grade at the base of the structure. This definition includes antennae, which are sometimes referred to as "post mounts" and "ground builds".

*Grouped facility* means the installation of several wireless communication facilities owned and/or operated by two (2) or more entities or separate structures or towers within a single parcel and with each facility no more than one hundred (100) feet from at least one (1) other facility.

*Guyed tower* means a telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

*Height* means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

*Kilohertz (kHz)* means a unit of measurement of radio frequency equal to one thousand (1,000) Hertz (cycles per second). One thousand (1,000) kilohertz is equivalent to one (1) megahertz (MHZ). AM and short-wave broadcast frequencies are usually expressed in kilohertz.



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*Lattice tower* means a telecommunication tower that consists of vertical and horizontal supports and crossed metal braces which is entirely self-supporting.

*Megahertz (MHZ)* means a unit of measurement of radio frequency equal to one (1,000,000) million Hertz (cycles per second). One thousand (1,000) kilohertz is equivalent to one (1) megahertz, and one thousand (1,000) megahertz is equivalent to one (1) gigahertz. FM and TV broadcast frequencies and VHF and UHF communication frequencies are usually expressed in megahertz.

*Monopole* means a telecommunication tower of a single pole design.

*Noncommercial wireless communication facility* means a wireless communication facility operated by a government agency, a nonprofit organization, or a private citizen for personal use. It includes all amateur radio facilities. See, by contrast, "*commercial wireless communication facility*".

*Nonconforming* means any pre-existing telecommunications facility that was in existence prior to the adoption of this division and that has not been issued a conditional use permit or was issued a conditional use permit prior to the adoption date of this division. This definition shall only apply to this specific division and shall not apply to other provisions of this chapter.

*Operator* means any person or organization that controls the operation and maintenance of a wireless communication facility.

*Paging* means a wireless communication service that communicates a limited message to subscriber units which are relatively small and can be carried on the subscriber's person. Current paging systems are one-way (subscriber receives the message) but future systems can be two-way in nature. Paging systems are not considered "real time" interactive systems.

*Personal communications services (PCS)* means digital wireless services that offer high quality voice and data communication.

*Platform* means a support system that may be used to connect antennae and antenna arrays to telecommunication towers or alternative support structures.

*Preexisting towers and preexisting antennae* means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this division, including permitted towers or antennae that have not yet been constructed so long as such approval is current and not expired.

*Radio* is a generic term for communication of sound, data, or energy by means of electromagnetic wave propagation. For regulatory purposes "radio" includes the popular terms "television" and "microwave". The term "wireless" is interchangeable with "radio" and is the popular term in several other English-speaking countries and some translations.

*Radio frequency (RF)* means a description pertaining to the electromagnetic spectrum between the audio frequency portion and the infrared portion.

*Radio frequency exposure professional* means a certified professional electrical engineer, health physicist or other technical expert with an understanding of the effects and measurement of exposure of the human body to radio frequency energy. Such professional must have substantial professional experience performing environmental measurements of radio frequency (RF) exposure and preparing radio frequency exposure evaluation reports for a variety of entities.

*Regeneration facility* means a structure, equipment or facility that primarily is used to enhance the transmission of the system by "boosting" or "upgrading" the signal being transmitted through wire, fiber optic or other media. It generally includes ground-based equipment housed in an unmanned shelter that requires electricity and communication connections. This term may also mean repeater facilities or amplification facilities.

*Roof-mounted* means an antenna that is mounted directly to, or on a support structure mounted to, the roof or otherwise on the top most level or levels of a building exterior.

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*Satellite dish* or means an antenna incorporating a reflective surface that is solid, open mesh, or bar configured to form a shallow dish, cone, horn or cornucopia used to transmit and/or receive electromagnetic signals to or from a satellite. This definition includes antennae that are sometimes called "SES," "TYRO," "TVBS," and "DBS" antennae.

*Satellite transmission* means a communication system involving signals sent to ("uplink") and/or by ("downlink") an orbiting communication relay satellite.

*Satellite dish* means a device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TYRO's and satellite microwave antennae.

*Site* means, for towers other than towers in the public right-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted that area in proximity to the structure and to other transmission equipment already deployed on the ground.

*Specialized mobile radio (SMR)* means a radio system in which licensees provide land mobile communication services in the 800 MHz and 900 MHz bands on a commercial basis to entities eligible to be licensed in the private radio services (Part 90 of the FCC Rules), federal government entities and individuals. See also "*enhanced specialized mobile radio system (ESMR)*".

*Spectrum Act* refers to section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act, 47 USC § 1455(a) (providing in part, "a state or local government may not deny, and shall approve, any eligible facilities request for a modification of any existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.").

*Stealth mount* means a way of mounting an antenna that hides the antenna by making it appear to be a part of a structure, tree or other natural object.

*Structure-mounted* means any antenna which:

- (1) Is not attached to a dedicated support structure resting on the ground; and
- (2) Is attached to a building, billboard, tank, sign, utility pole, or other structure. This definition includes antennae sometimes referred to as facade mounts and sign mounts.

*Substantial change* means a modification substantially changes the physical dimension of an eligible support structure if it meets any of the following criteria:

- i. For towers other than towers in the public right-of-way, it increases the height of the tower no more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structure, it increases the height of the structure by more than one hundred five (105) or more than ten (10) feet, whichever is greater;
- ii. For towers other than towers in the public right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
- iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public right-of-way and base stations, it involves the installation of ground cabinets that are more

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than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;

- iv. It entails any excavation or deployment outside the current site;
- v. It would defeat the concealment elements of the eligible support structure; or
- vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (g)(i)—(g)(iv) of this section.

*Telecommunication facility* means a facility, site or location that contains one (1) or more antennae, telecommunication towers, alternative support structures, satellite dish antennae, other similar communication devices and support equipment which is used for transmitting, receiving or relaying telecommunications signals excluding those facilities exempted under section 29-258.

*Telecommunication support facility* means telecommunication equipment buildings and equipment cabinets.

*Telecommunications tower* means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennae, including camouflaged towers, lattice towers, guy towers or monopole towers. This includes radio and television transmission towers, microwave towers, and common-carrier towers. It shall exclude alternative support structures and those facilities exempted under section 29-258.

*Tower* means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

*Tower-mounted* means any antenna which is attached to a tower and has an overall height greater than ten (10) feet above finished grade at the base of the structure. This definition includes antennae that are sometimes referred to as "monopoles," "lattice towers" and "guyed towers."

*Transmission equipment* means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transreceivers, antennas, coaxial or fiber optic cable, and regular and backup power supply. The term "transmission equipment" includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

*Wireless communication* means electronic communication using radio signals sent between two (2) or more points.

*Wireless communication facility* means any antenna, associated equipment, base station, small cell system, tower, and/or transmission equipment.

*Wireless telecommunications collocation facility* means a wireless telecommunications facility that includes collocation facilities.

*Wireless telecommunications facility* means equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems that are integral to providing wireless telecommunications services. Receive only radio and television antennae and satellite dishes or antennae are excluded from this definition.

*Wire line communication* means electronic communication using physical connections such as wire cables or fiber optics to transmit signals between two (2) or more points. ( Ord. No. 16-03, § 1, 4-19-16)

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## Sec. 29-257. Applicability.

This division shall apply to all types of communication facilities including but not limited to: towers, regeneration facilities, amplification facilities, and repeater facilities, whether sited on the ground, or elevated on towers or structures.

- (1) *New towers and antennae.* All new replacement, or re-permitted towers, antennae or facilities in the city shall be subject to these regulations, except for exemptions provided under section 29-258. "Re-permitted" shall mean renewal of a permit at any one (1) of the sites originally approved in the conditional use permit, and shall also mean a facility for which a conditional use permit has expired but is being permitted again by either the same or another owner operator, which may be done by the planning commission and city council.
- (2) *Regeneration, repeater, amplification facilities.* This division shall regulate all new, replacement or re-permitted facilities.
- (3) *Amateur radio station operators/receive only antennae.* This division shall not govern any tower, or the installation of any antenna, that is under sixty (60) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennae.
- (4) *Preexisting towers or antennae.* Preexisting towers, pre-existing facilities and preexisting antennae shall not be required to meet the requirements of this division, unless and/or until the facility is altered, repaired in excess of fifty (50) percent of its base value and/or is re-permitted.
- (5) *AM array.* For purposes of implementing this division, an AM array, consisting of one (1) or more tower units and supporting ground system which functions as one (1) AM broadcasting antenna, shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

( Ord. No. 16-03, § 1, 4-19-16)

## Sec. 29-258. Exemptions.

The following communication facilities shall be exempt from this division, and shall be permitted without review by the community development director or planning commission, provided that the following specified conditions are met:

- (1) Receive-only radio and television antennae, including satellite dishes, provided that:
  - a. The antennae meet all height, setback, lot coverage and other limitations on structures in its zone;
  - b. The antennae are not installed between a public street and a structure;
  - c. If the facility installed is less than twelve (12) feet high above ground level, except for roof mounted meeting the requirements contained herein; and these requirements do not:
    1. Unreasonably delay or prevent the installation, maintenance or use;
    2. Unreasonably increase the cost of installation, maintenance or use; or
    3. Preclude reception of an acceptable signal.
- (2) Temporary communication facilities providing public information coverage of a news event, provided that they are set up for a period of seventy-two (72) hours or less.

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- (3) Cell on wheels (COW) and cell on light truck (COLT) facilities replacing a damaged facility and/or meeting the public need in the event of a public emergency or disaster declared by the city or other governmental authority, or as approved by the community development director on a case-by-case basis. As a temporary facility this may also be used for events such as large gatherings, rodeos and fair-type activities, the duration not to exceed the duration of the event.
  - (4) Temporary crank-up towers up to one hundred twenty (120) feet erected for a duration of forty-eight (48) hours or less for the purposes of testing.
  - (5) Amateur radio station facilities provided that all antennae and supporting structures meet the following requirements:
    - a. Only one (1) amateur radio station facility shall be installed on any single parcel, and all fixed radio equipment, antennae and antenna support structures so installed shall be included as part of that single facility.
    - b. All fixed radio equipment, antennae and antenna support structures shall comply with setback, lot coverage and other standards, except height, required in its zone.
    - c. Multiple antennae shall be grouped so as not to exceed sixteen (16) square feet in area when feasible.
    - d. All small diameter (less than twenty-four (24) inches) antennae such as satellite dishes or other small antennae providing communication services to residential uses.
  - (6) Facilities or systems that at the time of adoption of the ordinance enacting this division have a signed development agreement or a franchise agreement or a legally binding contract with the jurisdiction responsible for permitting the facility or system.

(Ord. No. 13-16, § 31, 4-2-13; Ord. No. 16-03, § 1, 4-19-16)

## **Sec. 29-259. Collocation facilities.**

- (a) Pursuant to state law (Government Code § 65850.6 and § 65964) and the Middle Class Tax Relief and Job Creation Act of 2012, further known as the Spectrum Act, collocation facilities shall be permitted uses within any zone, subject to a building permit as described in section 29-260(4) provided that a site plan review is completed as described in sections 29-304—29-306.
  1. The site plan review application for an eligible facilities request shall include the following:
    - a) The applicant must identify whether the applicant believes the application is eligible for an eligible facilities request subject to Government Code section 65850.6 and section 65964 or the Spectrum Act, and if so, provide a detailed explanation as to why the applicant believes that the application qualifies as an eligible facilities request.
    - b) The applicant shall complete the city's application form, as may be amended from time to time.
    - c) Payment of a reasonable fee prescribed by resolution.
  2. Type of review. Upon receipt of an application for an eligible facilities request pursuant to this chapter, the community development department shall review such application to determine whether the application so quantifies.

( Ord. No. 16-03, § 1, 4-19-16)

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## Sec. 29-260. General requirements.

All new or re-permitted telecommunication towers and all wired or fiber regeneration facilities within the city shall meet the following general requirements, regardless of the zone in which they are located. Exempt facilities under section 29-258 and collocation facilities under section 29-259(a) are not subject to the general requirements of section 29-260.

- (1) *Conditions of approval.* As a condition of approval of an application for a permit for construction or reconstruction for a development project for a wireless telecommunications facility, as defined in California Government Code section 65859.6, the city shall not do any of the following:
  - a. Require an escrow deposit for removal of a wireless telecommunications facility or any component thereof. However, a performance bond or other surety or another form of security may be required, so long as the amount of the bond security is rationally related to the cost of removal. In establishing the amount of the security, the city shall take into consideration information provided by the permit applicant regarding the cost of removal.
  - b. Unreasonably limit the duration of any permit for a wireless telecommunications facility. Limits of less than ten (10) years are presumed to be unreasonable absent public safety reasons or substantial land use reasons. However, the city may establish a build-out period for a site.
  - c. Require that all wireless telecommunications facilities be limited to sites owned by particular parties within the jurisdiction of the city.
- (2) *Zones.* Wireless communication facilities, wireless telecommunication facilities, and wireless telecommunications collocation facilities may be located in all zones which allow such facilities, upon approval of a conditional use permit as described below.
- (3) *Use permit required.* All telecommunications towers and all wired or fiber regeneration facilities require a conditional use permit (CUP). To obtain a conditional use permit, a duly noticed public hearing is required before the planning commission and city council as provided for in article V, division 6 of this chapter.
- (4) *Building permit required.* All communication facilities shall require a building permit issued by the city.
- (5) *Design consistency with the surrounding environment.* To the maximum extent feasible, all wireless communication facilities and all regeneration facilities shall blend with the predominant features of the existing natural and/or built environments in which they are located. Toward this end, collocation, stealth mounts, structure mounts and ground mounts are particularly encouraged.
- (6) *Height.* All communication facilities shall conform to the following height requirements:
  - a. All wireless communication facilities, wireless tele-communications facilities, and wireless telecommunications collocation facilities shall be subject to the maximum building height requirements of the applicable zoning district as specified in this section unless a variance is approved concurrent with a conditional use permit.
  - b. All communication facilities constructed within three-quarters ( $\frac{3}{4}$ ) of a mile of a designated scenic corridor (as designated by the general plan) shall conform to the height limit of the zone in which they are located. Collocation facilities may exceed their zones height limit, provided that the installation of the collocation facility does not require a height increase of the existing wireless telecommunications collocation facility.
  - c. Outside of the three-quarter ( $\frac{3}{4}$ ) mile range of a designated scenic corridor, no communication facility may exceed one hundred-twenty (120) feet. A bonus of twenty (20) additional feet per

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facility, up to a maximum height of two hundred (200) feet, is permissible for collocation facilities on a single wireless telecommunications collocation facility.

- d. No roof-mounted wireless communication facility may be more than twelve (12) feet taller than the roof of the building on which it is mounted, unless the facility is fully screened and height does not exceed height permitted by applicable zone.
  - e. If an operator wishes to apply for an exception to these height limitations, then the facility shall be subject to the provisions of this chapter relating to conditional use permits and variance hearing processes.
- (7) *Screening.* All communication facilities shall be screened to the maximum extent possible pursuant to the following requirements:
- a. Ground- and tower-mounted antennae and all sound structures shall be located within areas where substantial screening by vegetation, landform and/or buildings can be achieved. Additional vegetation and/or other screening may be required as a condition of approval. Each structural screening shall be based on a recommendation from the community development director having addressed the visual impacts, which in some instance may, in fact, warrant no screening.
  - b. The projection of structure-mounted antennae from the face of the structure to which they are attached shall be minimized and shall not project across any property line.
  - c. Roof-mounted antennae shall be set back from the edge of the roof a distance greater than or equal to the height of the antenna, except when the antennae are fully screened. For roof-mounted antennae, a screening structure that is architecturally compatible with the building on which it is mounted may also be required as a condition of approval. Antenna panels mounted flush on the outside of the parapet wall of an existing building and painted to match the exterior of the building may be allowed.
- (8) *Radio frequency exposure.* No communication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no communication facility or combination of facilities shall produce, at any time, power densities that exceed the current FCC adopted standards for human exposure to RF fields. Certification that a facility meets this standard is required. A copy of the certification from the FCC shall be submitted to the city.
- (9) *Cabling.* For structure-mounted antennae, all visible cabling between equipment and antennae shall be routed within the building wherever feasible, or on the roof below the parapet wall. Cabling on the exterior of a building or monopole shall be located within cable trays painted to match the structure. All cabling shall be performed in accordance with the applicable NEC (National Electrical Code).
- (10) *Painting and lighting.* All facilities shall be painted or constructed of materials to minimize visual impacts. All towers shall be painted in non-reflective and preferably earth tone colors. All towers may be required to be illuminated with lighting as required by the FAA and the county airport land use commission, if applicable.
- (11) *Noise.* All communication facilities shall be designed to minimize noise impacts to surrounding land uses. If a facility is located in or within one hundred (100) feet of a residential zone, noise attenuation measures shall be included to reduce noise levels to a maximum exterior noise level of 50 Ldn at the facility's site property lines.
- (12) *Accessory structures.* Enclosures and cabinets housing equipment related to a wireless communication facility shall meet setback and height restrictions for such structures in the zone where located. Such structures shall appear architecturally compatible (as determined by the community development



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- director evaluating the facility on the basis of color and materials) with their surroundings and be designed to minimize visual impacts. To meet this requirement, underground vaults may be required.
- (13) *Street and parking.* Communication facilities shall have access to public streets and parking areas as necessary and shall use existing streets and parking areas whenever possible.
- (14) *Provisions for future collocation.* All commercial communication facilities shall be encouraged to promote future facility and site sharing. Technical evidence will be provided as to the infeasibility, either technically and/or economically, of collocation or grouping prior to the issuance of a new use permit for a facility that would not be considered to be co-located or grouped under this division. Proposals for the placement of collocation facilities on existing wireless telecommunication collocation facilities are subject to the requirements of section 29-259.
- (15) *Removal upon discontinuation of use.* All equipment associated with a communication facility shall be removed within one hundred eighty (180) days of the discontinuation of the use and the site shall be restored to its original preconstruction condition. The operators agreeing to such removal and allowing the city access across private property to effect such removal shall be a condition of approval of each permit issued. At its discretion, the city may require a financial guarantee acceptable to the city to ensure removal.
- (16) *Principal or accessory use.* Antennae and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (17) *Lot size.* For purposes of determining whether the installation of a facility complies with city development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennae or towers may be located on lease parcels within such lot. This shall also take into consideration the height of the tower in the event of a failure whereby it could fall thereby crossing property lines.
- (18) *Inventory of existing sites.* Each applicant for a facility shall provide to the community development director an inventory of its existing towers, antennae, or sites approved for facilities, that are either within the jurisdiction of the city or within one (1) mile of the border thereof, including specific information about the location, height and design of each facility. The community development director may share such information with other applicants applying for administrative approvals or conditional use permits under this division or with other organizations seeking to locate facilities within the jurisdiction of the city provided, however, that the community development director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (19) *Aesthetics.* Towers and antennae shall meet the following requirements:
- a. Towers shall either maintain a galvanized steel finish, or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obstructiveness.
  - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.



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- (20) *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views and community.
- (21) *State or federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennae. If such standards and regulations are changed, then the owners of the towers and antennae governed by this division shall bring such towers and antennae into compliance with such revised standards and regulations as mandated by the controlling state or federal agency. Failure to bring towers and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (22) *Building codes, safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (23) *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the incorporated areas of the city according to the provisions of this chapter for the respective base zone.
- (24) *Not essential services.* Towers and antennae shall be regulated and permitted pursuant to this division and shall not be regulated or permitted as essential services, public utilities or private utilities.
- (25) *Franchises.* Owners and/or operators of towers or antennae shall certify that all franchises required by law for the construction and/or operation of a communication system in the city have been obtained and shall file a copy of all required franchises with the community development director.
- (26) *Public notice.* For purposes of this division, any conditional use permit request, variance request, or appeal of an administratively approved permit shall require public notice to all adjoining property owners and all property owners of properties that are located within the corresponding separation distance listed for a conditional use permit or variance in the respective zone, under this chapter, in addition to any notice otherwise required by the community development director, planning commission or city council.
- (27) *Signs.* No signs shall be allowed on an antenna or tower except as may be required by law or another permitting or licensing agency.
- (28) *Buildings and support equipment.* Buildings and support equipment associated with antennae or towers shall comply with requirements of this chapter.
- (29) *Multiple antennae/tower plan.* The city encourages the users of towers and antennae to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

(Ord. No. 13-16, § 33, 4-2-13; Ord. No. 16-03, § 1, 4-19-16)

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## Sec. 29-261. Conditional use permit before the administrative committee.

Certain communication facilities may be conditionally approved by the administrative committee, as described below in this section. The duty of the administrative committee established by this section shall be considered additional authorized duty as permitted by section 29-298 of this chapter.

- (1) *Qualifying facilities.* The following types of communication facilities qualify for a use permit before the administrative committee:
  - a. Receive-only radio and television antennae and satellite dishes or antennae that do not qualify for exemption under section 29-258, including multiple antennae or dishes on a single parcel.
  - b. Amateur radio facilities that do not qualify for exemption under section 29-258. When required, a conditional use permit before the administrative committee shall be granted to amateur radio operators with no fee.
  - c. Communication facilities installed on publicly owned property, regardless of zone, provided they hold an executed license or lease agreement.
- (2) *Required findings.* In order for the administrative committee to approve a proposed communication facility under a conditional use permit, the administrative committee shall make the findings required for a conditional use permit, as well as, the following additional findings:
  - a. The facility complies with all applicable provisions of section 29-260.
  - b. The facility either:
    1. Does not require an RF environmental evaluation report as described in section 29-260(8); or
    2. The RF environmental evaluation report for the facility shows that the cumulative radiofrequency energy emitted by the facility and any near-by facilities will be consistent with FCC regulations.
  - c. The facility blends in with its existing environment and will not have significant adverse visual impacts.
- (3) *Administrative approval process.* The administrative committee may administratively approve a proposed communication facility by using the following process:
  - a. Each applicant for administrative approval shall apply to the community development director providing the information and fees.
  - b. The administrative committee shall review the application and determine if the proposed use complies with section 29-261.
  - c. The administrative committee shall review each application within sixty (60) days and either approve or deny the application.
  - d. In connection with any such administrative approval, the administrative committee may, in order to encourage shared use, administratively waive any setback requirements or separation distances between towers in the base zone by up to fifty (50) percent.
  - e. In connection with any such administrative approval, the administrative committee may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
  - f. If an administrative approval is denied, the applicant shall file an application for a conditional use permit pursuant to section 29-261 prior to filing an appeal as described under this chapter.

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- (4) *List of administratively approved uses.* The following uses may be approved by the administrative committee after conducting a review:
- a. Locating a tower, antenna or facility, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or heavy commercial zone or a grouped facility.
  - b. Locating antennae on existing structures or towers consistent with the terms of subsections 1. and 2. below.
    1. Antennae on existing structures. Any antenna, which is not attached to a tower, may be approved by the administrative committee as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided:
    2. The antenna does not extend more than thirty (30) feet above the highest point of the structure;
    3. The antenna complies with all applicable FCC and FAA regulations;
    4. The antenna complies with all applicable building codes.
- (5) *Antennae on existing towers.* An antenna which is attached to an existing tower may be approved by the administrative committee to minimize adverse visual impacts associated with the proliferation and clustering of towers. Collocation of antennae by more than one (1) carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
- a. A tower which is modified or reconstructed to accommodate to collocation of an additional antenna shall be of the same tower type as the existing tower, unless the administrative committee allows reconstruction as a monopole.
  - b. Height.
    1. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.
    2. The height change referred to in subsection b.1 may only occur one time per communication tower.
    3. The additional height referred to in subsection b.1 shall not require an additional distance separation. The tower's pre-modification height shall be used to calculate such distance separation.
- (6) *On-site location.*
- a. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location.
  - b. After the tower is rebuilt to accommodate collocation, only one (1) tower may remain on the site.
  - c. A relocation on a site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to the base zone. The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands shall only be permitted when approved by the administrative committee.

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- (7) *New towers in nonresidential zones.* Locating any new tower in a nonresidential zone other than industrial or heavy commercial, provided a licensed professional engineer certifies that the tower can structurally accommodate the number of shared users proposed by the applicant; the city council concludes the tower is in conformity with the goals set forth in section 29-255 and requirements of section 29-261 of this division; the tower meets all setback and separation requirements of the base zone; and the tower meets the following height and usage criteria:
    - a. For a single user, up to ninety (90) feet in height.
    - b. For two (2) to three (3) users, up to one hundred-twenty (120) feet in height.
    - c. For four (4) or more users up to one hundred-eighty (180) feet in height.
  - (8) Locating any alternative tower structure in a zone other than industrial or heavy commercial that in the judgment of the administrative committee is in conformity with the purpose set forth in section 29-255.
    - a. Installing a cable micro-cell network through the use of multiple low-powered transmitters/receivers attached to existing wire line systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(Ord. No. 13-16, § 34, 4-2-13; Ord. No. 16-03, § 1, 4-19-16)

## **Sec. 29-262. Conditional use permit before planning commission and city council.**

All communication facilities or any facility requesting an exception to these regulations, except collocation facilities, shall require approval of a conditional use permit by the planning commission and final approval by the city council.

- (1) *Qualifying facilities.* A conditional use permit is required for any communication facility that is not exempt under these regulations and that does not qualify for a conditional use permit before the administrative committee.
- (2) *Required findings.* In order for the city council to approve a proposed communication facility under a conditional use permit, the planning commission shall make the findings required for a conditional use permit, as well as the following additional findings:
  - a. No alternative site or design is available that would allow for issuance of a conditional use permit before the administrative committee for the facility. This finding shall be based on the results of an alternatives analysis, as described in section 29-264 below.
  - b. The facility either:
    - 1. Does not require an RF environmental evaluation report; or
    - 2. The RF environmental evaluation report for the facility shows that the cumulative radiofrequency exposure emitted by the facility and any near-by facilities will be consistent with FCC regulations.
  - c. The facility blends in with its existing environment and will not have significant visual impacts.
- (3) *Conditional use permit process.* Applications for conditional use permits under this subsection shall conform to the requirements of section 29-261, and shall be subject to the procedures and requirements of article V, division 6 of this chapter.
- (4) *Conditions.* In granting a conditional use permit, the city council may impose conditions to the extent the city council concludes such conditions are necessary to minimize any adverse effects to adjoining properties. Conditions of approval for an application for a permit for construction or reconstruction for

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a development project for a wireless telecommunications facility shall not include the prohibited conditions listed in section 29-260(1).

- (5) *Professional engineer.* Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a state licensed professional engineer.
- (6) *Encroachment permits.*
- a. Prior to commencing work on city streets, encroachment permits from the engineering department shall be obtained. Plans, specification drawings which depict detail of the extent of work shall be submitted with the application.
  - b. The city engineering department will, as a condition of permit issuance, specify trench backfill requirements including, but not limited to, asphalt replacement, depending on the location of the trench.
  - c. A fee, intended to cover all of the city's costs associated with issuance of the permit shall be paid prior to issuance of an encroachment permit.

( Ord. No. 16-03, § 1, 4-19-16)

### **Sec. 29-263. Alternatives analysis required.**

For a facility requiring a conditional use permit before the city council, an alternatives analysis shall be prepared by or on behalf of the operator, as described in this section.

- (1) *Alternatives to be considered.* The alternatives analysis shall consider alternative locations and designs for the proposed facility, including those which would not require a conditional use permit. At a minimum, alternatives included in the analysis shall include:
- a. Collocation at all existing communication facilities whether in the incorporated area of the city, an adjacent city or the county;
  - b. Lower, more closely spaced communication facilities; and
  - c. Mounting on any existing non-residential structure within one-half (½) mile of the proposed facility in the incorporated area of the city. The alternatives analyzed shall be approved by the community development director. The analysis shall also explain why siting within the unincorporated area is not possible.
- (2) *Findings.* The alternatives analysis shall show whether or not the proposed siting and design would have the least possible environmental and visual effects on the community and whether any alternative site or design is available that would allow for issuance of a conditional use permit by the administrative committee.
- (3) *Review.* The community development director may, at his/her discretion, employ on behalf of the city an independent technical expert to review the alternatives analysis. The operator shall bear all costs for the review.

(Ord. No. 13-16, § 35, 4-2-13; Ord. No. 16-03, § 1, 4-19-16)

### **Sec. 29-264. Visual analysis.**

For a facility requiring review before the planning commission and located within two (2) miles of a designated scenic highway, a visual analysis shall be prepared by or on behalf of the operator, as described in this section. This visual analysis shall demonstrate compliance with provisions of the city's general plan.

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- (1) *Contents.* At a minimum, the visual analysis shall include the following:
    - a. A map of the visual units (as defined in the scenic highway element) from which the proposed facility will be visible.
    - b. A map of foreground and distant view components.
    - c. A narrative discussion of the visual impact of the proposed facility based on the items above.
  - (2) *Findings.* The visual assessment shall compare the proposed facility's visual impacts to the criteria contained in the general plan. It shall make conclusions as to whether the facility would comply with the general plan and suggest changes to the facility that would make it more compatible with the general plan.

( Ord. No. 16-03, § 1, 4-19-16)

## **Sec. 29-265. Information required for towers.**

In addition to any information required for all applications for conditional use permits pursuant to this division and chapter 29, applicants for a conditional use permit for a tower shall submit the following information:

- (1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and base zoning, adjacent land uses and zoning (including when adjacent to other municipalities), general plan designation of the site and all properties, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed by the community development director to be necessary to assess compliance with this division.
- (2) Legal description of the parent tract and leased parcel (if applicable).
- (3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- (4) The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of existing tower(s).
- (5) A landscape plan showing specific landscape materials and areas to be landscaped, method of irrigation and description of how landscaping would be maintained.
- (6) Method of fencing and finished color, and if applicable, the method of camouflage and illumination.
- (7) A description of compliance with section 29-260, as well as the provisions of all other applicable federal, state and city ordinances.
- (8) A notarized statement by the applicant as to whether the construction of the tower will allow the collocation of additional antennae for future users.
- (9) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the city, other incorporated cities in the county, and the county.
- (10) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures.

(Ord. No. 13-16, § 36, 4-2-13; Ord. No. 16-03, § 1, 4-19-16)

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## **Sec. 29-266. Modifications to facilities.**

To the extent necessary to ensure compliance with adopted FCC regulations regarding human exposure to RF emissions, or upon the recommendation of the community development director, the operator shall modify the placement of the facilities; install fencing, barriers or other appropriate structures or devices to restrict access to the facilities; install signage in English and Spanish, including the radio-frequency hazard warning symbol identified in ANSI C95.2-1982 and multi-lingual warnings if deemed necessary by the community development director to notify persons that the facility could cause exposure to RF emissions; and/or implement any other practice reasonably necessary to ensure that the facility is operated in compliance with adopted FCC RF emission standards.

(Ord. No. 13-16, § 37, 4-2-13; Ord. No. 16-03, § 1, 4-19-16)

## **Sec. 29-267. Changes to FCC standards.**

If the FCC RF emission standards are modified, the operator shall ensure that the facility is reevaluated for compliance with the new standards, and a re-certification statement prepared by a radio-frequency exposure professional shall be submitted by the operator to the community development director prior to the effective date of the new FCC RF emission standards. For an amateur radio station facility, self-certification of compliance by the amateur radio station license is acceptable if permitted by FCC regulations and conducted under standards and procedures set forth by the FCC.

(Ord. No. 13-16, § 38, 4-2-13; Ord. No. 16-03, § 1, 4-19-16)

## **Sec. 29-268. Life of approval.**

- (a) *General term.* Permits for communication facilities issued under these regulations, with the exception of any permit for a wireless telecommunications facility, shall generally be valid for three (3) years, unless such term is changed through the permitting process.
- (b) *Revocation.* If the conditions of a conditional use permit granted under this division are not complied with, the conditional use permit may be revoked pursuant to this chapter.
- (c) *Renewal.* All permits, regardless of the method by which they were originally given, may be extended administratively by the administrative committee upon verification of the permit holder's continued compliance with the findings and conditions of approval under which the application was originally approved. As a part of the renewal process, the community development director or his/her designee may require submission of certification by a radio-frequency exposure professional that the facility is being operated in accordance with all applicable FCC standards for RF emissions. At its discretion, the administrative committee may require a public hearing for renewal of a permit for a communication facility under a conditional use permit procedure, excluding proposed collocation facilities described in subsection 29-259(a).

(Ord. No. 13-16, § 39, 4-2-13; Ord. No. 16-03, § 1, 4-19-16)

## **Sec. 29-269. Facilities in existence prior to adoption of these regulations.**

- (a) *Facilities permitted prior to adoption of these regulations.* Communication facilities that obtained valid permits from the city and/or were constructed prior to the enactment of this division are not subject to these regulations. However, facilities that require renewal will be renewed under these regulations, and any facilities operating with existing permits, or facilities that are not permitted and require or which are

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proposed for modification must acquire new permits under these regulations. The administrative committee and/or the planning commission in making its determination on the applicability of anyone or all of these sections shall take into consideration the technical feasibility of the compliance required. To that extent the administrative committee and/or the planning commission shall have the latitude to consider alternatives that are reasonable, that would affect similar compliance and that provide for uniform application to all similar facilities. For existing wireless telecommunications collocation facilities on which a subsequent collocation facility is a permitted use subject to a building permit pursuant to section 29-259(a), a conditional use permit shall not be required.

- (b) *Not expansion of nonconforming use.* Towers that are constructed and antennae that are installed in accordance with the provisions of this division shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (c) *Rebuilding damaged or destroyed nonconforming towers or antennae.* Notwithstanding section 29-269(b), bona fide nonconforming towers or antennae that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a conditional use permit. The type, height and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the current applicable building codes and shall be obtained within one hundred-eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.

( Ord. No. 16-03, § 1, 4-19-16)

### **Sec. 29-270. Severability.**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, word, sentence or paragraph of this ordinance, or the application thereof, to any person, establishment or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this ordinance.

( Ord. No. 16-03, § 1, 4-19-16)

## **DIVISION 9. OTHER USES**

### **Sec. 29-271. Emergency Shelters**

Emergency shelters shall be permitted in accordance with state law and development standards for the zone in which they area located, as well as the following requirements:

- (a) Location. No emergency shelter shall be located within 300 feet of another emergency shelter.
- (b) Size.
  - (1) An emergency shelter shall include no more than fifty beds, serving no more than fifty people.
  - (2) At least 150 square feet of sleeping area shall be provided for each bed.
- (c) Length of stay.
  - (1) The maximum length of stay at any one (1) time for any person shall be six (6) months in any twelve (12) month period.
- (d) Off-street parking,



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(1) Two (2) spaces per facility plus one (1) space for each employee, provided that no more parking is required than for other residential or commercial uses in the same zone. Emergency shelters must also provide adequate provisions for loading and unloading or pick-up and drop-off zones.

(2) Non-operational and non-registered vehicles shall not be kept on the site.

(e) Client intake areas.

(1) Emergency shelters shall include an interior client waiting and intake area that is at least 250 square feet or large enough to accommodate up to 25 percent of the maximum number of shelter residents.

(2) Any exterior waiting areas shall be screened and covered, and shall not obstruct the public right-of-way.

(f) Safety and security.

(1) Adequate lighting shall be provided in all parking and exterior waiting areas.

(2) No one shall be allowed to camp or sleep outside emergency shelters, including in vehicles parked

(3) Nighttime security staff, or electronic cameras with video monitors that can be viewed by nighttime staff, shall monitor the exterior of emergency shelters, including parking and exterior waiting areas.

(4) Emergency shelters that accommodate more than one gender shall provide separate sleeping and bathroom areas for each gender, and separate lounge areas for each gender when provided. When possible, separate areas should also be provided to accommodate families.

(g) On-site management.

(1) Emergency shelters shall be operated by a government agency, private, or nonprofit organization that is authorized to provide emergency shelter services.

(2) When required by state law, emergency shelters shall be registered and licensed.

(3) Emergency shelter operators shall maintain a written Facility Management Plan that includes:

i. Services offered at the site,

ii. Maximum capacity at the site,

iii. Number and qualifications of staff required for day and night shifts,

iv. Behavior guidelines for residents and staff,

v. Facility maintenance standards,

vi. Site safety and security measures,

vii. Emergency plan.

(h) Amenities. Emergency shelters may also provide one or more of the following amenities for residents:

(1) Central cooking, dining, and lounge areas

(2) Laundry facilities

(3) Indoor and/or outdoor recreation areas

(4) Counseling and other supportive services

(5) Secure storage areas for personal possessions

Secs. 29-27~~21~~<sup>24</sup>—29-274. Reserved.

## ARTICLE V. PROCEDURES

### DIVISION 1. GENERAL PROVISIONS

#### Sec. 29-275. Review of development projects, legislative actions and ministerial permits.

Article V sets forth the city's procedures for reviewing and processing a variety of actions that focus on land use and development.

- (1) *Development projects.* In accordance with the requirements of article 3 of chapter 4.5 of the state planning and zoning law (Government Code section 65000 et seq.), all applications for development projects shall be reviewed in compliance with the provisions of this article, unless in conflict with the Government Code, in which case, the procedures set forth in the Government Code shall prevail. Table 29-275.1 outlines the primary types of development review applications and review procedures.
- (2) *Legislative actions.* Article V establishes local procedures for reviewing and processing applications for legislative actions such as adoption and amendment of the general plan or any elements thereof, zoning regulations and classifications, specific plans and annexations. Legislative actions are not subject to the procedures and requirements of article 3 of chapter 4.5 of the state planning and zoning law.
- (3) *Ministerial permits.* Article V establishes local procedures for reviewing and processing applications for ministerial permits such as site plan review undertaken by the community development director or the administrative committee. Ministerial permits or decisions are not subject to the procedures and requirements of article 3 of chapter 4.5 of the state planning and zoning law.

Table 29-275.1  
Application Types, Review Bodies and Responsibilities

Type of Application	Administrative Committee	Community Development Director	Planning Commission			City Council
	Authority to Approve or Deny	Authority to Approve or Deny	Authority to Approve or Deny	Advisory to City Council Only	Public Hearing Required	Final Authority/Public Hearing Required
Administrative <a href="#">permit review</a>	X <sup>1</sup>	X <sup>1</sup>				
Administrative variances	X					
Annexations <sup>2</sup>				X	X	X
Zoning ordinance				X	X	X <sup>6</sup>

amendment or zone change						
Communication facilities per section 29-262	X					
Communication facilities per section 29-263				X	X	X
Conditional use permit			X <sup>1,3</sup>	X <sup>5</sup>	X	X <sup>5</sup>
(For minor revisions)		X				
Density bonus housing plan <sup>9,10</sup>				X	X	X
Parcel map <sup>4</sup>	Authority to review and approve is vested with the city engineer					
Planned unit development permit <sup>9</sup>				X	X	X
Site plan review		X <sup>1,3</sup>	X <sup>1,3</sup>	X <sup>5</sup>	X	X <sup>5</sup>
Specific plan and specific plan amendments				X	X	X
Temporary use permit <sup>11</sup>		X <sup>1</sup>				
Tentative map <sup>4</sup>			X <sup>1,7</sup>	X <sup>8</sup>	X	X <sup>8</sup>
Variance				X	X	X

Notes:

1. Unless appealed to appellate body.
2. Requires LAFCO approval.
3. When final authority is vested with the review body.
4. Application and review procedures for parcel map and tentative maps shall be in accordance with chapter 24 subdivision regulations of the City Code.
5. When final authority is vested with the city council.
6. If commission recommendation is the denial of a zone change, council action is only required upon the filing of a request for a hearing.
7. For tentative maps of four (4) parcels or less.
8. For tentative maps of five (5) parcels or more.

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9. Subject to the conditional use permit process per article V, division 6 of this chapter and additional application and review procedures for planned unit developments in accordance with sections 29-180 and 29-181 of article IV, division 1 of this chapter.
  10. Subject to the conditional use permit process per article V, division 6 of this chapter and additional application and review procedures for a density bonus housing plan in accordance with ~~sections 29-215 and 29-216 of article IV, division 4 of this chapter~~state density bonus law.
  11. Application and review procedures for temporary use permits shall be in accordance with section 29-226 of article IV, division 5 of this chapter.

(Ord. No. 13-16, § 40, 4-2-13)

### **Sec. 29-276. Requirements for complete application for development projects.**

All applications submitted for approval of development projects pursuant to this article shall be accompanied by such forms, information and other items as specified by the community development director, including:

- (1) A completed application form, signed by the property owner, lessee, or agent, as specified thereon. The minimum submittal requirements and materials are listed on the application form. The city reserves the right to require additional information and/or materials in order to adequately review development project applications.
- (2) A site plan, as described in division 4 of this article, is required for applications for site plan review, variances and conditional use permits. Architectural elevations may also be required as specified by this article or by the community development director.
- (3) A filing fee as established by the city council.
- (4) A completed environmental information form, unless a determination has been made by the community development director that the application is exempt from environmental review.
- (5) A signed statement, pursuant to California Government Code Section 65962.5, that the applicant has consulted all lists, on file at the county health department, of all solid waste disposal facilities from which there is a known migration of hazardous waste, and shall indicate whether the project site for which the application is being made is within one thousand (1,000) feet of any site on such lists.
- (6) Resubmittals for incomplete applications. Within thirty (30) days of any resubmittal of the application or submittal of materials in response to the written determination, the community development director shall determine in writing whether the application, together with the subsequently submitted materials, constitute a complete application and shall immediately transmit the determination to the applicant.
- (7) When a determination that an initial application is incomplete has been transmitted to the applicant, the applicant shall have six (6) months from the date the application was initially filed to either resubmit the application or submit the information specified in the determination. Failure of the applicant to resubmit the application or to submit the materials in response to the determination within the six months shall be deemed to constitute withdrawal of the application. If an application is withdrawn or deemed withdrawn a new application must be submitted. This time limit may be waived by the community development director with a finding of special circumstances.

(Ord. No. 13-16, § 41, 4-2-13)

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### **Sec. 29-277. Notice of complete application.**

Not later than thirty (30) days after receipt of a new or resubmitted application pursuant to this article, the community development director shall determine whether the application is complete. The applicant shall be notified in writing of the director's determination; except that if a written determination is not made within thirty (30) days, the application shall be deemed complete. An appeal may be filed with the planning commission pursuant to division 9 of this article on any decision of the community development director on the completeness of an application. An appeal of an application completeness determination stays the time limit of such determination pending the outcome of the appeal.

(Ord. No. 13-16, § 42, 4-2-13)

### **Sec. 29-278. Time limits for review.**

- (a) *Development projects.* The time limits for review and approval of all applications for development projects are governed and established by chapter 4.5 of the state planning and zoning law (Government Code section 65000 et seq. the Permit Streamlining Act). The time limits begin on the date the city determines the application for the development project complete.
- (b) *Legislative actions.* Applications for legislative actions are not subject to the Permit Streamlining Act and therefore, there is no time limit for the review and approval of applications for legislative actions.
- (c) *Development projects processed with and needing legislative action(s).* Since development projects processed with and needing enabling legislative actions cannot be approved without such enabling legislative actions, the time limits for review and approval of such development projects begins after both the approval of the enabling legislative action(s) and the city's determination of a complete application for the development project.
- (d) *Ministerial projects.* The time limits for the review and approval of applications for ministerial projects are either not established and are therefore, undetermined or they are established by statute for the particular ministerial permit.

### **Sec. 29-279. Applicant's request for notification of proposed land use action.**

At the time of filing an application with the city pursuant to the zoning ordinance, an applicant may request, in writing, to receive notice of any proposal to adopt or amend plans or ordinances relative to the general plan, a specific plan, the zoning ordinance, or an ordinance affecting building permits or grading permits. The applicant shall specify the types of proposed action for which notice is requested and the city shall provide such notice if it determines that the proposed action is reasonably related to the applicant's development permit.

### **Secs. 29-280—29-283. Reserved.**

## ***DIVISION 2. PUBLIC HEARING PROCEDURES***

### **Sec. 29-284. Purpose.**

The purpose of this division is to provide a standard for the conduct of public hearings that complies with state public hearing requirements and afford the public due process through notification and participation in zoning and development proposals.

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### **Sec. 29-285. Public notice requirements.**

When a provision of this zoning ordinance requires notice of a public hearing pursuant to this article, such notice shall be made at least once in a newspaper of general circulation within the city designated by the city council at least ten (10) calendar days prior to the hearing.

### **Sec. 29-286. Setting of hearing and the content of the notice.**

The community development director shall set the date, time, and place for the public hearing. The notice shall include the date, time, and place of a public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.

(Ord. No. 13-16, § 43, 4-2-13)

### **Sec. 29-287. Notification procedures.**

When a provision of this zoning ordinance requires notice of a public hearing pursuant to this article, such notice shall be given in all of the following ways:

- (1) Notice of the public hearing shall be mailed or delivered at least ten (10) calendar days prior to the hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant;
- (2) Notice of the public hearing shall be mailed or delivered at least ten (10) calendar days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected; and
- (3) Notice of the public hearing shall be mailed or delivered at least ten (10) calendar days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within three hundred (300) feet of the real property that is the subject of the hearing. In lieu of utilizing the assessment roll, records of the county assessor or tax collector may also be used. If the number of owners to whom notice would be mailed or delivered is greater than one thousand (1,000), notice may be provided by placing a display advertisement of at least one-eighth (1/8) page in a newspaper of general circulation within the city at least ten (10) calendar days prior to the hearing.
- (4) If the notice of the public hearing is mailed or delivered pursuant to this section, the notice shall also be:
  - a. Published at least once in a newspaper of general circulation within the city at least ten (10) calendar days prior to the hearing; or
  - b. Posted at least ten (10) calendar days prior to the hearing in at least three (3) public places within the city, including one (1) public place in the area directly affected by the proceeding.

### **Sec. 29-288. Request for notification.**

When a provision of this zoning ordinance requires notice of a public hearing, the notice shall be mailed or delivered at least ten (10) calendar days prior to the hearing to any person who has filed a written request for notice with either the city clerk or with any other person designated by the city council to receive these requests. As used in this article, "person" includes a California Native American tribe that is on the contact list maintained by the Native American Heritage Commission.

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**Sec. 29-289. Additional notification.**

- (a) Notwithstanding any other provision of law, whenever a person applies to the city for a zoning variance, special use permit, conditional use permit, zoning ordinance amendment, general or specific plan amendment, or any entitlement for use which would permit all or any part of a cemetery to be used for other than cemetery purposes, the city shall give notice pursuant to section 29-287 of this article. "Cemetery," as used in this section, has the same meaning as defined in California Health and Safety Code section 8100.
- (b) Whenever a hearing is held regarding a permit for a drive-through facility, or modification of an existing drive-through facility permit, the city shall incorporate, where necessary, notice procedures to the blind, aged, and disabled communities in order to facilitate their participation in any hearing on, or appeal of the denial of, a drive-through facility permit. The California Legislature has found that access restrictions to commercial establishments affecting the blind, aged, or disabled, is a critical statewide problem.

**Sec. 29-290. Failure to receive notice.**

The failure of any person or entity to receive notice given pursuant to this division shall not constitute grounds for any court to invalidate the actions for which the notice was given.

**Sec. 29-291. Hearing continuations.**

Any public hearing conducted pursuant to this division may be continued from time to time and shall not require additional notification.

**Secs. 29-292—29-295. Reserved.**

### *DIVISION 3. ADMINISTRATIVE COMMITTEE*

**Sec. 29-296. Purpose of the administrative committee.**

The administrative committee is hereby established to assist the community development director, planning commission and city council to better expedite certain administrative reviews as established by the council and this chapter. It is also established to function as a board of zoning adjustment in matters regarding administrative variances.

(Ord. No. 13-16, § 44, 4-2-13)

**Sec. 29-297. Members of the administrative committee.**

- (a) *Voting members.* The voting members of the administrative committee shall be comprised of the following: City manager, community development director, public works director, police chief, fire chief and assistant community development director, or their authorized representatives. Any three (3) such members may act as a quorum for the purpose of conducting business.
- (b) *Nonvoting member.* The nonvoting member of the administrative committee shall be the chairman of the planning commission or other designated member of the planning commission.
- (c) *Term of office.* The term of office of all members of the administrative committee shall coincide with and be concurrent with the time or period that they respectively hold their official positions with the city.

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- (d) *Secretary.* The community development director shall serve as the official secretary of the committee. The records of all proceedings and the basis for all findings shall be available to the planning commission, city council and the public.

(Ord. No. 13-16, § 45, 4-2-13)

### **Sec. 29-298. Authority of the administrative committee.**

- (a) *Nonconforming buildings.* The administrative committee shall make a decision on applications for reconstruction or remodeling of nonconforming buildings upon the findings that said reconstruction or remodeling will bring such buildings and subsequent use into greater conformity with the regulations of the zone, as set forth in section 29-234.
- (b) *Access ways to highways.* The administrative committee shall review and make a decision on applications for all access ways to highways according to standards set forth in section 29-137, vehicular access.
- (c) *Administrative variance.* The administrative committee, without public hearing, may consider and render decisions on minor modifications to the provisions of this chapter. Such administrative variances and minor modifications shall be limited to the following, and may not be granted to permit any use or modify any standard for which a conditional use permit or a zone change is required by this chapter:
- (1) Reduction of lot area or lot dimensions, by not more than ten (10) percent of that required in the zone for not more than one (1) lot or dwelling unit in a proposed development.
  - (2) Reduction of yards and distance between buildings by not more than twenty (20) percent of the requirement of the zone for not more than one (1) lot or dwelling unit in a proposed development.
  - (3) Reduction of the number of required parking spaces by not more than fifteen (15) percent, or reduction of width of required parking spaces by not more than six (6) inches, and modifications of other parking design standards, including vehicular access standards, by not more than twenty (20) percent.
  - (4) Modification of wall, fence or landscaping height, not to exceed twenty (20) percent, where topography justifies such modification.
  - (5) Deletion of laundry room requirement of the residential zones, where such laundry facilities exist in convenient proximity.
  - (6) Increase in the maximum building height requirement by not more than ten (10) percent of that allowed by this chapter.
  - (7) Increase in the maximum sign height requirement by not more than ten (10) percent of that allowed by chapter 22.1 of the City Code.
- (d) *Temporary subdivision signs.* The administrative committee shall review and approve temporary subdivision sign permits and the fixing and extension of the time limit therefore.
- (e) *Reasonable accommodations.* The administrative committee shall, in compliance with the Federal Fair Housing Act (FHA) and the California Fair Employment and Housing Act (FEHA), 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 by evaluating requests for reasonable accommodations related to specific applications of the zoning law in order to assure that no person is discriminated against because of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income, or ancestry by being denied an equal opportunity to use and enjoy a dwelling and to authorize the application of exceptions to the zoning law if warranted.



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A request for reasonable accommodations may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

The reasonable accommodation process outlined in sections 29-300 through 29-300.6 establishes the procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

If a request for reasonable accommodations is necessary to make housing available to an individual in accordance with the FHA or FEHA, the accommodations must be provided unless the administrative committee can present evidence that doing so would either create an undue financial or administrative burden or result in a fundamental alteration of this chapter. A fundamental alteration is an alteration so far reaching that it would change the essential scheme of this chapter.

- (f) *Other duties as authorized.* The administrative committee shall report on all matters requested by the planning commission or city council, or as authorized by this chapter; and may make decisions on matters delegated to it by the commission or council and this chapter. In addition, the community development director may request a review by the administrative committee of any application filed with the community development director pursuant to this chapter, and the recommendation of the administrative committee, including recommended conditions of approval, may be forwarded to the decision-making city official or body.

(Ord. No. 13-16, § 46, 4-2-13; Ord. No. 15-10 , § 1, 9-15-15)

## **Sec. 29-299. Procedures for the administrative committee.**

For matters considered by the administrative committee, it shall be their responsibility to determine whether a proposal is in compliance with the intent, purpose and standards of this chapter of the zone in which a specific building and/or use is to be located, as well as other codes, ordinances or policies of the city. The following procedures shall apply:

- (1) *Administrative variances.*
- a. Fee. When the application for an administrative variance is filed, a fee as established by the city council shall be paid, for the purpose of defraying the cost incidental to the proceedings.
  - b. Notice and procedure.
    1. Upon the acceptance of a complete application, the secretary of the administrative committee shall give written notice by mail or personal delivery to all property owners as shown on the last equalized assessment roll within three hundred (300) feet of the subject property at least fifteen (15) days prior to a decision on the application.
    2. Any person so notified may file written objections or a written request to be heard within ten days after the mailing or personal delivery of the notice. If a written request to be heard is filed, the community development director shall schedule a hearing and provide written notice to the applicant and the person making the request at least five days prior to the hearing. The hearing is not a public hearing and may be informal.
    3. The administrative committee shall have the discretion to set any variance under this chapter for a public hearing before the planning commission. In such case the variance shall be processed according to the provisions of section 29-312.
  - c. Decision and findings. In approving an administrative variance for a minor modification to the development regulations of this chapter, all conditions set forth in section 29-298 shall be found

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by the committee. The administrative committee may grant an administrative variance from the provisions of this chapter when it appears from the facts contained in the application and from information obtained by the administrative committee that all of the findings for a variance contained in section 29-312 can be made. The administrative committee shall make its decision in writing within thirty (30) days after the meeting on the application. One (1) copy shall be mailed to the applicant and one (1) copy shall be filed with the community development director.

- d. Appeal not permitted. If the applicant or interested party is dissatisfied with the decision of the administrative committee, said applicant or interested party may file an appeal with the community development director within ten (10) days of the decision thereby requiring the applicant to apply for a variance pursuant to the procedure set forth in section 29-312.

(2) *Other duties pursuant to this chapter.*

- a. Administrative committee decision. Within thirty (30) days after the meeting on an application that is filed for review by the administrative committee pursuant to other duties assigned by this chapter, the administrative committee shall either announce its decision and in a written report list the findings and reasons for such decision and shall forward said report to the applicant, commission, and council, or shall refer the application to the commission.
- b. Effective date of decision. The decision of the administrative committee shall be final and shall become effective ten (10) days after the date of the decision unless an appeal is filed.
- c. Appeals. Any person or body, public or private, may appeal a decision made pursuant to this paragraph to the commission. An appeal must be in writing and be filed with the community development director within ten (10) days after the date of the decision by the administrative committee. Upon receipt of an appeal, the community development director shall place the matter on the agenda of the next available regular meeting of the commission.

- (3) *Other duties as authorized.* Where the commission or council has requested a report or other action by the administrative committee, said commission or council may specify a procedure to be followed or criteria to be considered. The administrative committee may recommend approval, approval with conditions or denial of applications made to the city pursuant to this chapter or other chapters of the City Code.

(Ord. No. 13-16, § 47, 4-2-13)

## **Sec. 29-300. Applicability of the reasonable accommodation request.**

- (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 (1) 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 with a disability, his or her 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.

(Ord. No. 15-10 , § 2, 9-15-15)

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### **Sec. 29-300.1. Notice to the public of availability of accommodation process.**

Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the community development department, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the community development department.

(Ord. No. 15-10 , § 2, 9-15-15)

### **Sec. 29-300.2. Requesting reasonable accommodation.**

- (a) In order to make housing available to an individual with a disability, any eligible person as defined in section 29-300 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.

(Ord. No. 15-10 , § 2, 9-15-15)

### **Sec. 29-300.3. Reviewing authority.**

- (a) Requests for reasonable accommodation shall be reviewed by the administrative committee using the criteria set forth in section 29-300.4.
- (b) The administrative committee 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 29-300.4.
- (c) If necessary to reach a determination on the request for reasonable accommodation, the administrative committee may request further information from the applicant consistent with fair housing laws, specifying

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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.

(Ord. No. 15-10 , § 2, 9-15-15)

#### **Sec. 29-300.4. 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 community development program.

(Ord. No. 15-10 , § 2, 9-15-15)

#### **Sec. 29-300.5. Written decision on the request for reasonable accommodation.**

- (a) The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the administrative committee's findings on the criteria set forth in section 29-300.4. 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 in section 29-300.6. The notice of decision shall be sent to the applicant by certified mail.
- (b) The written decision of the administrative committee shall be final unless an applicant appeals it to the city's planning commission.
- (c) If the administrative committee fails to render a written decision on the request for reasonable accommodation within the 30-day time period allotted by section 29-300.3., 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.

(Ord. No. 15-10 , § 2, 9-15-15)

#### **Sec. 29-300.6. Appeals.**

- (a) Within thirty (30) days of the date of the administrative committee'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.

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

(Ord. No. 15-10 , § 2, 9-15-15)

### **Sec. 29-300.7. Conflict with the Code.**

In the event that any provision of this division conflicts with any provision of the Code, the provisions of this division shall prevail.

(Ord. No. 15-10 , § 2, 9-15-15)

### **Secs. 29-301—29-303. Reserved.**

## *DIVISION 4. SITE PLAN REVIEW*

### **Sec. 29-304. Purpose of site plan review.**

The purpose of site plan review is to:

- (1) Provide a process for the reviewing official or body to verify a proposed project's compliance with this chapter's development, design, and use standards;
- (2) Assure land owners, business owners and developers that proposed uses, structures, and site improvements comply with the provisions of this chapter before preparation of plans for building permits; and
- (3) Provide a means of streamlining the development review process through administrative review of development proposals.

### **Sec. 29-305. Applicability and approving authority.**

- (a) The community development director shall have authority to approve, approve with conditions, or deny the following types of site plans:

- (1) Two (2) or more dwellings on a lot.
- (2) Structures and outdoor uses in all commercial and mixed use zones. ~~except the civic center (CC) zone.~~
- (3) Structures and outdoor uses in all manufacturing zones.
- (4) Within the CC zone, new structures and additions of less than 3,000 sq. ft.
- (5) Front and side yard carports consistent with Section 29-114.
- (6) Accessory dwellings.
- (7) Guest dwellings.
- ~~(8) Second dwelling units.~~
- ~~(89)~~ Large family daycare without a hearing.
- ~~(910)~~ Sexually oriented businesses. The planning director shall approve a site plan for a sexually oriented business within thirty (30) days after submission of a complete site plan application, including the filing

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fee, unless the submitted site plan violates one or more of the objective standards in the City Code, in which case the director shall specify in writing the objective standard(s) that the site plan fails to meet.

(10) Mobile homes on private lots.

(11) Shared Parking per Section 29-138.

(12) Structures and outdoor uses for medical/professional office uses and live/work (medical/professional office use) within the medical office (MO) overlay zone.

- (b) The planning commission shall have the authority to approve, approve with conditions, or deny site plans for new structures and additions of greater than 3,000 square feet in the civic center (CC) zone, for variances, and conditional use permits.
- (c) The city council shall have the authority to approve, approve with conditions, or deny site plans for projects involving a change of zone when no other discretionary approvals or permits are required.

(Ord. No. 09-06, §§ 7, 8, 9-2-09; Ord. No. 11-07, § 3, 6-21-11; Ord. No. 13-16, § 48, 4-2-13; Ord. No. 17-14, § 6, 11-21-17 )

### **Sec. 29-306. Site plan review procedure.**

When site plan review is required by this chapter, the following shall apply:

- (1) *Site plan requirements.* A site plan of the proposed use shall be submitted with the site plan application and shall be drawn to scale and shall indicate clearly, with full dimensioning, the following information:
  - a. Lot dimensions;
  - b. All buildings and structures. Location, size, height, proposed use, location of doors;
  - c. Yards, setbacks, and space between buildings;
  - d. Walls, fences, and landscaping. Location, height and materials;
  - e. Off-street parking. Location, number of spaces and/or dimensions of parking area, arrangement of spaces, internal circulation pattern;
  - f. Access. Pedestrian, vehicular, service; points of ingress and egress;
  - g. Loading. Location, dimensions, number of spaces, internal circulation; Lighting. Location and general nature, hooding devices;
  - h. Street dedications and improvements;
  - i. Landscaping, where required by or relevant to the provisions of this chapter;
  - j. Outdoor storage and activities, where permitted in the zone. Type, location, height of screening devices;
  - k. Drainage and grading plan;
  - l. Waste disposal facilities;
  - m. Signs, including color and lighting incorporated into signage;
  - nn. And other data as may be needed for the decisionmaker to take action on the site plan.~~to permit the required findings to be made.~~
- (2) *Procedure.* Where required by this chapter, site plan review is to be conducted by the commission or council following a review and recommendation by the community development director and/or

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administrative committee. Where commission or council action is not required by this chapter, the community development director shall conduct the review and may request a recommendation from the administrative committee. Figure 29-306.1 illustrates the site plan review process described below:

- a. Application. An application for a site plan shall be made on forms furnished by the community development department and shall be filed with the community development director by the owner of the property, by the lessee having a leasehold interest of not less than five (5) years exclusive of an option to renew, or by the agent of any of the foregoing duly authorized in writing.
- b. Filing fee. When the application for a site plan is filed, a fee as established by the city council shall be paid, for the purpose of defraying the costs incidental to the proceedings.
- ~~c. Staff investigation. The community development director shall review the plans to determine the following:~~
  - ~~1. Compliance with all provisions of this chapter.~~
  - ~~2. Whether the following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and there are no adverse effects on surrounding property:~~
    - ~~i. Buildings, structures and improvements.~~
    - ~~ii. Vehicular ingress, egress and internal circulation.~~
    - ~~iii. Setbacks.~~
    - ~~iv. Height of buildings.~~
    - ~~v. Location of service access.~~
    - ~~vi. Walls.~~
    - ~~vii. Landscaping.~~
  - ~~3. Proposed lighting is so arranged as to reflect the light away from adjoining properties.~~
  - ~~4. Proposed signs will not, by size, location, and color or lighting, interfere with traffic or limit visibility.~~
  - ~~5. Compliance with state environmental laws.~~
- cd. Community development director authority.
  1. Timing. Where site plan decision-making authority is vested by this chapter with the community development director, such action shall be taken within thirty (30) days after submission of a complete site plan application, including the filing fee.
  2. Notice. No notice need be given nor hearing held prior to action by the community development director.
  3. Community development director action. The community development director may elect to approve, conditionally approve or deny a proposed site plan based on the following criteria:
    - (a) Compliance with all provisions of this chapter.
    - (b) Whether the following are so arranged that traffic congestion is avoided, and pedestrian and vehicular safety and welfare are protected:
      - i. Buildings, structures and improvements.

ii. Vehicular ingress, egress and internal circulation.

iii. Setbacks.

iv. Height of buildings.

v. Location of service access.

vi. Walls.

vii. Landscaping.

(c) Proposed lighting is so arranged as to reflect the light away from adjoining properties.

(d) Proposed signs will not, by size, location, and color or lighting, interfere with traffic or limit visibility.

(e) Compliance with state environmental laws.

4. Appeals. No appeal may be made from a decision of the community development director in the administration of site plan review, except where the appellant asserts that an error has been made in the interpretation of a provision of this chapter, in which case section 29-342(a) for an administrative appeal shall be followed.

e. Planning commission or city council authority.

1. Timing. Where site plan decision-making authority is vested by this chapter with the commission or council, the community development director shall schedule the site plan for their consideration within thirty (30) days after submission of a complete site plan application, including the filing fee.
2. Notice. No notice need be given, by posting, mailing or publication prior to action by the commission or council, except written notice to the site plan applicant in person or by mail.
3. Commission or council action. Where final action is vested with the council, the commission shall forward a recommendation of approval, conditional approval, or denial of site plan to the council. The commission or council may elect to approve, conditionally approve or deny a proposed site plan. Where final action is vested with the council, the commission shall forward a recommendation of approval, conditional approval, or denial of site plan to the council based on the following:

(a) Compliance with all provisions of this chapter.

(b) Whether the following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and there are no adverse effects on surrounding property:

i. Buildings, structures and improvements.

ii. Vehicular ingress, egress and internal circulation.

iii. Setbacks.

iv. Height of buildings.

v. Location of service access.

vi. Walls.

vii. Landscaping.



(c) Proposed lighting is so arranged as to reflect the light away from adjoining properties.

(d) Proposed signs will not, by size, location, and color or lighting, interfere with traffic or limit visibility.

(e) Compliance with state environmental laws.

4. Appeals. Decisions of the commission may be appealed to the council pursuant to the provisions of section 29-353(f); decisions of the council are final.

f. Approved site plan. All copies of the approved site plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the reviewing official or body. One (1) copy of said approved site plan and conditions shall be provided to the applicant.

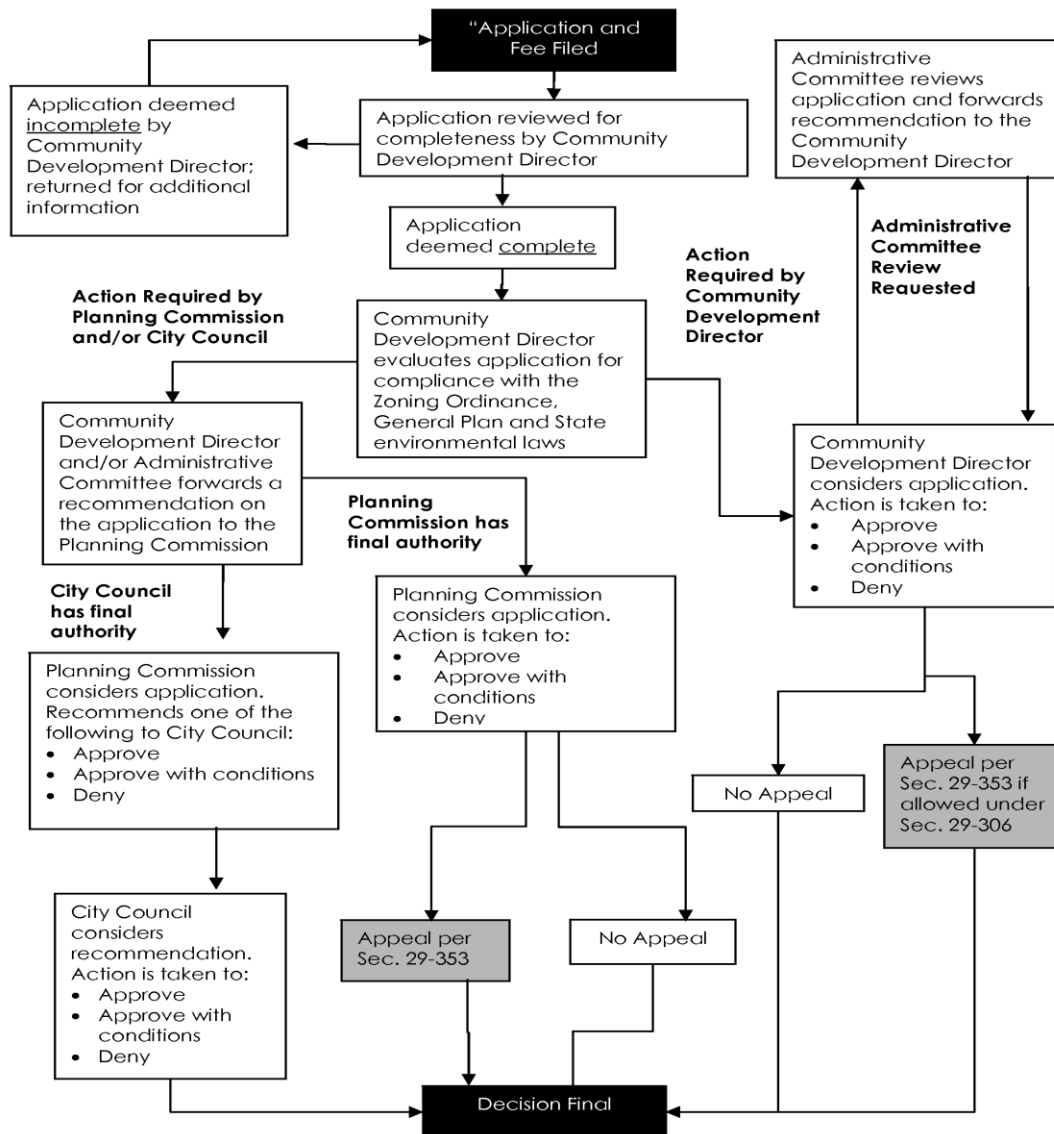


Figure 29-306.1. Site Plan Review Procedure

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(Ord. No. 11-07, § 4, 6-21-11; Ord. No. 13-16, §§ 49, 50, 4-2-13)

### **Sec. 29-307. Revisions.**

Revisions to an approved site plan shall be made pursuant to the site plan review procedure set forth in this division.

### **Secs. 29-308—29-310. Reserved.**

## ***DIVISION 5. VARIANCE***

### **Sec. 29-311. Purpose of variance.**

The purpose of this division is to provide a process to achieve flexibility in the application of land use and development regulations necessary to achieve the general purpose and intent of this chapter, secure public safety and welfare, and ensure substantial justice is done. Variances are intended to resolve practical difficulties or unusual physical hardships that may result from the size, shape or dimensions of a site or the location of existing structures thereon; from geographic, topographic or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site. A variance shall not be granted to permit a use not permitted in the zone pursuant to this chapter.

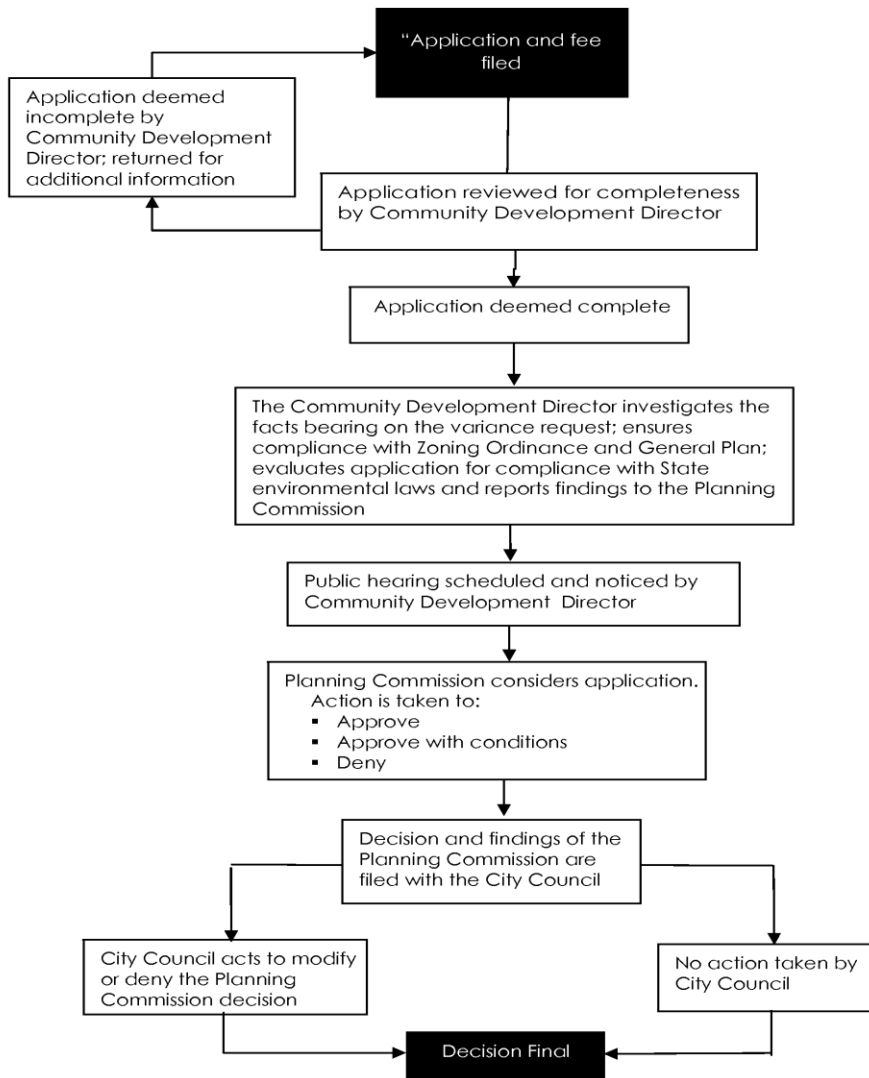
### **Sec. 29-312. Variance procedure.**

- (a) *Conditions necessary to granting a variance.* The commission, before it may grant a variance, shall make a finding that in the evidence presented, all of the following conditions exist in reference to the property being considered.
  - (1) Because of special circumstances applicable to subject property, including size, shape, topography, location, or surroundings, the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
  - (2) Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.
  - (3) The granting of the variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.
  - (4) The granting of such variance will not adversely affect the general plan for the city.
- (b) *Procedure.* Where required by this chapter, variance application review is to be conducted by the planning commission following the community development director's review and report of findings to the commission. decisions of the planning commission are filed with the city council and considered final unless the council acts to modify or deny the decision of the commission. Figure 29-312.1 illustrates the variance process described below:
  - (1) *Application.* An application for a variance shall be made on forms furnished by the community development department and shall be filed by the owner of the property for which the variance is

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sought, by the lessee having a leasehold interest of not less than five (5) years exclusive of on option to renew, or by the agent of any of the foregoing duly authorized in writing. The applicant shall indicate how the conditions set forth in section 29-312(a) are satisfied, shall provide a site plan of the proposed use, as described in division 4 of this article, as part of the application, and shall provide other information as may be prescribed by the community development director to assist in determining the validity of the request. The application shall be verified before a notary public by the applicant and by the property owner, and date of verification shall be noted on the application. An incomplete application shall not be accepted for filing.

- (2) *Filing fee.* When the application for a variance is filed, a fee as established by the city council shall be paid, for the purpose of defraying the costs incidental to the proceedings.
- (3) *Staff investigation.* The community development director shall make an investigation of the facts bearing on each case to provide the information necessary for action consistent with the intent and purpose of this chapter, and shall report the findings to the commission. The director shall also evaluate the application for compliance with state environmental laws.
- (4) *Planning commission hearing.*
  - a. Public hearing required. Upon receipt of the report of the community development director, the planning commission shall hold a public hearing on the proposal.
  - b. Notice. Notice of a hearing shall be given in accordance with division 2 of this article.
  - c. Commission action. The commission may approve, approve with conditions or disapprove the application. The decision shall set forth the findings of the commission. All decisions of the commission shall be final unless modified or denied by the council.
  - d. Conditions to use. The commission, in approving a variance, may set forth in its decision reasonable conditions which shall assure the intent and purpose of this chapter. A time limit of one-hundred-eighty (180) days for occupancy or commencement of construction shall be assumed unless some other period is established. Action by city council.
  - e. Filing of decision with council. The decision and findings shall be filed with council at their first meeting when such commission decision can be scheduled on the council agenda. A copy of said decision shall be mailed to the applicant at the address shown on the application.
  - f. Timing. All decisions of the commission shall be scheduled before the council at the next available meeting after said commission decision. The report shall include the findings of the commission and reasons for their action.
  - g. Decision. The decision of the commission shall be final unless the council elects to consider, modify or deny said commission decision in which event a public hearing will be set by the council and notice thereof shall be given in accordance with division 2 of this article.
- (5) *Action by community development director.* In absence of a denial by the council of a commission decision, the community development director shall have the authority to approve the issuance of all permits or licenses by any department or person vested with the authority to issue same concerning said commission decision.
- (6) *Reapplication.* No person shall reapply for a similar Variance on the same land, building or structure within a period of one (1) year from the date of the final decision on such previous application unless such decision is a denial without prejudice.



**Figure 29-312.1. Variance Procedure**

(Ord. No. 13-16, §§ 51, 52, 4-2-13)

### **Sec. 29-313. Revocation and termination.**

- (a) *Authority.* The commission may, after notice and public hearing revoke any variance granted by the commission for noncompliance with any of the conditions set forth in the granting of said variance. The council may revoke any variance granted by the council for the same cause after notice and a public hearing.
- (b) *Notice.*
  - (1) Notice shall be mailed to the record owner or lessee of the subject property not less than twenty (20) days prior to giving public notice. Said notice shall state the complaint and shall request appearance by

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said owner or lessee at the time and place specified for the hearing to show cause as to why the variance should not be revoked.

- (2) Public notice shall be given as provided in division 2 of this article.
- (c) *Time period for revocation.* Following the public hearing, the council or commission shall by resolution revoke, modify or confirm the variance. If revoked, the subject property shall be subject to all regulations of the district in which it is located.
- (d) *Time period for construction.* If the one hundred eighty (180) day or other established time limit expires and construction has not commenced or occupancy has not taken place, the variance shall be considered void. No notice need be given nor hearing held.
- (e) *Termination of rights after non-use for year.* Termination of a use developed under a variance granted herein, for a period of one (1) calendar year, shall terminate the variance rights granted for said use. No notice need be given nor hearing held.

#### **Sec. 29-314. Existing variances.**

Any variance granted pursuant to any zoning ordinance enacted prior to the effective date of this chapter shall be construed to be a variance under this chapter, subject to all conditions imposed in such variance unless otherwise provided herein. Such variance may, however, be revoked or voided as provided in this division.

#### **Secs. 29-315—29-318. Reserved.**

### ***DIVISION 6. CONDITIONAL USE PERMIT***

#### **Sec. 29-319. Purpose of conditional use permit.**

- (a) The conditional use permit is intended for those types of land uses that require special consideration in a particular zone or in the city as a whole because:
- (1) The size of the area needed for full development of such use;
  - (2) The unusual traffic, noise, vibration, smoke or other problems incidental to its operation;
  - (3) Special locational requirements not related to zoning; or
  - (4) The effect that such uses may have on property values, health, safety, and welfare in the neighborhood or in the community.
  - (5) The approximate location of the land use is indicated on the General Plan, but the exact location and arrangement of said use must be carefully studied.
- (b) In granting the permit, certain safeguards to protect the health, safety, and general welfare may be required as conditions of approval.

#### **Sec. 29-320. Conditional use permit procedure.**

- (a) *Uses permitted subject to conditional use permit.*
- (1) Uses listed in the zones as subject to a conditional use permit in article II may be permitted in said zones subject to the provisions of this division. The planning commission shall review and approve, conditionally approve or disapprove the use. Except as hereafter provided, the action by the

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commission shall be final unless appealed to the city council. All conditional use permits, specified in this chapter as requiring approval by the council, shall first be subject to a public hearing and recommendation by the planning commission.

- (2) The following uses may be permitted pursuant to this Section in any zone except where expressly prohibited, when such uses are considered by the planning commission and deemed by the council to be essential or desirable for the public welfare and convenience and in conformity with the general plan and its objectives. Final action on the following uses shall be taken by the council following a public hearing as set forth herein:
  - a. Airport and heliports.
  - b. Cemeteries, columbariums, crematories, mausoleums.
  - c. Hospitals and sanitariums.
  - d. Public utility structures and installations.
  - e. Radio or television transmitters.
  - f. Temporary establishments or enterprises in excess of ten (10) calendar days, involving large assemblages of people or automobiles, including: circuses, open air theaters (excluding drive-in theaters), tent revivals and race tracks.
- (3) A conditional use permit may be granted by the city council after hearing and recommendation by the planning commission, for temporary structures within planned rights-of-way when the property owner applying for such permit signs an agreement with the city to remove any such temporary building or structure at his own expense whenever so requested by the city.
- (4) Where this chapter permits the following uses by conditional use permit, the planning commission shall review and recommend final action by the city council, following public hearing by both bodies pursuant to this division:
  - a. Buildings or structures with heights greater than permitted by the zone.
  - b. A density bonus pursuant to article IV, division 4 of this chapter.
  - c. Mobile home parks.
  - d. Planned unit developments.
  - e. Recreational vehicle parks.
  - f. Clustered single family development within the RAP zone may achieve the maximum density permitted in the R1 zone so long as the average density within the portion(s) of the site designated "extended approach/departure zone" does not exceed one (1) dwelling unit per net acre.
  - g. Uses in the civic center zone which require a conditional use permit pursuant to section 29-757.
- (b) *Procedure.* Where required by this chapter, conditional use permit application review is to be conducted by the planning commission and/or city council following the community development director's review and report of findings to the commission. The planning commission forwards recommendations to the city council when final authority is vested with the council by this division. Final authority is vested with the commission when council authority is not required. Figure 29-320.1 illustrates the conditional use permit process described below:
  - (1) *Application.* Application for a conditional use permit shall be filed by the owner of the property for which the permit is sought, or by the lessee having a leasehold interest of not less than five (5) years exclusive of an option to renew, or by the agent of any of the foregoing duly authorized in writing.

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Applications shall be made to the planning commission on forms furnished by the community development department and shall be complete and notarized. In addition, a site plan as described in division 4 of this article and elevations of the proposed development shall be submitted as part of the application.

- (2) *Filing fee.* When the application for a conditional use permit is filed, a fee as established by the city council shall be paid, for the purpose of defraying the costs incidental to the proceedings.
- (3) *Staff investigation.* The community development director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the intent of this chapter and the general plan; and shall report their findings to the commission. The director shall also evaluate the application for compliance with state environmental laws.
- (4) *Planning commission hearing.*
  - a. Public hearing required. Upon receipt of the report of the community development director, the planning commission shall hold a public hearing on the proposal.
  - b. Notice. Notice of a hearing shall be given in accordance with division 2 of this article.
  - c. Commission action. The commission may approve, approve with conditions or disapprove the application. The decision shall set forth the findings of the commission. Any decision of the commission on a conditional use permit may be appealed to the council in accordance with division 10 of this article. In the absence of such appeal, the decision of the commission shall be final.
- (5) *Procedures for special uses requiring final council action.* The following procedures shall apply to the special uses listed in section 29-320(a)(2) and (4) as requiring final action by the city council:
  - a. Timing. The hearing date shall be set by the city clerk for not more than thirty (30) days after the filing of the planning commission's recommendation with the city council.
  - b. Notice. Notice of a hearing shall be given in accordance with division 2 of this article.
  - c. Decision. Following the public hearing, the council shall approve, approve with stated conditions, or disapprove, the conditional use permit application by resolution, setting forth the findings. The council may establish a time limit for development, as provided herein. In modifying or reversing a commission recommendation, the affirmative votes of not less than three (3) members of the council shall be required on each item so acted upon. The decision of the city council shall be final. In addition to those special uses requiring final action by the council, any decision of the commission may be appealed to the council in accordance with division 10 of this article. In the absence of such appeal or required council hearing, the decision of the commission shall be final. Notification of decision.
  - d. Notification of the council action shall be mailed to the applicant at the address shown on the application.
- (6) *Reapplication.* No person shall reapply for a similar conditional use permit on the same land, building, or structure within a period of one (1) year from the date of the final decision on such previous application unless such decision is a denial without prejudice.
- (c) *Findings and conditions for granting a conditional use permit.* The planning commission, in approving a conditional use permit or recommending approval to the city council, shall find as follows:
  - (1) The use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this chapter.

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- (2) Said use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or uses specifically permitted in the zone in which the proposed use is to be located.
  - (3) The site for the intended use is adequate in size and shape to accommodate said use, and all yards, setbacks, walls or fences, landscaping and other features are required in order to adjust said use to those existing or permitted future uses on land in the neighborhood.
  - (4) The site for the proposed use relates properly to streets and highways which are designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.
  - (5) The conditions stated in the decision and shown on the approved site plan are deemed necessary to protect the public health, safety, and general welfare and may include but are not limited to the following:
    - a. Duration of use.
    - b. Fences and walls.
    - c. Regulation of use.
    - d. Regulation of noise, vibration, odors, and air pollution.
    - e. Regulation of points of vehicular ingress and egress.
    - f. Regulation of time for certain activities.
    - g. Requiring street, service road or alley dedications and improvements or appropriate bonds.
    - h. Requiring landscaping and maintenance thereof.
    - i. Requiring maintenance of the grounds.
    - j. Special yards, spaces and buffers.
    - k. Surfacing of parking areas subject to city specifications.
    - l. Time period within which the proposed use shall be developed.
    - m. Any such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter.



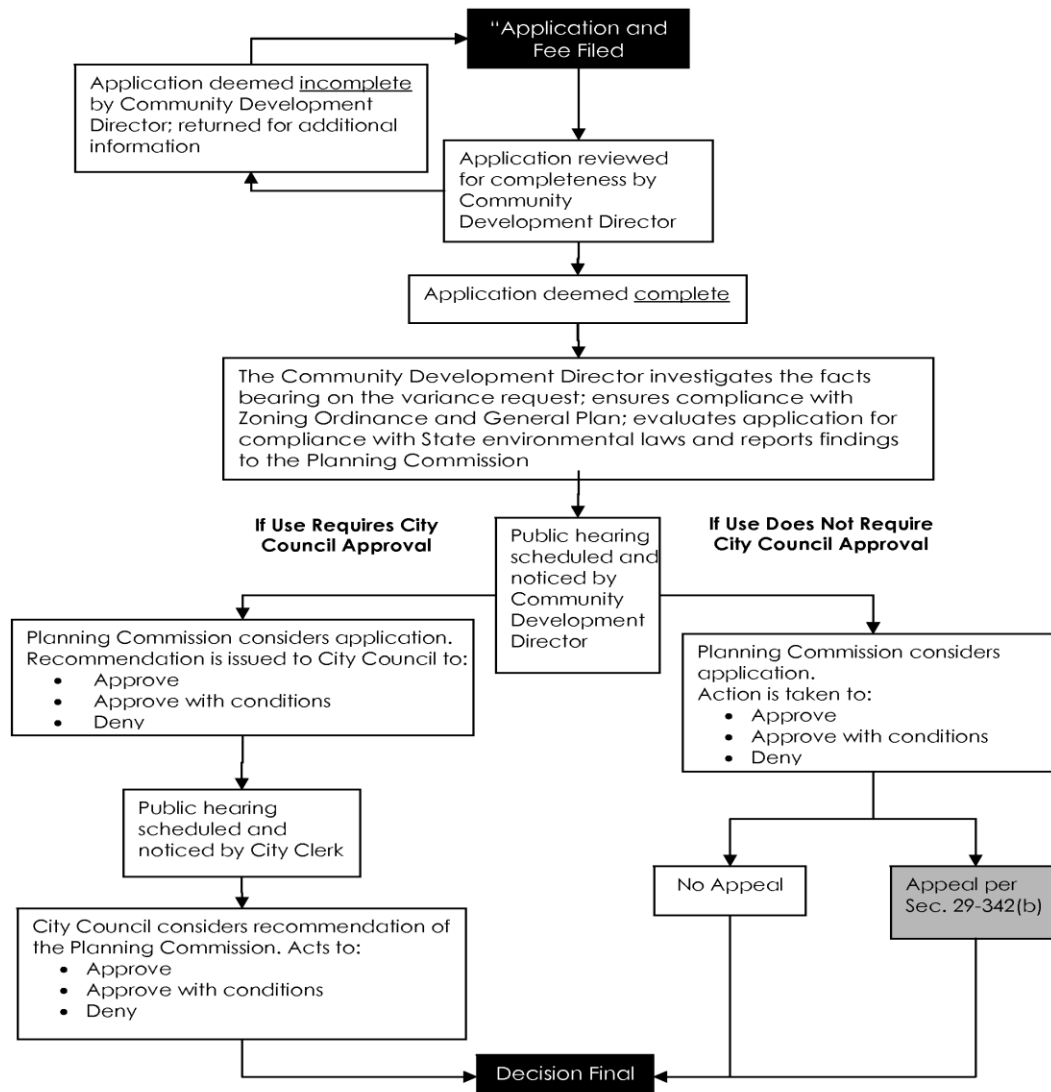


Figure 29-320.1 Conditional Use Permit Procedure

(Ord. No. 09-04, § 1D, 6-17-09; Ord. No. 13-16, §§ 53, 54, 4-2-13)

## Sec. 29-321. Revisions, revocations and modifications.

- (a) *Revisions.* Revisions to a site plan approved as part of a conditional use permit shall be governed by the following:
- (1) *Minor revisions.* Minor revisions to a site plan approved as part of a conditional use permit may be made after review and approval by the community development director pursuant to the site plan review procedure. Minor revisions are hereby defined as revisions which in no way violate the intent or any of the standards or conditions of the permit or of the zone.

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- (2) *Other revisions.* Revisions other than minor revisions, as defined above, shall be made pursuant to the regular conditional use permit procedure set forth in this section.
  - (3) *Revised site plan.* All copies of the approved revised site plan shall be dated and signed by the community development director and made a part of the record of the subject conditional use permit. One (1) copy of said approved revised site plan shall be provided to the applicant.
- (b) *Revocations or modifications.* The council, with or without a recommendation from the commission, may after notice and public hearing, revoke or modify any conditional use permit as hereinafter provided.
- (1) *Grounds for revocation or modification.* A conditional use permit may be revoked or modified pursuant to the provisions of this section upon a finding of anyone or more of the following grounds:
    - a. That such permit was obtained or extended by fraud.
    - b. That one (1) or more of the conditions upon which such permit was granted have been violated.
    - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety, or as to be a nuisance.
  - (2) *Notice.*
    - a. Notice shall be mailed to the record owner or lessee of the subject property not less than twenty (20) days prior to giving public notice. Said notice shall state the complaint and shall request appearance by said owner or lessee at the time and place specified for the hearing to show cause as to why the permit should not be revoked or modified.
    - b. Public notice shall be given in accordance with division 2 of this article.
  - (3) *Action by council.* Within fifteen (15) days after the public hearing, the council shall by resolution revoke, modify, or reaffirm the conditional use permit. After revocation, the subject property shall conform to all regulations of the zone in which it is located.
- (c) *Termination or abandonment of use.* Termination or abandonment of a use granted herein, for a period of one (1) calendar year, shall terminate the use rights granted. No notice need be given nor hearing held for a use deemed by the community development director to have been terminated or abandoned.

(Ord. No. 13-16, § 55, 4-2-13)

## **Sec. 29-322. Existing uses and permits.**

Uses existing on the effective date of this chapter which are listed as permitted subject to conditional use permit may continue without securing such a permit; however, any extension or expansion of such use shall comply with the provisions of this chapter and this division. Any conditional use permit granted pursuant to any zoning ordinance enacted prior to the effective date of this chapter shall be construed to be a conditional use permit under this chapter, subject to all conditions imposed in such permit unless otherwise provided herein. Such permit may be revoked or modified as provided in this division.

## **Secs. 29-323—29-326. Reserved.**

# ***DIVISION 7. ZONING ORDINANCE AMENDMENT OR ZONE CHANGE***

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## **Sec. 29-327. Purpose of zoning ordinance amendment or zone change.**

The zoning map and zoning regulations of this chapter may be amended by changing any property from one zone to another, imposing any new regulation, or deleting or modifying any existing regulation, in accordance with the procedures set forth in this division.

## **Sec. 29-328. Zoning ordinance amendment or zone change procedure.**

- (a) *Criteria for zoning ordinance amendment or zone change.* In their review and action on a proposed zoning ordinance amendment or zone change, the community development director, planning commission and city council shall consider the following:
  - (1) The proposed amendment or zone change shall be in conformity with the general plan map and text, and other development policies of the city.
  - (2) The proposed amendment or zone change is appropriate for the property or properties which will be affected by such action, with consideration given to access, size of parcel(s), relationship to similar or related uses, and other considerations deemed relevant by the commission and council.
  - (3) The proposed amendment or zone change is necessary and proper at this time, and is not likely to be detrimental to property or residents affected by such action.
- (b) *Procedure for zoning ordinance amendment or zone change.* Where required by this chapter, a zoning ordinance amendment or zone change review is conducted by the commission and council following the community development director's review and report of findings to the commission. The commission considers the application and forwards a recommendation to the council, which has final decision-making authority. Figure 29-328.1 illustrates the zoning ordinance amendment or zone change process described below:
  - (1) *Application.*
    - a. A zone change or change in the boundaries of any zone may be initiated by the owner of property proposed for rezoning or the agent of any of the foregoing, duly authorized in writing by filing a petition with the community development director. If the property for which a change of zone is proposed is under multiple ownership, all the owners or their authorized agents shall join in filing the application.
    - b. The application shall be made by petition on forms furnished by the community development department and shall include such data and information as may be prescribed by the commission to assist in determining the validity of the request and the manner in which it meets the criteria set forth in this division. The petition shall be verified before a notary public by the applicant and by the property owner and the date of verification shall be noted on the petition. An incomplete application shall not be accepted for filing.
    - c. A zone change or change in the boundaries of any zone or an amendment to the zoning ordinance regulations may be initiated by order of the planning commission or city council or the community development director.
  - (2) *Filing fee.* When a petition for a change of zone or an amendment to the zoning ordinance regulations is filed, a fee as established by the city council shall be paid for the purpose of defraying the costs incidental to the proceedings.
  - (3) *Staff investigation.* The community development director shall investigate the facts bearing on the proposed amendment to provide information necessary to assure action consistent with the intent of this chapter and the general plan, and shall report the findings to the commission.

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(4) *Planning commission hearing.*

- a. Public hearing required. Upon receipt of the report of the community development director, the planning commission shall hold a public hearing on the proposal.
- b. Notice. Notice of public hearing shall be given in accordance with division 2 of this article.
- c. Commission action. After the conclusion of the public hearing, the commission shall announce and record its decision to recommend either approval or disapproval of the proposal and shall set forth findings in support of the recommendation. The commission may reduce but shall not enlarge the area of a proposed zone change in any way, unless proper notice and publication of the enlarged area is made.
- d. Filing of decision with council. Said decision shall be filed with the city council and a copy thereof shall be mailed to the petitioner at the address shown on the petition.

(5) *City council hearing.*

- a. Public hearing. Upon receipt of the recommendation of approval of the planning commission, the city council shall hold a public hearing on the proposal. However, if the matter under consideration is a zone change, and the commission has recommended against the adoption of such amendment, the council shall not be required to take any further action on the amendment unless an interested party requests a hearing by filing a written request with the city clerk within ten (10) days after the commission files its recommendations with the council.
- b. Notice. Notice of the council hearing shall be given as provided in division 2 of this article.
- c. Action by council. The council may approve, modify or disapprove the recommendation of the commission, provided that any modification of the proposed ordinance or amendment by the council not previously considered by the commission during its hearing shall first be referred to the commission for report and recommendation. The commission shall not be required to hold a public hearing thereon. Failure of the commission to report within forty (40) days after the reference, or such longer period as may be designated by the council, shall be deemed to be its approval of the proposed modification. The council may reduce but shall not enlarge the area of a proposed zone change in any way unless proper notice and publication of the enlarged area is made.

(6) *Reapplication.* No person shall reapply for a similar zone change on the same land, building, or structure within a period of one (1) year from the date of the final decision on such previous application unless such decision is a denial without prejudice.

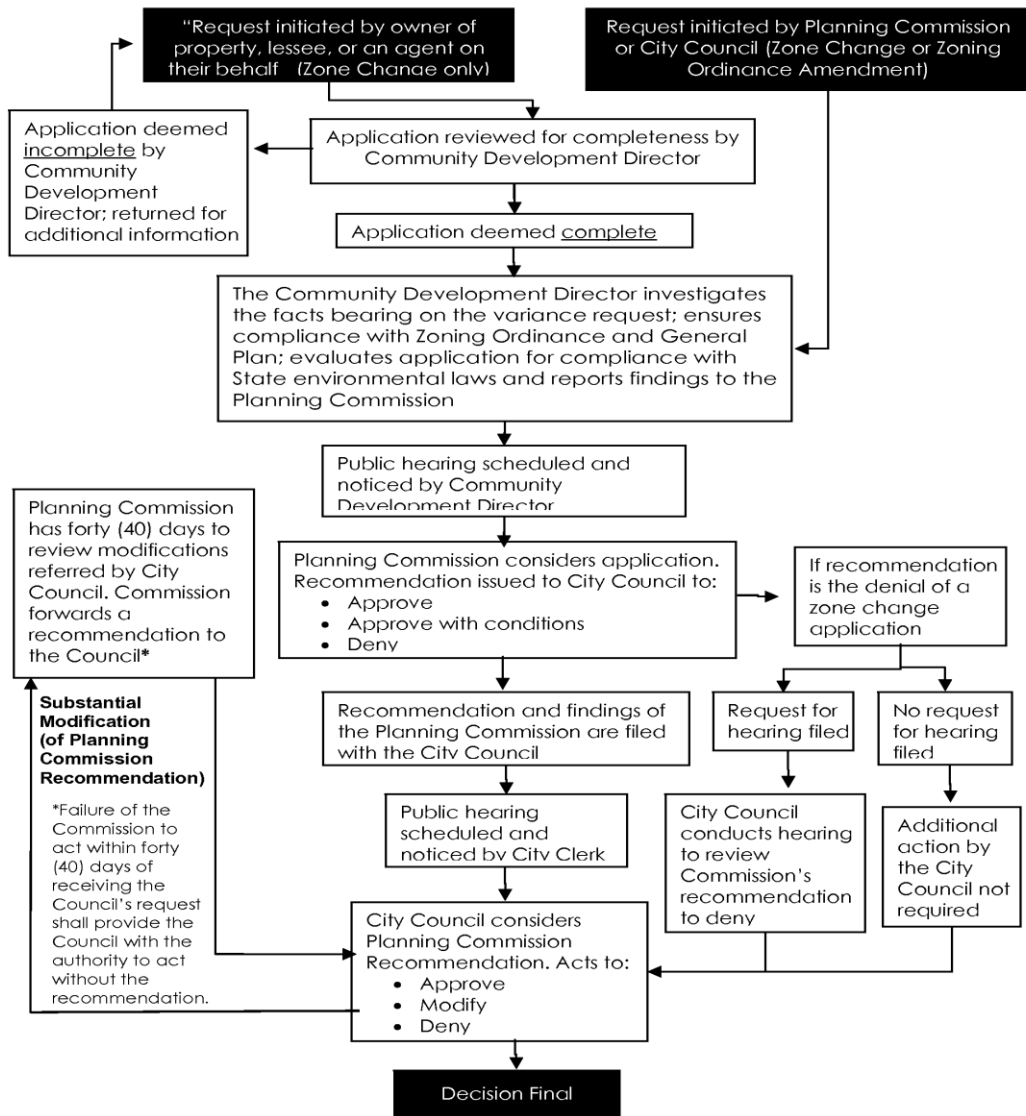


Figure 29-328-1. Zone Change and Zoning Ordinance Amendment Procedure

(Ord. No. 13-16, §§ 56, 57, 4-2-13)

## Sec. 29-329. Pre-zoning of unincorporated territory.

The city may pre-zone unincorporated territory adjoining the city for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the city. The method of accomplishing such pre-zoning shall be as provided by this chapter for zoning within the city. Such zoning shall become effective at the same time that the annexation becomes effective. If the city has not pre-zoned territory which is annexed, section 29-47 of this chapter shall apply.

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**Sec. 29-330. Consistency with adopted specific plans.**

No zoning ordinance including zone changes may be adopted or amended within an area covered by a specific plan unless it is consistent with the adopted specific plan.

**Secs. 29-331—29-333. Reserved.*****DIVISION 8. SPECIFIC PLAN*****Sec. 29-334. Purpose.**

The purpose of this division is to provide a process for the development, adoption, and amendment of specific plans and to ensure that the zoning ordinance is consistent with state law regulating specific plans, and in particular, article 8 of chapter 3 of the California Government Code, commencing with section 65450.

**Sec. 29-335. Specific plan procedure.**

- (a) *Specific plan required.* An adopted specific plan is required for all proposed development projects greater than or equal to fifty (50) acres in size. The specific plan shall be submitted to the city and prepared as required by state specific plan law and the requirements of this division. Proposed development projects less than fifty (50) acres may be developed under a specific plan, although doing so is not required by this chapter.
- (b) *Criteria for specific plans.*
  - (1) *Consistency requirements.*
    - a. Specific plans and amendments shall be consistent with the general plan.
    - b. Following adoption of a specific plan, developments and uses of land, subdivisions (including tentative tract and parcel maps), public works projects, and development agreements shall be consistent with the specific plan.
  - (2) *Findings.* The planning commission, prior to making written recommendations to the city council, and the city council prior to approving or approving with conditions or modifications a specific plan or specific plan amendment shall, on the basis of the application and testimony submitted, make all of the following findings:
    - a. The proposed location of the development and proposed conditions under which it will be operated or maintained is consistent with the goals and policies embodied in the city general plan and other applicable plans and policies adopted by the city council.
    - b. The proposed development is in accordance with the purposes and objectives of this zoning ordinance and the zoning district in which the site is located.
    - c. The development will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to such a development, nor detrimental to properties or improvements in the vicinity or the general welfare of the city. The city council may determine that there are overriding benefits that outweigh such detrimental effects.
    - d. The specific plan and resulting development will be consistent with the provisions of state specific plan law.

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- (3) Content requirements. A specific plan shall include a statement of its relationship and consistency with the general plan and compliance with California Government Code, section 65450. The city maintains full authority and discretion to determine how a specific plan will be prepared. The specific plan must address, in text and diagrams, the following issues:
- a. The existing uses of land within the planning area must be analyzed to determine the influence the land will have under the specific plan. Existing agriculture, flood plain, environmentally sensitive areas, slopes over ten (10) percent, seismic, sensitive biotic and wildlife communities may substantially affect the type of uses planned for the area. Land uses surrounding the planning area should also be analyzed and connections/ transitions/buffers between uses designed to ensure compatibility with those uses identified by the specific plan.
  - b. The proposed distribution, location, intensity, and extent of the uses of land within the planning area, including residential development, economic development, commercial / industrial development, parks, open space, lands to be dedicated for public use, and any easements to accommodate utilities or protect environmental resources.
  - c. The proposed distribution, location, extent, and intensity of major infrastructure components including public and private transportation (including pedestrian ways, bike paths, bus turnouts, parking, public and private rights-of-way, and other transportation systems), parks and recreational facilities (including provision of public access ways), sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the planning area needed to support the land uses described in the specific plan.
  - d. Development conditions and construction by which development will proceed (including architectural design and landscape concepts) and standards for the conservation, development and use of natural resources (including soils, vegetation and wildlife habitats, water, energy) where applicable.
  - e. Description of provisions to ensure compatibility with surrounding land uses and resources, addressing geologic and fire hazards.
  - f. A program of implementation measures, including regulations, programs, public works projects and financing measures necessary to carry out the provisions of the preceding requirements.
  - g. Any other subject that the city determines is necessary or desirable for general plan implementation or to base its decision to approve a specific plan.
- (c) *Procedure.* Where required by this chapter, specific plan review is to be conducted by the commission and council following the community development director's review and recommendation to the commission. The commission considers the application and forwards a recommendation to the council, which has final decision-making authority. Figure 29-335.1 illustrates the specific plan process described below:
- (1) *Application.*
    - a. An application for a specific plan shall be filed by the owner of the property for which the permit is sought or by the agent of the property owner duly authorized in writing. If an application involves more than one (1) property with different ownership, a map identifying the extent of the ownership of those properties shall be submitted with the application.
    - b. In order to ensure long term consistency with the general plan, the city may initiate the preparation and or amendment of a specific plan.
  - (2) *Filing fee.* When the application for a specific plan is filed, a fee as established by the city council shall be paid, for the purpose of defraying the costs incidental to the proceedings.

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- (3) *Staff investigation.* The community development director shall review the application for compliance with the following and forward a recommendation to the planning commission:
- a. The consistency requirements and specific plan content requirements as outlined in this section;
  - b. The requirements and intent of this chapter;
  - c. State environmental laws.
- (4) *Planning commission hearing.*
- a. Public hearing required. Upon receipt of the recommendation of the community development director, the planning commission shall hold a public hearing on the proposal.
  - b. Notice. Notice of a hearing shall be given in accordance with division 2 of this article.
  - c. Planning commission recommendation. The planning commission recommendation to the city council on all specific plan applications shall be in the form of a resolution recommending approval, approval with modifications, or denial of the application.
- (5) *City council hearing.*
- a. Time for hearing. Upon receipt of the recommendation of the planning commission, the city council shall hold a public hearing on the proposal.
  - b. Notice. Notice of a hearing shall be given in accordance with division 2 of this article.
  - c. City council action. Following receipt of the planning commission recommendation, the city council may approve the specific plan with or without modifications by resolution or by adopting an ordinance. The city council may also deny the application.



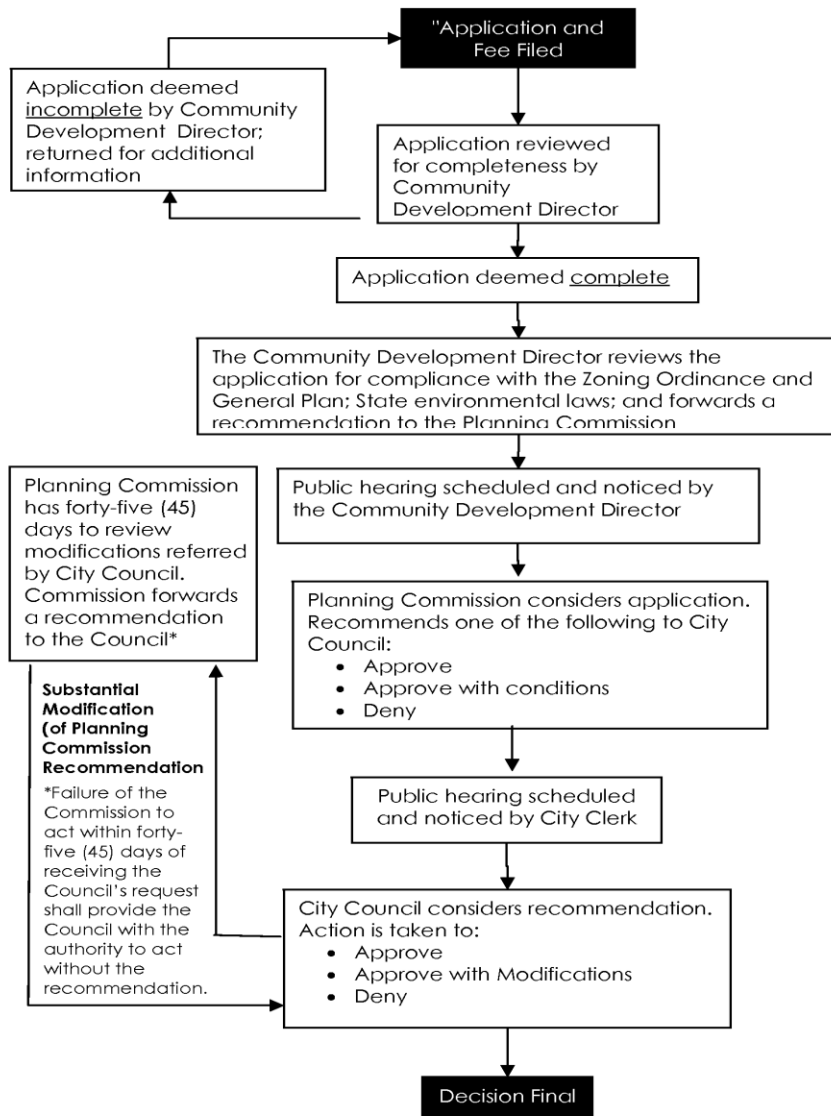


Figure 29-335.1. Specific Plan Procedure

(Ord. No. 13-16, § 58, 59, 4-2-13)

## Sec. 29-336. Modifications, amendments and violations.

- (a) *Modifications.* If the city council proposes any substantial modification to the specific plan not previously considered by the planning commission, the council shall refer the matter back to the commission for consideration. Failure of the commission to act within forty-five (45) days of receiving the council's request shall provide the council with the authority to act without the recommendation.
- (b) *Amendments.* Any amendment to an adopted specific plan shall be processed in the same manner as an application for original approval of the specific plan.

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- (c) *Amendment limitations.* A specific plan may be amended as often as deemed necessary by the city council in accordance with the procedure set forth in section 29-335(c).
  - (d) *Repeal.* A specific plan may be repealed in the same manner as it is required to be amended.
  - (e) *Violations.* Violation of the requirements of a specific plan adopted by the city council constitutes a violation of the zoning ordinance and is subject to the provisions of section 29-361.

**Secs. 29-337—29-340. Reserved.**

## *DIVISION 9. PERMITS IN GENERAL*

**Sec. 29-341. Effective date and effect of permit.**

- (a) *Planning commission actions on discretionary permits.* All decisions of the planning commission granting or denying a discretionary permit, where the planning commission is identified as the final approving authority shall become effective eleven (11) days following such action unless a valid appeal has been properly filed with the city or unless the planning commission has either referred its action to the city council or has requested council review of its decision, in which case the action is stayed until city council action.
- (b) *City council actions on discretionary permits.* All decisions of the city council in granting or denying a discretionary permit, whether on appeal, referral or review shall become effective on the next city business day following city council action, unless the discretionary permit is being processed concurrently with and dependent upon any legislative action, in which case subsection (c) herein will govern.
- (c) *Discretionary permits subject to legislative actions.* Whenever a discretionary permit is being processed concurrently with a legislative action or is subject to the approval of any legislative action, the discretionary permit becomes effective concurrently on the date legislative action becomes effective.

**Sec. 29-342. Authority to proceed.**

No building permit or authority to proceed shall be granted to a use subject to a discretionary permit until the decision is final and all appeal periods have expired.

**Sec. 29-343. Permit time limits.**

- (a) Any variance or permit granted pursuant to this chapter shall become null and void if not exercised within the time limit specified in the approving document or within one (1) year if no time has been specified.
- (b) Unless an earlier expiration date appears on the face of the permit any development permit which is issued in conjunction with a tentative subdivision map for a planned unit (residential) development shall expire no sooner than the approved tentative map or any extension thereof whichever occurs later.

**Sec. 29-344. Exercising permits.**

- (a) The exercise of a permit occurs when the property owner has completed all conditions of the variance or permit and incurred substantial liabilities.
- (b) Unless otherwise provided, permits that have not been exercised prior to a zoning ordinance amendment which makes the approved use or structure of the permit nonconforming shall automatically be deemed invalid on the effective date of the zoning ordinance amendment.

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### **Sec. 29-345. Permit to run with land.**

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

### **Sec. 29-346. Permit(s) on the site during construction.**

A copy of all land use and development permits (including all corresponding stamped-approved plans) authorizing construction shall be kept on site at all times during construction and made available upon request by an official of the city.

### **Sec. 29-347. Revocation of permits or variance.**

The planning commission may, after public hearing held in a manner prescribed by this chapter governing variances and conditional use permits, revoke or modify any such permit or variance issued on any one or more of the following grounds:

- (1) That the approval was obtained by fraud.
- (2) That the use for which such approval is granted is not being exercised.
- (3) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more.
- (4) That the permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.
- (5) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

### **Secs. 29-348—29-351. Reserved.**

## ***DIVISION 10. APPEALS***

### **Sec. 29-352. Purpose of appeals.**

In addition to appeal procedures specifically provided by this chapter, all decisions made in the interpretation of this chapter may be appealed as hereinafter provided, except that no appeal may be made where another remedy is specified by this chapter, or where a decision by a city officer or body is specified by this chapter to be final.

### **Sec. 29-353. Appeals procedure.**

- (a) *Appeal of an administrative decision.* An appeal may be taken from a decision of the community development director or the administrative committee made in the interpretation, administration or enforcement of this chapter. Decisions of the administrative committee may be appealed to the community development commission and decisions of the community development director may be appealed to the administrative committee. The procedures for the appeal of an administrative decision of the administrative

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committee or the community development director are illustrated in figure 29-353.1 and figure 29-353.2, respectively, and described below.

- (b) *Filing an appeal.* Any person or body, public or private, may appeal an administrative decision. An appeal of an administrative decision shall be filed in writing with the community development director within ten (10) days of the date on which the decision being appealed was rendered and accompanied by a written statement setting forth the grounds upon which the appellant asserts that the decision was improper or in error.
- (c) *Filing fee.* A fee as established by the city council shall be paid for the costs incidental to the appeal of an administrative decision.
- (d) *Forwarding of record.* Upon the filing of an administrative appeal, the officer or body whose decision is being appealed shall transfer to the appropriate appeals body the subject documents and papers on file pertinent to the decision being appealed, together with a report on the decision being appealed.
- (e) *Appeals hearing.*
  - (1) *Time for hearing.* The body hearing the appeal shall consider the appeal in a timely manner.
  - (2) *Notice.* Notice of the hearing need not be given except to the appellant and any other persons who have requested in writing to be so notified.
  - (3) *Appeals body action.* The body hearing the appeal may either sustain the original decision of the officer or body being appealed or render such new decision as it considers appropriate. The decision of the body hearing the appeal shall be final.
  - (4) *Appeals body does not reach a decision.* Whenever the appeals body holds a hearing on an appeal from a decision of the community development director or administrative committee and thereafter fails to reach a decision because a motion on the item failed to carry by the required vote, the decision of the director or administrative committee from which the appeal has been taken shall be deemed sustained.
- (f) *Appeal of a planning commission decision.* Decisions made by the planning commission in carrying out the duties assigned by this chapter may be appealed to the city council, provided, however, that no appeal may be made where the decision of the commission is specified by this chapter to be final. The procedure for the appeal of a planning commission decision is illustrated in figure 29-353.3 and described below:
  - (1) *Filing an appeal.* No person may appeal except the applicant for the granting or modification of a conditional use permit, variance or other entitlement considered by the commission at a public hearing; a city officer or body; and those persons who have protested the conditional use permit, variance or other entitlement either by written protest filed with the commission or community development director prior to the time of the hearing of the matter by said commission, or by appearing in protest at the hearing of the matter by said commission. An appeal shall be filed in writing with the city clerk within ten (10) days of the date on which the commission decision being appealed was rendered and accompanied by a written statement setting forth the grounds upon which the appellant asserts that the decision was improper or in error.
  - (2) *Filing fee.* A fee as established by the city council shall be paid for the costs incidental to the appeal of a planning commission decision
  - (3) *City council hearing.*
    - a. *Time for public hearing.* The city council shall consider the appeal in a timely manner and at a regularly scheduled meeting.
    - b. *Notice.* Notice of the hearing shall be given as provided by division 2 of this article.

- c. City council action. The city council shall have appellate jurisdiction over decisions of the planning commission. Said council shall conduct a public hearing de novo on the matter being appealed and all interested persons may appear and present evidence. The decision of the city council shall be final and effective when made.
- d. City council does not reach a decision. Whenever the council holds a hearing on an appeal from a decision of the commission and thereafter fails to reach a decision because a motion on the item failed to carry by the required vote, the decision of the commission from which the appeal has been taken shall be deemed sustained.

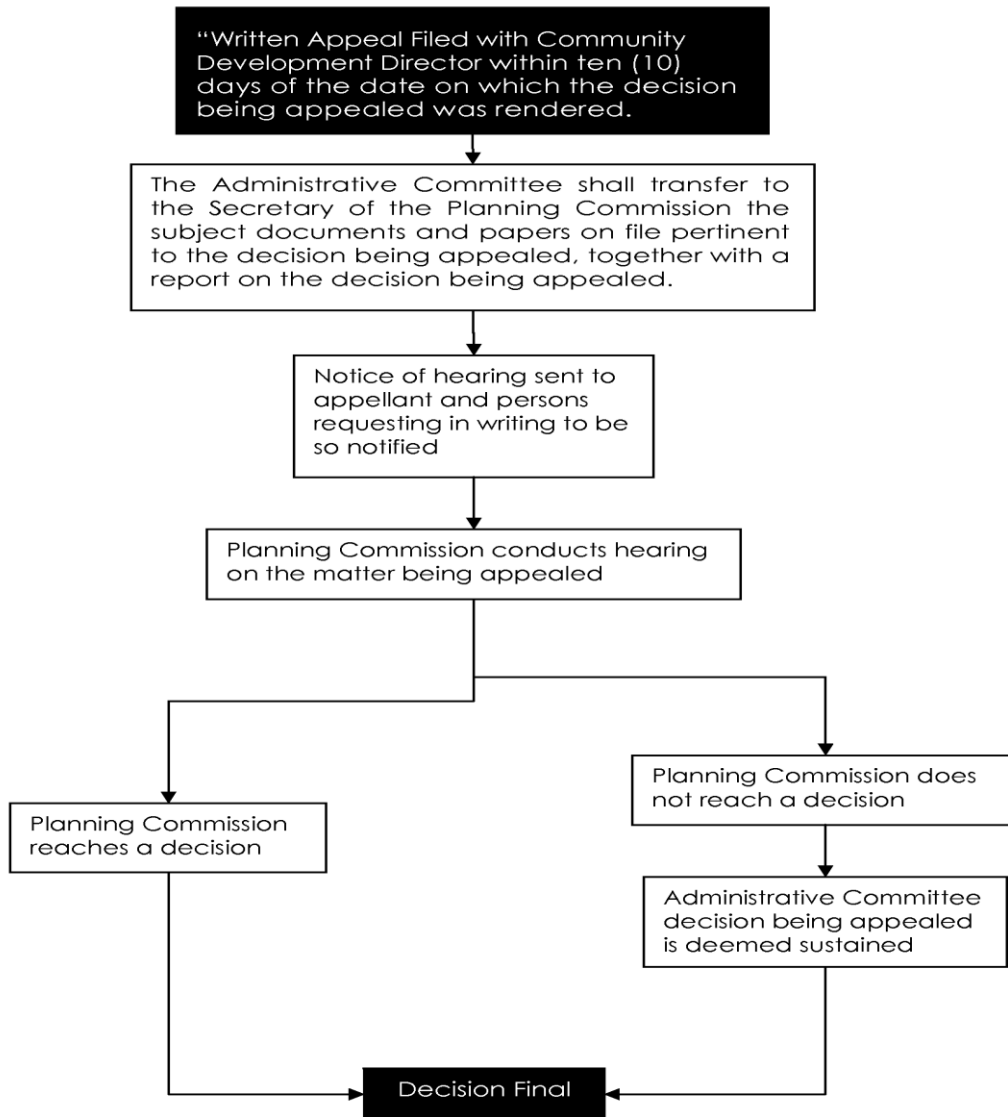


Figure 29-353.1. Appeal of an Administrative Decision of the Administrative Committee

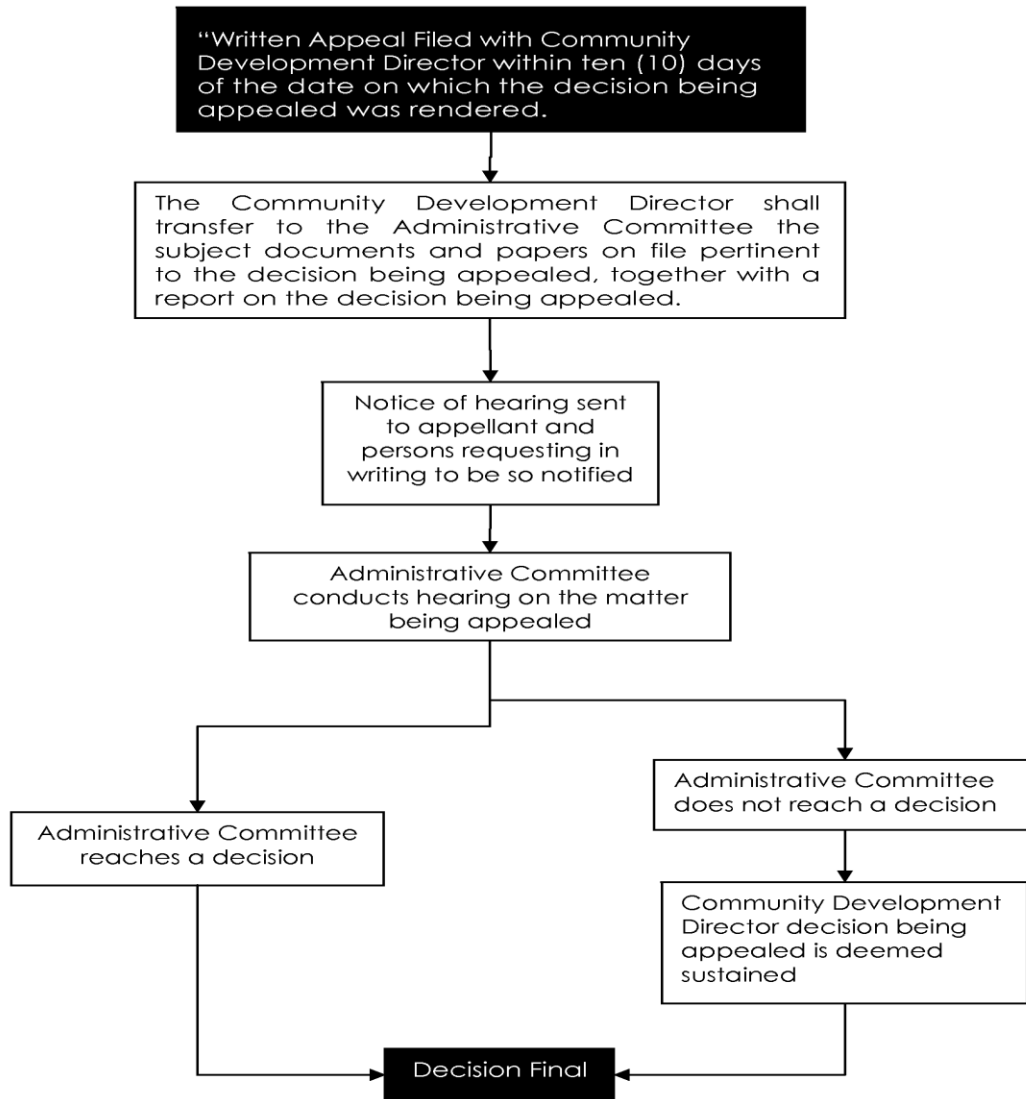


Figure 29-353.2. Appeal of an Administrative Decision of the Planning Director

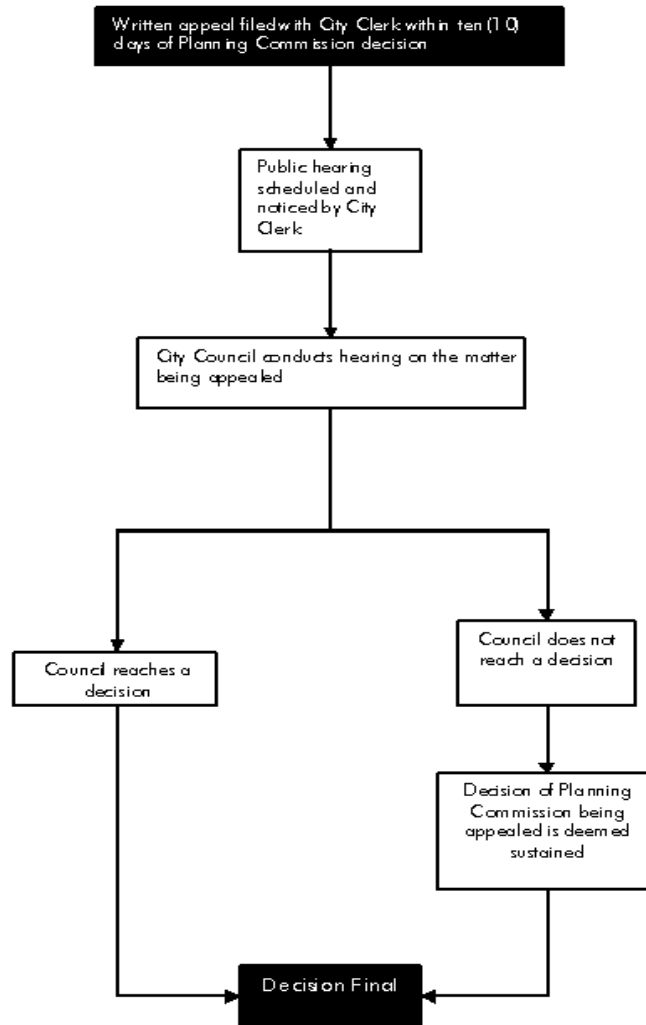


Figure 29-353.3. Appeal of a Planning Commission Decision

(Ord. No. 13-16, §§ 60, 61, 4-2-13)

**Secs. 29-354—29-357. Reserved.**

## ***DIVISION 11. ENFORCEMENT***

**Sec. 29-358. Purpose and intent.**

The purpose of these provisions is to ensure compliance with this chapter.

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### **Sec. 29-359. Duty to enforce.**

It shall be the duty of the city manager, community development director, assistant community development director and all other officials charged with the issuance of licenses or permits, to enforce the provisions of this chapter.

(Ord. No. 13-16, § 62, 4-2-13)

### **Sec. 29-360. Inspection to ensure compliance.**

Whenever they shall have cause to suspect a violation of any provision of this chapter or whenever necessary to investigate either an application for granting, extension or modification, or an action to revoke or modify a variance or conditional use permit; or whenever necessary to investigate a proposed amendment of the zoning ordinance; the officials responsible for enforcement or administration of the zoning ordinance, or their duly authorized representatives, may enter any site for the purpose of investigation, provided they shall do so in a reasonable manner. No owner or occupant or agent thereof shall, after reasonable notice and opportunity to comply, refuse to permit such entry. In the course of such inspection, no enclosed building or structure shall be entered without the express permission of the owner or occupant or with a duly issued inspection warrant.

### **Sec. 29-361. Violation of the zoning ordinance.**

The following provisions shall apply to violations of this chapter:

- (1) *Remedies.* All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.
- (2) *Penalties.* Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six (6) months or by both such fine and imprisonment, unless charged as an infraction by the city attorney as provided in section 1-12(a) of the City Code.
- (3) *Each day a separate offense.* Each person found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by such person and shall be punishable therefore as provided for in this chapter.
- (4) *Violation is a public nuisance.* Any building or structure erected or maintained or any use of property, contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance, and the city attorney shall, upon order of the city council immediately commence action, or actions, proceeding or proceedings for the abatement, removal and injunction thereof, in the manner provided by law; and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person from setting up, erecting or maintaining such building or structure, or using any property contrary to the provisions of this chapter.